

GLOSSARY OF TERMS

A

ab initio: Latin phrase meaning “from the beginning”; if someone wants a transaction such as a contract to be reversed as if it never legally took place, they would ask that it be declared void ab initio.

Aboriginal title: In Canada, the land rights belonging to Native peoples such as First Nations and Inuit.

accept evidence: The decision made by a legal decision-maker to consider evidence as honest and reliable for the purpose of proving a fact in question.

acceptance: The act of agreeing to an offer that has been made to enter into a contract.

access to justice: Capacity to make use of the legal system to pursue legal rights.

accused: Person charged with a crime.

action: Legal proceeding in court.

activist: Used to describe judges who use policy in addition to law as a basis for decision-making.

Acts: Another name for legislation; statutes.

address for service: Place designated by a party where notices concerning legal proceedings may be sent to them.

adjournment: Interruption of a hearing to be continued at a later time.

administrative boards (or administrative tribunals): Bodies created by government to make quasi-judicial decisions.

administrative law: Branch of law concerning the basic legal principles to be followed by administrative tribunals under the supervision of the courts.

admissibility of evidence: Criteria to be met to allow information to become evidence in a legal proceeding.

admit evidence: Act of a legal decision-maker to allow information to be considered as evidence.

alternative dispute resolution

(ADR): A variety of more informal methods for resolving disputes instead of a trial, including mediation and conciliation.

adversarial system: Legal proceedings guided by the parties in dispute.

adversarialism: Climate of competition and distrust found in the adversarial system.

affidavit: Sworn (or affirmed) written record of information provided by a person.

affirmation: Non-religious alternative to swearing an oath.

allegations: Version of facts put forward by a party.

amendments: Change to a document or legislation.

analogical reasoning: Using analogy to link different cases as a guide to decision-making.

annotated statutes: Version of legislation incorporating references to cases in which it has been mentioned.

appeal: Act of requesting reversal or change in a judgment that has been made.

appeal court (or appellate court):

Court with jurisdiction to hear appeals from judgments of lower courts.

appellant: Party who appeals.

application of law: Decision about how the law governs the facts that have been proved, and the result to which it leads.

applied research: Research intended to help solve practical problems.

arbitration: Form of binding dispute resolution by a non-judicial person appointed by the parties.

argument: Persuasive reasoning about the facts or law presented to a legal decision-maker.

assignment: Legal act of substituting a new party in a contract.

attorney: In the US, a lawyer.

authorities: Legal sources such as cases and legislation used to support argument.

B

bailiff: Officer of a court often engaged in enforcement.

balance of probabilities: Standard of proof required in civil proceedings; more probable than not.

balancing (legal principles):

Act of considering the relative importance of competing principles in reaching a legal decision.

Bar: A word used to refer to lawyers, often in a particular jurisdiction such as a city or a Province. It is derived from the bar used in courtrooms to separate the public from officers of the court.

Bench: A word used to refer to judges hearing a case or all judges in a particular jurisdiction. It is derived from the old courtroom setting in which presiding judges sat on a bench.

beyond a reasonable doubt:

Standard of proof required in criminal proceedings; no real doubt about the facts.

binding authority: Legal authority that must be followed by the decision-maker.

binding decision: Decision that parties must comply with.

binding precedent: Case authority that must be followed by the decision-maker.

black-letter law: Rules and legislation forming part of the law.

boilerplate: Traditional standard wording in contracts.

breach of contract: Failing to meet contractual obligations.

briefs: In the US, written submissions or written argument.

burden (or onus) of proof:

Responsibility to provide evidence to prove facts.

C

canon law: Law applying to members of a church, such as the Roman Catholic Church.

canons of construction: Rules for interpretation of law.

case citation: Reference information for locating the text of a reported case.

case synthesis: Act of drawing common ideas or principles out of a series of reported cases.

catchwords (or keywords): Legal terms identifying the issues considered in a reported case.

cautions: Advice on legal rights given by police to suspects.

certiorari: Legal process to allow a court to review the decision of an administrative tribunal.

cestui que trust: Person for whose benefit a trust is created.

Chapter: Title given to a single statute forming part of the legislation in a jurisdiction.

charge: The offence alleged to have been committed by an accused.

citor (case citor; statute citor): Publication recording where cases or statutes have been mentioned in other cases.

cite a case: Refer to a reported case as an authority.

cited for contempt: Summoned to appear before the court to answer a charge of contempt.

citing from authority: Refer to legal authorities to support an argument.

civil cases: Legal proceedings of all types, excluding criminal cases.

civil codes: Name for legislation in civil law jurisdictions.

civil law: Usually used to describe the law in European jurisdictions and those that are based on such models.

civil litigation (or civil proceedings): Legal proceedings in civil (non-criminal) matters.

civil process and procedure: Process and procedure in civil (non-criminal) matters.

claimant: In the UK, the plaintiff.

Clarity International: International organization promoting clear language in business and government.

clause (of legislation): Structural component of a section or subsection of legislation.

collaborative law: Type of practice used by lawyers who agree to negotiate instead of going court.

commission: Another name for an administrative body which may make quasi-judicial decisions.

common law: Body of law based on case precedents.

common law rules or principles: General rules or principles derived from a synthesis of the results of a series of similar cases.

comprehensive publishing policy: Policy of reporting all written judgments in a jurisdiction.

conciliation: Form of alternative dispute resolution in which the conciliator may suggest solutions.

concur: Judge's act of agreeing with a judgment written by another judge.

conflict of facts: Dispute over what happened.

conflict of interests: Dispute arising out of people's basic needs and desires (their interests) which are perceived to conflict.

consideration: Something of value given to create a contract.

consistency: Principle used by administrative tribunals when deciding similar cases.

constitution: The highest law in a jurisdiction that governs other laws.

contempt citation: Document summoning a person to court to answer a charge of contempt.

contempt of court: Acting in disrespect of the court or its orders.

contextual legal research: Research that takes into account the social context of law.

contra proferentem: Latin term meaning “against the one who presents something”; principle used in interpreting contracts written solely by one party.

contract: Binding legal agreement.

contracts of adhesion: Contracts written by one party with no input from other contracting parties.

cooperative law: Type of legal practice similar to collaborative law.

core meaning: Undisputed legal meaning of a word or phrase.

courts martial: Courts established to govern military personnel.

credibility: Test of whether the evidence given by a witness should be accepted as honest and dependable.

criminal proceedings: Legal proceedings involving an accused charged with an offence.

criminal process and procedure: Process and procedure in criminal proceedings.

cross examination: Questioning of a witness by an opposing party.

Crown: Used to describe the head of state and the state itself in a constitutional monarchy such as Canada.

crown copyright: The government’s right to prevent the use of documents created by government officials.

D

damages: Compensation for harm paid by a person found legally responsible for causing it.

deconstruction: Interpretive technique revealing the indefiniteness of the meaning of a text.

deductive reasoning: Logical reasoning from one true statement to another.

defamation: Tort committed by someone who harms the reputation of another.

defendant: Person who is sued in civil proceedings.

demand for (or of) notice: Request to be notified of steps taken in legal proceedings.

disclosure: Revealing information before a trial or other hearing occurs.

discovery: Legal term for disclosure.

discretion: Power to make a decision within a range of possibilities.

discretion according to law: Power to make a decision within a range of possibilities while taking legal rules and principles into account.

dispute resolution: Termination of a dispute.

dissenting judgment: Judgment given by a judge who does not agree with the majority of judges who heard the case.

distinguish: Act of pointing out dissimilarities between two cases for the purpose of showing that one is not a precedent for the other.

division (of legislation): Smaller component of a part of legislation.

doctrinal legal research: Research for the purpose of arguing legal issues or clarifying the law.

doctrine of precedent: Principle that like cases should be decided in the same way.

documentary evidence: Information in the form of documents presented as evidence.

drug courts: Special courts intended to deal with drug offences with rehabilitation of offenders in mind.

E

economics and law: Type of legal studies using economic principles and techniques to analyze law and legal processes.

elements (of a tort): All of the components that must be proved to find a person responsible for harm.

en banc: All the judges of a court sitting together to hear a case.

environmental literacy: Understanding of the interrelation of society and the environment.

estate: The type of rights held over land, or, the property left by a deceased person.

estoppel: Principle preventing someone from denying something they have said that has been relied on by another.

evidence: Information admitted by a legal decision maker to help prove the facts.

ex parte: Latin phrase for “without the other party”; something that happens without all parties to a dispute being present.

examination for discovery: In Canada, oral questioning of an opposing party before trial as part of disclosure.

examine: Question a witness.

exclusion (or exemption) clause: Part of contract protecting one party from legal responsibility.

executive branch or institution: Part of government which administers the law.

exemplary reasoning: Legal reasoning using examples by way of analogy.

expert opinion: Opinion about the facts given by a person recognized as an expert in their field.

expert witness: Witness accepted by a legal decision maker as being an expert in a particular field.

external perspective: Perspective on law from outside the legal system.

F

factual argument: Argument about the proof of facts through evidence.

factum: Name given to written argument in some courts.

federal states: Nation-states with several equal internal legal jurisdictions.

financial literacy: Understanding of the economics of daily life.

finding of fact: Decision-maker’s conclusion that a fact has been sufficiently proved.

finding of law: Decision-maker’s conclusion about the relevancy, meaning, or application of a law.

form of address: Respectful words used when speaking to a judge or other legal decision maker.

formal judgment: Document that orders action based on a legal decision.

forum: Court or tribunal.

framing: Describing an event or situation using legal concepts and terminology for the purpose of presenting a legal issue.

fundamental justice: The basic principles of fairness to be followed by every legal decision-maker.

G

gender-neutral: Language that does not refer to a single gender.

gobbledygook: Name given to wordy and unclear government documents.

guardian ad litem: Adult person appointed to represent a child in legal proceedings.

H

habeas corpus: Latin phrase for “custody of the person,” used when courts review the legality of an individual’s detention.

headnote: A brief summary of the legal issues and decisions in a reported case.

health literacy: Understanding of the interrelation of health and ordinary life.

hearing: Opportunity for disputing parties to present evidence and make arguments.

hearsay: Second-hand evidence given by someone who heard it from another.

hearsay rule: Rule of evidence law preventing hearsay from being admitted, with some exceptions.

hermeneutic tradition: Interpretation of texts to discover the true meaning of them.

holding: Conclusion of legal decision-maker.

homeostasis: Tendency of a system to preserve equilibrium.

I

inadmissible: Description of information that may not be admitted as evidence.

incorporation by reference: Inclusion of one text within another by reference to another document.

indeterminacy: Unpredictability of a result.

indictment: Formal document used to charge an accused person.

inductive reasoning: Legal reasoning from specific examples toward a general principle.

inferences: Facts found to be true through proof of other facts.

information: Formal document used to bring an accused before a criminal court.

information literacy: Understanding of how to access and evaluate publicly available information.

inquisitorial system: Legal proceedings guided by the decision-maker instead of the parties.

instructions: A client’s wishes provided to a lawyer.

intention (of legislators): The problem lawmakers had in mind to solve through legislation.

interlocutory: Something that occurs after legal proceedings have been commenced and before trial.

intermediate courts: Courts that hear appeals from lower courts and from which appeals may be taken to higher courts.

internal perspective: Perspective on the law taken by someone operating within the legal system.

interpretive argument: Argument about the proper interpretation of law.

intervener: Person allowed to take part in proceedings between others.

intoxicated persons: Category of people who may be treated differently for some legal purposes, such as contracting with others.

J

judgment debtor and judgment

creditor: A person who owes money according to the order of a court, and the person to whom it is owed.

judgments: Decision of a judge, usually accompanied by the reasons for making it.

judicial branch or institution: Part of government with a judicial role.

judicial dispute resolution or judicial settlement conferencing: Informal resolution of a case by a judge without a trial.

judicial interference: Criticism levelled at judges who interpret legislation in a way contrary to the expectations of lawmakers.

judicial law-making: Description of the activity of judges who interpret legislation in a way contrary to the expectations of lawmakers.

judicial notice (of fact and of law): Finding a fact or law to be proved without evidence being given.

judicial review: Court process to examine the decision of an administrative tribunal.

jurilinguists: Experts in legal expression in two or more languages.

jurisdiction: Authority of a given court or tribunal over persons or legal matters.

jurisprudence: Case law interpreting legislation; also legal philosophy.

justiciable: Capable of being decided by a court.

L

language rights: Rights to use a particular language in legal matters and proceedings.

law and psychology: Type of legal studies that examines law and legal systems using psychological theory and techniques.

law and society: Name given to legal studies that focus on the interrelationship of law and society.

law dictionaries: Dictionaries containing definitions of legal terms and phrases.

Law French: Archaic form of French still found in some legal terms and phrases.

law in context: Name given to legal studies that focus on the interrelationship of law and society.

law journals: Serial publications containing scholarly articles about law and the legal system.

law of evidence: Law that governs the admissibility and use of evidence in hearings.

law reform: Research and study for the purpose of improving existing law.

law reviews: Another name for law journals.

leading cases: Select cases published and used to guide decision-making.

legal aid: Government assistance for hiring lawyers.

legal bilingualism: Principle that when law is expressed in two languages, both versions should be treated equally and should convey the same meaning.

legal capability: Ability to make use of the law to achieve legal goals.

legal case analysis: Analysis for the purpose of determining a reported case's value as a precedent.

legal characterization or categorization: Another name for framing.

legal citation: System for referencing legal authorities.

legal consciousness: Ideas and attitudes about law prevalent in society.

legal digest: Publication containing summaries of cases arranged by subject matter.

legal discourse: Communication among people who work within a legal system.

legal duty: Duty to act or to refrain from interfering with others imposed by law.

legal encyclopedia: Publication containing summaries of legal rules, principles, cases, and legislation arranged by subject matter.

legal interpretation: Process of reading and giving meaning to legal texts.

legal issue: Question framed in legal terms to be decided by a decision-maker.

legal liability: Responsibility for harm imposed by law.

legal mobilization: Using law to accomplish one's goals.

legal obligation: Responsibility to act or to refrain from acting imposed by law.

legal person: Entity recognized as having legal rights and responsibilities.

legal pluralism: Coexistence of two or more legal systems in a geographic area.

legal principles: General guides to legal decision-making that are not part of legislation.

legal profession: Practising lawyers.

legal rights: Power to do something given by law.

legal socialization: Becoming familiar with legal traditions and adept at legal practices.

legal system: The interconnected institutions in society concerned with judging and enforcing law.

legal terminology: Unique words and phrases used within legal discourse.

legal treatises: Scholarly books about legal subjects.

legalese: Unique terminology used within legal discourse.

legislation: Written law made by legislative bodies.

legislative branch or institution: Lawmaking branch of government.

legislative drafting: Designing and writing legislation.

legislative interpretation: Reading and giving meaning to legislation.

legitimacy: Being accepted as fit and proper to carry out a function in society.

licensing agreements: In relation to copyright, allowing someone else to republish material.

literal meaning rule: Rule of legal interpretation that only takes account of the exact words that have been used without regard for other considerations.

litigant: Person who is a party to legal proceedings.

litigation: Legal proceedings for the resolution of a dispute.

litigious: Using litigation as the preferred method to resolve disputes.

loose parts: Recently passed legislation not yet bound in a volume.

M

managerial judging: Active intervention by a judge in the progress of litigation.

mandamus: Court process for controlling administrative action.

martial law: Law applicable to military personnel.

med-arb: Dispute resolution process providing for mediation followed by arbitration if necessary.

media literacy: Understanding the interrelation of mass media and everyday life.

mediation: Alternative dispute resolution process guided by a mediator.

meeting of minds: Agreement on reciprocal rights and obligations in the process of entering into a contract.

mens rea: Latin phrase meaning “having the thing in mind,” which describes a mental state of intention to do an act or achieve a result required in criminal law.

mentally incompetent persons:

Category of persons treated differently for the purpose of entering into contracts and in other legal situations.

merits: The substantive legal issues to be decided as contrasted with procedural matters.

minor persons: People who have not yet reached the age of being able to act legally for themselves; people under the “age of majority.”

modern principle (or method) of interpretation: In Canada, the method of interpretation described by Professor Driedger and approved by the Supreme Court of Canada.

mortgage: Creditor’s claim over land.

N

Native title: In Australia, the land rights belonging to the Aboriginal people.

natural justice: Basic principles of fairness when conducting a hearing.

negligence: Tort based on causing harm to another.

neighbour principle: Criterion used to decide whether a tort has been committed by one person against another.

neutral citation: Case citation provided by the court issuing the judgment.

normative expectations: Belief that others will act in a way that is generally approved in society.

noteup: Bringing a reported case or piece of legislation up to date with later cases or amendments.

numeracy: Understanding of and skill with using mathematics.

O

oath: Religious promise to tell the truth.

obiter dicta (or just obiter or dicta): Latin phrase meaning comments by a judge that are not part of the reasoning leading to a decision.

object (of an Act): The result expected from applying and enforcing legislation.

offer: Proposal to enter into a contract that may be agreed to through acceptance.

officialese: Jargon used by administrative officials.

one-shotters: Parties who experience litigation only one time.

open access: Free access to the public

operative: Legal wording which accomplishes a goal such as a gift.

opinions: In the US, the reasons for decision given by judges.

oral argument (or oral submissions): Oral presentations to a legal decision-maker about the facts and law in a case.

oral judgment: Decision given by a judge orally.

order of the court: Document embodying a judge's direction.

ordinary witness: Person who is not an expert who gives testimony based on their own personal knowledge.

originalism: Method of legal interpretation that tries to carry out the intention of the lawmakers who originally passed legislation.

overrule: Reverse a judgment made by a lower court.

oyez: Latin for "Hear" announced at the beginning of hearings of the Supreme Court in the US.

P

panel: A group of judges hearing a case.

parallel citation: Legal reference giving several alternative sources.

parol evidence rule: Rule of evidence that oral agreements can't change written ones.

part (of legislation): Largest component into which legislation is divided.

particulars: Details of a claim or defence provided to avoid surprise.

parties: Persons pursuing or defending legal proceedings.

penumbra: Meaning of a word or phrase that is uncertain and disputed.

plain (legal) language: Clear language that avoids legalese and is readily understandable by the average person.

plain English: Clear language that avoids jargon and is readily understandable by the average person.

plaintiff: Person who commences civil proceedings.

plea: Answer to a charge made by an accused person.

pleading: Written statement of legal claims or defences.

point in time searching: Facility to discover the wording of legislation at a precise point in time.

policy: Guide to legal decision-making in addition to legal authority.

post-structuralism: Name given to theories and techniques for analyzing and understanding people and society which do not privilege institutions and other cultural constructions but instead emphasize human freedom to act.

precedent: Similar reported case that guides legal decision-making to the same result.

predictive reasoning: Legal argument about the probable consequences of a particular decision.

preliminary inquiry: Discretionary step in criminal proceedings.

primary legal materials: Reported cases and published statutes.

principles of legal interpretation: General guides to interpretation less specific than rules.

principles of natural justice: Basic requirements of fairness in a hearing.

privilege: Right to keep a communication private, such as that between a lawyer and their client.

pro bono (publico): Latin “for the good (of the public),” description of legal services provided free of charge in the public interest.

pro se: Latin for “for oneself”; litigant without a lawyer.

problem-solving courts: Courts intended to address community issues in addition to individual criminal offences.

procedural justice: Experience of being treated fairly and respectfully in legal proceedings regardless of the outcome.

procedural steps: Actions required to be taken by the parties in legal proceedings.

process: Document used in legal proceedings required to be delivered to other parties.

process server: Person who delivers documents required in legal proceedings.

prosecutor: Person representing the state in criminal proceedings.

public domain: Freely accessible by the public.

pure research: Research intended to add to knowledge for its own sake.

Q

quasi-judicial: Description of administrative tribunals that make decisions affecting people's legal rights and responsibilities.

Queen: The word used to describe the sovereign in constitutional monarchies such as Canada.

Queen's Printer: Official publisher of government documents.

R

radiating effect: Influence of court decisions on people in similar situations.

ratio decidendi (or ratio): Latin for "reasons for decision" given by a judge to justify the result.

Regina: Latin for "Queen"; used in the title of criminal cases.

regulations: Subsidiary legislation made under the authority of an act.

reifying: Effect of giving apparent substance to an otherwise abstract and insubstantial concept.

relational contracts: Contracts intended to operate over many years, thus creating an ongoing relationship between the parties.

relevance: Criterion for determining which facts and evidence should be considered in a hearing based upon the law to be applied.

remedy (or relief): Action requested to be ordered by the court.

repeal: Act of removing legislation as part of existing law in force.

repeat players: Description of litigants who are often in court.

reply (or rebuttal): Response to the evidence or argument made by an opposing side in litigation.

reporter or report series: Serial publication containing court decisions in chronological order.

reserved (judgment or decision): Judgment given after the close of a hearing.

respondent: Person opposing an appeal or an application to the court.

restorative justice: Principle that justice should promote healing.

retroactive effect: New legislation that applies to events in the past.

revised statutes: Collection of all statutes brought up to date with amendments as at a certain date.

rhetorical: Description of communication that is meant to persuade.

rhetorical tradition: Approach to legal communication which emphasizes its persuasive nature.

right to be heard: One of the principles of natural justice requiring a decision-maker to consider argument and evidence presented by a party.

rule of law: The principle that all citizens are subject to and

equal before the law, which the government must obey as well.

rules of court: Rules of procedure adopted by a particular court.

S

scheme (of an Act): General design of legislation to accomplish its purpose.

scope (of law): Range of factual situations governed by a particular law.

section (of legislation): Basic structural component of legislation expressed as a sentence.

selective publishing policy: Policy of only publishing leading cases that are considered important to the development of the law.

self-determination: Right to decide one's actions without interference.

self-government: Right to make laws without interference.

self-represented: Litigant without a lawyer.

separation of powers: Allocation of different functions among the branches of government.

service of process: Delivering a legal document to a person.

- settlement:** Agreement to resolve a dispute and terminate litigation without a trial.
- shadow of the law:** Expression used to describe the radiating effect of legal decisions on others.
- Sharia law:** Traditional Muslim law.
- socio-legal:** Type of legal studies focusing on the interrelation of law and society.
- sociology of law:** Legal studies using sociological theory.
- sovereign:** The constitutional monarch in nations such as Canada.
- standard forms:** Identical contracts and other documents used regularly in a particular business.
- standard of proof:** Degree of certainty required to prove a fact.
- standard of review:** Criterion used to decide whether a court will reverse a decision of an administrative tribunal.
- standards (or tests):** Criteria developed by case law to guide legal decision-making.
- state:** The government considered as a legal person.
- statement of case:** In the UK, a statement of claim.
- Statement of Claim:** In Canada, the document containing claims made by a plaintiff.
- Statement of Defence:** In Canada, the document containing defences raised by a defendant.
- statute:** Legislation passed by a lawmaking body such as a Parliament.
- statute book:** All of the legislation in force in a particular jurisdiction.
- statutory (or legislative) definitions:** Definitions of words or phrases contained in legislation that must be used when interpreting it.
- statutory construction:** Another name for legislative interpretation.
- statutory instrument:** A document having the force and effect of legislation although not passed by a legislative body.
- statutory interpretation:** Another name for legislative interpretation.
- structuralism:** Approaches to analysing and understanding people and society according to social structures such as institutions and other cultural constructions that fulfill functional roles.
- structuration:** Giddens' idea that social structures both constrain and empower human action.

style of cause: Heading of documents in litigation giving the parties' names.

subclause (of legislation): Smallest structural component of legislation.

submissions: Arguments of fact and law made to a legal decision-maker.

subsection (of legislation): Structural component of legislation into which a section may be divided.

summons (summonsed): Document ordering a person to appear in court.

superior and inferior courts: Courts with unlimited jurisdiction and those with limits on their jurisdiction.

syllogism: Logical statement composed of a major and minor premise followed by a conclusion.

T

terms of art: Words with a special meaning in a particular context.

terra nullius: Latin for "nobody's country"; the legal principle overturned when courts recognized native title in Australia.

territorial sovereignty: The right to exercise legal jurisdiction over a particular geographical area.

testify: Give oral evidence in a hearing.

testimony: Evidence given by a witness in a hearing.

textualism: Approach to legal interpretation that emphasizes the words used over all other considerations.

therapeutic jurisprudence: Principle that justice should heal, not harm.

third party: Additional party in litigation who is not plaintiff or defendant; also an impartial person who helps to resolve a dispute between others.

tort: Harm recognized in common law for which a claim for compensation may be made against the party who caused it.

transactional: Description of an interaction or communication for the purpose of exchange rather than dispute.

trial: Oral hearing leading to judgment.

trial by ambush: Being surprised at trial by evidence that was not disclosed beforehand.

trial judge: Judge who presides over a trial.

tribunals, boards, and commissions:

Names for administrative bodies that may be authorized to make quasi-judicial decisions.

witness: Person who provides information as evidence in a hearing.

written submissions (or written argument): Document containing arguments of law or fact submitted to a legal decision-maker.

U

unenforceable: Contract or other agreement that will not be enforced by the courts.

unfettered discretion: Authority to make a decision without regard for legal rules and principles.

V

venue: Location of a hearing.

victim (impact) statements:

Information provided to a court by victims for the purpose of helping to determine the proper punishment to be imposed on a convicted criminal.

viva voce: Latin for “live voice”; description of testimony given by a witness orally and in person.

voir dire: Old French and Latin term for a special hearing to decide whether evidence is admissible.

W

weigh evidence: Act of deciding whether evidence is sufficient to prove a fact according to the relevant standard of proof.