

LEGAL TERMS AND CONCEPTS - COMPREHENSIVE GUIDE

INTRODUCTION TO LAW

This guide provides essential legal terminology and concepts used in various areas of law including civil, criminal, contract, and property law.

CONTRACT LAW

Contract

A contract is a legally binding agreement between two or more parties that creates mutual obligations enforceable by law. For a contract to be valid, it must meet certain legal requirements.

Breach of Contract

A breach of contract occurs when one party fails to fulfill their obligations under the agreement without legal excuse. Remedies may include damages, specific performance, or contract rescission.

Consideration

Consideration is something of value exchanged between parties in a contract. It can be money, services, goods, or a promise to act or refrain from acting in a certain way.

TORT LAW

Tort

A tort is a civil wrong that causes harm or loss to another person, leading to legal liability for the person who commits the tortious act. Torts can be intentional or unintentional.

Negligence

Negligence is the failure to exercise reasonable care, resulting in damage or injury to another person or property. To establish negligence, one must prove duty, breach, and causation.

Liability

Liability is legal responsibility for one's acts or omissions. Failure to meet legal obligations may result in civil or criminal liability. Liability can be joint, several, or joint and several.

Damages

Damages are monetary compensation awarded to a person who has suffered loss or injury due to another's actions. Types include compensatory, punitive, and nominal damages.

CIVIL PROCEDURE

Jurisdiction

Jurisdiction is the official power to make legal decisions and judgments. Courts must have proper jurisdiction over parties and subject matter. Personal jurisdiction and subject matter jurisdiction are key concepts.

Plaintiff

A plaintiff is the party who initiates a lawsuit by filing a complaint against another party in civil court. The plaintiff bears the burden of proof in civil cases.

Defendant

A defendant is the party against whom a lawsuit is filed or criminal charges are brought. Defendants have the right to legal representation and due process.

Litigation

Litigation is the process of taking legal action through the court system to resolve a dispute between parties. It includes pleadings, discovery, trial, and post-trial motions.

Deposition

A deposition is sworn testimony taken outside of court, typically recorded by a court reporter for use in legal proceedings. Depositions are part of the discovery process.

Subpoena

A subpoena is a legal document ordering someone to attend court or produce documents for legal proceedings. Failure to comply may result in contempt of court.

Affidavit

An affidavit is a written statement confirmed by oath or affirmation, used as evidence in court proceedings. The person making the statement is called the affiant.

Injunction

An injunction is a court order requiring a party to do or refrain from doing specific acts. Types include temporary restraining orders, preliminary injunctions, and permanent injunctions.

Settlement

A settlement is an agreement between disputing parties to resolve claims without going to trial. Settlements can save time and litigation costs for all parties involved.

ALTERNATIVE DISPUTE RESOLUTION

Arbitration

Arbitration is a method of dispute resolution where parties agree to submit their disagreement to one or more arbitrators who make a binding decision. It is often faster and less expensive than litigation.

Mediation

Mediation is a voluntary process where a neutral third party helps disputing parties reach a mutually acceptable resolution. Unlike arbitration, the mediator does not impose a decision.

INTELLECTUAL PROPERTY

Trademark

A trademark is a recognizable sign, design, or expression that identifies products or services of a particular source. Trademarks can be registered for legal protection.

Copyright

Copyright is legal protection granted to creators of original works, giving them exclusive rights to use and distribute their creations. Protection applies to literary, artistic, and scientific works.

Patent

A patent is an exclusive right granted for an invention, providing the patent holder protection from others making, using, or selling the invention. Patents are granted for new, useful, and non-obvious inventions.

PROPERTY LAW

Lease

A lease is a contractual arrangement where one party grants another party the right to use property for a specified period in exchange for payment. Leases can be oral or written.

Mortgage

A mortgage is a loan used to purchase real estate, where the property serves as collateral for the loan. If the borrower defaults, the lender may foreclose on the property.

Title

Title is legal ownership of property. Clear title means the property is free from liens, encumbrances, or claims by other parties.

CRIMINAL LAW

Felony

A felony is a serious crime typically punishable by imprisonment for more than one year or death. Examples include murder, rape, arson, and robbery.

Misdemeanor

A misdemeanor is a criminal offense less serious than a felony, typically punishable by fines or imprisonment of less than one year. Examples include petty theft and public intoxication.

Bail

Bail is money or property deposited with the court to secure the release of an accused person pending trial. Bail ensures the defendant returns for court proceedings.

Probation

Probation is a period of supervision over an offender ordered by the court as an alternative to imprisonment. Violating probation terms can result in incarceration.

Parole

Parole is the supervised release of a prisoner before completion of their sentence, subject to conditions. Parolees must comply with supervision requirements.

LEGAL PROFESSIONALS

Attorney

An attorney is a professional licensed to practice law, providing legal advice and representing clients in legal matters. Attorneys have a duty to zealously represent their clients.

Prosecutor

A prosecutor is a legal representative who brings criminal charges on behalf of the government. Prosecutors must prove guilt beyond a reasonable doubt.

Judge

A judge is an official who presides over court proceedings, interprets the law, and ensures fair administration of justice. Judges can be elected or appointed.

LEGAL PROCEDURES

Filing a Lawsuit

Filing a lawsuit involves preparing and submitting a complaint to the appropriate court with jurisdiction over the matter. The complaint must state claims and seek relief.

Discovery Process

Discovery is the pre-trial phase where parties exchange information and evidence. Methods include interrogatories, depositions, requests for production, and subpoenas.

Appeals Process

The appeals process allows parties to request a higher court to review and change a lower court decision. Appellate courts review legal errors, not factual findings.

Summary Judgment

Summary judgment is a decision made by a court without a full trial when there are no genuine disputes of material fact. It resolves cases more quickly than a trial.