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ENGLISH for LAW STUDENS and its

LATIN ETYMOLOGY

*This dictionary contains a collection of terms **USED** by **LAW STUDENTS** in the **HIGH SCHOOLS, COLLEGES AND UNIVERSITIES** in the **COUNTRIES where ENGLISH is the OFFICIAL language**.*

*For EVERY TERM REPORTED is easy to find the preliminary explanation and , following, the **LATIN ETIMOLOGY***

*As we know, a lot of **TERMS USED the LANGUAGE of LAW** are coming from **LATIN** as the official language spoken in the OLD ROMAN EMPIRE.*

*To study etymology, in this case the latin philology , is aimed to clear the real meaning of the word and its figurative sense **APPLIED TO THE TERMINOLOGY USED BY LAW STUDENTS**.*

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***Note :** for **every mistake or every kind of grammatical or syntax error**, is appreciated a remark by a mail to the follower address : prof.gaetanopaluccio@virgilio.it*

ABACTION

tealing of cattle . From latin **ABACTUS** = brought away.

ABDICATIO

to renounce at a throne . From latin **ABDICERE** = to refuse.

ABEYANCE (PROPERTY IN A.)

situation in which the ownership title on a good is not yet determined. From latin **ABEIRI** = time spending.

ABDUCTION

unlawful restraint of person , unlawful carrying away of a person from his place of abode and against his will. From latin **ABDUCERE** = to take away with strenght / **AB** = from / **DUCERE** = to lead far .

ABIDE AND SATISFY TO AN ORDER

observance and fulfilment of an order issued by a judge. From latin **AB** = by / **IDEM** = the same / **SATIS** = sufficient / **FACERE** = to do. In figurative sense, a person does a sufficient performance , the same performance that has been ordered by a judge.

ABILITY IN LAW

faculty belonging to the judge , to decide some issue regarding the trial. From latin **HABILIS** = proper to perform a task, able to do something

ABJURATION OF ALLEGIANCE

renunciation to the binding relationship between a person and his State of origin , when there is the change of citizenship. From latin **ABDICARE** = to refuse / **IURARE** = to swear / **ILLIGATUM** = to be involved, to be bound. Therefore to refuse the swearing made with own's State of origin by a person that is figuratively bounded with this State.

ABOLISH A RULE (TO ABOLISH)

to suppress a rule, to abrogate a law. From latin **ABOLESCERE** = to vanish, to estinguish.

ABORTIVE TRIAL

not ended judgement . From latin **ABORIRI** = to dead.

ABROGATION

abolition of a former enforced law or rule. From latin **ABROGARE** = to anull , to void . From latin **AB** = by / **ROGARE** = to ask. Here meanings a proposal asked by a member of a leglislative assembly. In the old roman empire, the " rogator " was a senator having a duty to propose a new law.

ABSCONDER CRIMINAL

fugitive offender , concealing oneself with the aim to avoid a trial. From latin **ABSCONDITUM** = to be hidden

ABSENT PARTY

lacking participation to process by a party. From latin **ABSENTIA** = to be far from a place.

ABSOLUTE MEASURE

irrevocable measure, indefeasible measure or measure without border or limit . From latin **AB** = from / **SOLUTUS** = untied, dissolved, free, without bond. Therefore, free from any limit. Eg : in the State governed by an absolute monarchy, the king operates without limits imposed by the other public body , assembly or Constitution . There fore a measure called as absolute is indicating the its peremptoriness.

ABSOLUTION

acquittance, discharge. From latin **AB** = from / **SOLUTUS** = untied, dissolved, free . Therefore, freedom from a former charge with a crime.

ABSTENSION DOCTRINE

doctrine advocating the duty for the U.S.A. Supreme Court to do an abstension regarding the cases that has to be dealed by a State Court and not Federel Court. From latin **ABSTINEO** = to keep out.

ABSTRACT OF DOCUMENT

brief of document, document's docket, paperform's extract . From latin **AB** = from / **TRACTUS** = pulled . Therefore, pulled out from a document (eg : abstract of record).

ABSTRACTION OF MONEY (MONEY ABSTRACTION)

stealing of money or money funds. From latin **AB** = from / **TRACTUS** = pulled . Here symbolizing an amount of money pulled out from a total sum.

ABUSE

abuse , misuse. From latin **AB** = from / **USUS** = use . Therefore far from the proper use. In figurative sense is meaning an improperly use of a own faculty or right.

ABUSIVE WORDS

verbal or written injury against someone. From latin **AB** = from / **USUS** = use . In figurative sense is meaning a word far from proper use.

ABUTE BUILDINGS

the activity to build an house or a wall close to another house or wall. From latin **ABUTOR** = to take an advantage. So to take an advantage from another building formerly built.

ACCEPTANCE

allowance, permit to do something . From latin **ACCEPTARE** = to receive, to bear, to allow.

ACCESSION

way to purchase of property by means of originary title (not by means of conveyance). From latin **ACCEDERE** = to go inside (in figurative sense, the land or house goes directly inside the estate of the owner) .

ACCESSORY (A. RIGHT / A. IN CRIME)

activity of secondary importance in a crime committal , complicity in a criminal conduct . From latin

ACCESSUS = adjunctive .

ACCIDENTAL INJURY

occasional injury , casual injury, unwillful injury. From latin **ACCIDERE** = arriving with surprise (eg: accidental injury or culpable offence).

ACCOMODATION OF A DISPUTE

transaction, agreement, resolution of a dispute . From latin **ACCOMODATUS** = put in proper way , well settled.

ACCRETION

the grewing up of a dimension of a land (after the sands and pebbles brought by a flood). From latin **ACCRETUS** = increased.

ACCRUED INTERESTS

interest cumulated over other interests. From latin **ACCRETUS** = increased.

ACCUSATION OF A CRIME

act aimed to charge somebody with a crime. From latin **ACCUSARE** = to blame.

ACQUITTANCE

absolution of a person at the end of a trial , receipt stating the payment of debt (acquitted = absolved). From latin **ACQUIESCERE** = to rest , to find relief. Here used in the figurative sense to find relief from a former charge (from a prosecutor activity) or to find relief from a payable debt . Also is meaning to be released of a burden, to rest because no more being under trial .

ACT (LEGAL A.)

fact, legal act , contract , legal measure . From latin **ACT** = act , action , conduct.

ACTION (LEGAL A.)

deed , proceeding , lawsuit. From latin **ACTIO** = operation , way to act.

ACTUALIZATION (CRIME A. / ACCIDENT A.)

visual reconstruction of the crime scene . From latin **ACTUS** = scene representation in a theatre / from old italian **REALIZARE** = to make as true, to reproduce as real.

ADDENDUM

written phrases added with the aim to complete the content of a document. From **ADDERE** = to make an addition.

ADDITIONAL CONTRIBUTION

supplementary payment. From latin **ADDITIO** = addition.

ADJUDICATION

judiciary decision , sentence issued by a judge , judgement . From latin **AD** = according to / **JUDICATUM** = verdict issued . Therefore, the adjudication is the statement according to the issued verdict.

ADMINISTRATION

executive power, management. From latin **AD** = by / **MINISTER** = executor, assistant.

ADMISSION OF A REQUEST

ackowledgment , entry , admittance . From latin **AD** = by / **MITTERE** = to let go, to allow, to have tolerance. In figurative sense, means to allow a request claimed by someone.

ADMONITION

reprimand. From latin **ADMONITUS** = warned , adviced (**MONERE** = to warn)

ADOPTION OF A CHILD

to recognize a child of another parents as own child. From latin **AD** = by / **OPTARE** = to choose. In fact, in the roman empire , the parents willing to adopt a child, had to choose one among a lot of children.

ADULTERATION

falsification of document , counterfeiting of an object . There are two different hypotesis . First , from latin **ADULTERATIO** = falsification. Second, from latin **AD** = from / **ULTERIOR** = far from the base, far from a genuine thing. In fact , in the modern italian language, the term **ADULTO** is meaning a mature man, a man with malice , therefore far from the genuinity of adolescence.

ADVERSARY TRIAL SYSTEM

accusatorial trial system . From latin **ADVERSUS** = against. In fact, during the opposite party testing , the prosecutor is stating the articles of accusation against the defendant.

ADVISORY BODY

consulting board . From latin **AD** = towards / **VISUS** = face. Here in figurative sense, means to bring a notice towards the face of somebody, to bring a notice to someone for the acknowledgement.

ADVOCATION OF A CASE

case defence, legal assistance . From latin **AD** = toward, to, with the aim to / **VOCARE** = to call. Therefore , translated from figurative sense, the meaning is to call someone with the aim to get a legal assistance .

AFFIANT

person that is putting own's signature on a document (swearing about the genuinity of this document). From latin **AFFICIO** = i touch , i supply (i touch the document, i supply my signature)

AFFILIATION STATEMENT

judicial statement about the parental situation of a child . From latin **FILIUS** = son.

AFFIRMANCE OF A CONTRACT

validation of a contract . From latin **AFFIRMATIO** = warranty, to be under guarantee , or from **FIRMARE**

= to keep a decision stopped.

AGGRAVATING CIRCUMSTANCES

situation around perpetratd crime, involving a more heavy penalty. From latin **GRAVARE** = to load someone with a overweight / **CIRCUM** = surround , around something / **STARE** = to stay, to be in a situation.

AGISTMENT

grazing right over a land . From latin **AGGISTUS** = a plot of land, a cadastral slice of land.

AGGRAVATED ASSAULT

assault and battery in which the victim has been maimed. From latin **GRAVIS** = nasty

AGRARIAN CONTRACT

contract involving a land exploitation. From latin **AGER** = cropped farm, cropped land.

AGREEMENT (LEGAL A.)

contract, pact between two or more people. From latin **AGGREGARE** = to join, to add something to another thing. In fact, an agreement is a joining among two or more wills.

ABETTOR

maker a complicity in a crime, to be accessory in a crime. From old greek **BETA** = second letter of the greek alphabet. In fact, an abettor is rated in a secondary situation about the commitment of a crime .

ALEATORY CLAUSE

clause involving a condition that is not sure that will happen. From latin **ALEA** = gambling.

ALIBI

explanation given by an accused (usually charged with murder) that is declaring also by means of proofs or

witness that at the moment of crime perpetration he was not in the crime place. From latin **ALIUNDE** = in an different , in another / **IBI** = in that place, in that moment . In fact , to have an alibi, means to be in another place when the crime has been made.

ALIENATION OF PROPERTY

selling a property. From latin **ALIENUS** = other, far from a place.

ALLEGE (TO A.)

to state something under oath, to make an affirmation. From latin **AD** = by / **LIGATUM** = belt, something joined by someone to another thing. Therefore " to allege " means to state something, joining it to another matter.

ALIMONY

amount of money providing a mainteinance to the divorced spouse. From latin **ALIUS** = other / **MUNIO** = duty. In fact the alimony involves a duty to provide the maintenance of another person, in this case , of a divorced spouse or children.

ALLOCATION AGREEMENT

sharing agreement, partition agreement. From latin **AD** = to someone / **LOCUS** = place. Here used in the figurative sense of " give a place to each person involved in the agreement ".

ALLOCUTION

the invite issued by judge , pushing the defendant to provide the ground of the defence, aimed to avoid the conviction. From latin **LOCUTIO** = reasonable speech.

ALLUVION

kind of property taking, by means of a lot of sand brought by a river over own's land. From latin **ADLUVIO** = place full of water, waving.

ALTERATION (INSURANCE POLICY A. , DOCUMENT A. , EVIDENCE A.)

to transform a thing , to make a thing different than the same thing before. From latin **ALTER** = other, different, second.

ALTERNATIVE RELIEF

different judicial remedy. From latin **ALTER** = other, second , different / **RES** = thing / **LEVARE** = to do something more comfortable, to take off a think eccessive heavy. Here in the figurative sense means to give someone a remedy to get less heavy a former juridical problem.

AMENABLE TO SUIT (PARTY A.)

party who is legally subject to respond to a summons or pleading. From latin **AB** = by / **MINAE** = menace, threaten / **HABILIS** = to be able to. In figurative sense, a party able to be menaced by a legal action.

AMENDMENT (LAW A. , SENTENCE A. , DOCUMENT A.) correction of a sentence , modification of a law or document. From latin **EMENDARE** = to modify, to correct . Also from **AB** = by / **MENDA** = defect. Therefore something coming from a former fault or defect.

AMPLIATION OF A CASE (CASE AMPLIATION)

putting off about a decision , to get a more deep valuation . From latin **AMPLIARE** = to increase a time period, to increase the researches about matter.

AMNESTY (MEASURE OF A.)

measure issued by court and consisting in a judicial pardon granted to an offender or a category of offenders with the same crime charged. From old greek **A** = not / **MNEMO** = to remember. In fact, issuing this measure, the State doesn't remember that the crime has been made .

ANCILLARY MEASURE

secondary measure. From latin **ANCILLOR** = to be a servant. In old roman empire, the **ANCELLAE** were ladies providing assistance to the queen or princess. In figurative sense , the queen is the " main measure " and the **ANCELLAE** are the secondary measures issued for an assistance of the main measure.

ANULMENT (ACTION A. / CONTRACT A.)

abrogation, debarment . From latin **NULLUM** = nothing, a thing without worth.

ANTICIPATORY (A. MEASURE, A. BREACH OF CONTRACT)

measure issued for a foreseen purpose. From latin **ANTE** = before, in advance / **CAPIERE**= to take, to get .

ANTINOMY

contradiction between two rules. From old greek **ANTES** = adverse / **NOMOS** = law, rule .

APPLICATION

request, claim , formal question to get a measure . From latin **AD** = toward / **PLICATUS** = pushed. In figurative sense, an application is a document pushed by the applicant toward the receiver.

APPRAISAL

survey about the worth of an object. From latin **APPREHENSUS** = understand. So to understand the real value of an item

APPREHENSION

appropriation of estate, arrest of somebody. From latin **PREHENDERE** = to catch.

APPREHENDED PERSON

person under arrest. From latin **APPREHENSIO** = capture

APPROPRIATE PROVISIONS

legal measures properly issued to face a legal problem. From latin **AD** = according to / **PROPRIUS** = specific / **PRO** = in favour of / **VISUS** = assistance given. In figurative sense, the judge gives assistance in favour of the claimant according to the specific matter.

APPURTENANCE OF REAL ESTATE

items built around an house or a land with the aim to be ancillary for the house use. From latin **APUD** =

near, close / **TENERE** = to occupy.

ARBITRATION

compromise, compromisory settlement. From latin **ARBITRATUS** = discretional decision. Or also from **ARS** = skill / **BIS** = two / **TRA** = from a place to another, between / **ACTIO** = operation, action . In figurative sense, the arbitrators have the task or skill to operate a settlement between two litigants.

ARGUABLE MATTERS

object of a litigation, matter under examination of the law court. From latin **ARGUMENTUM** = theme , or also from **ARGUMENTARI** = to exihibit as evidence / HABILIS = to be able to / **MATERIA** = matter, touchable thing.

(TO) ARRAIGN A DEFENDANT

to conduct a defendant in front of a Law Court. From latin **ARRIPIO** = to conduct a defendand in front of a judge / from latin **IGNAVUS** = lazy. In figurative sense, the defendant is lazy and unwillingly wants to face the judgement.

ARTICLES OF ACCUSATION

set of charges issued against theaccused. From latin **ARTICULATUM** = piece by piece.

ARTIFICIAL PERSON

legal person, body corporate. From latin **ARTIFICIOSUS** = made by handicraft man, made by expert worker (not natural). Or also from **ARS** = capacity, skill / **FACERE** = to do.

ASCERTAINMENT OF DAMAGES

check up of the losses. From latin **CERTUS** = sure .

ASPERSION

slandering , defamation, lies and untrue facts told about somebody to a multitude of people. From latin **ASPERGERE** = to spread, to spray . In figurative sense, a defamation is a " to spray " of defamatory words

towards a multitude of people.

ASSASSINATION

murder of a politician. From old egyptian language **QUASSASSIN** = a name of a sect, a fanatics group that was in habit to take drugs, with the aim to be excited to commit murders.

ASSERTION OF A RIGHT

exercise or claim of a right. From latin **ASSERERE** = to defend. In figurative sense, to defend the validity of one's rights.

ASSESSMENT (A. OF DAMA E, A. OF TAXES)

confirmation , verifying of a situation. From latin **ASSENSUS** = approved , confirmed.

ASSIGNED COUNSEL

lawyer appointed by law court as service of free cost legal aid. From latin **ASSIGNARE** = to give a of a task.

ASSIZES (A. COURT)

in Italy, is a court having competence about heavy offence or heavy felony as for example murder , assassination, human being trading. Is composed by a number of nine jurors and one chief judge. From latin **ASSESSUM** = sit down near to somebody. In fact, the jurors are sit down near the chief judge.

ASYLUM (POLITICAL A.)

legal position concerning a refugee person , excaped from his State of origin for political or military reason or racial persecution. From latin **ASYLUM** = shelter.

ATTACHMENT

allegation. From latin **ATTACTUS** = contact. In this sense, the attached document is an ancillary document joined to the main document.

ATTENUATING CIRCUMSTANCES

circumstances surrounding the execution of a crime, involving the mitigation of the punishment for the offender (eg : in a crime of battery,the attenuating circumstance to act in a condition of anger provoked by the victim). From latin **TENUIS** = modest / **CIRCUM** = around / **STATIO** = position. Therefore facts or situation around the offender position that are involving a modest gravity of the crime.

ATTESTATION

authentication , legalization . From latin **ATTESTATIO** = witness activity. In fact, the attestation document is issued by an officer acting as a witness during a statement or a declaration.

ATTORNEY

person admitted to practice law in at least one jurisdiction and authorized to perform some legal function on behalf of clients (eg : provide legal counsels, drafting legal document). From latin **AD** = by / **TORNARE** = to give a shape to something. In figurative sense, the attorney gives a legal shape to the client's claim.

AUCTION BY COURT ORDER

selling of issued by law court . From latin **AUCTARI** = to sell . But also becoming from **AUCTUS** = get bigger, increasing. Here , term used in figurative sense of increasing of money bidding during the auction.

AUDITING ASSIGNMENT / AUDITING COMMITTEE

assignment or committee having the duty to control, check or perform an examination. From latin **AUDIRE** = to know, to get a set of news. In fact , during the audit activity , the public body are checking a set of document with the aim to know the content.

AUTOCRACY

absolute power. From old greek **AUTHOS** = by self / **KRATOS** = power, decision power.

AUTOMATIC RENEWAL OF A CONTRACT

tacit renovation of a contract. From old greek **AUTHOS** = by self / **MATHESIS** = knowing / **RE** = again / **NOVUS** = new. In figurative sense, the contract is knowing by itself that at the expiry date it will be again renewed.

AVOIDANCE OF AN ORDER / A. OF A DOCUMENT, A. OF A SENTENCE

situation in which an order, document or sentence is declared lacking of effects because affected by some kind of nullity. From latin **AVIUS** = without road, impassable road / **IDEO** = so, therefore. In fact an act declared null and void is without road in the figurative sense that it will be not brought anywhere.

AVULSION

kind of property acquisition , due to a joining between two grounds taken off from a land. From latin **AVULSIO** = to tear (from a land).

BAIL

surety grant by a person with the aim to support another person under a trial. From latin **BAIULARE** = to bring over own shoulders. In figurative sense, is the assumption of a duty , of a load of another person.

BALLISTIC SURVEY

expert report given to establish the exact direction of the bullets during an exchange of gunshot. From latin **BALLISTICA** = an instrument used in middle age to throw a stone against the enemy army during the battles.

BAN

proclamation, public notice or edict issued to get forbidden a thing , an action or to impose a conduct , to issue an interdiction or debarment for some category of people. From latin **PANNUS** = white sheet , white blanket. In fact in the old roman empire , was in habit to lay a white sheet where was written a conduct forbidden or a duty to fulfil as example (engagement in army).

BANISHMENT FROM A STATE'S TERRITORY

proclamation, public notice or edict issued to get forbidden the abiding of a person in the State's land (usually the banishment order is imposing the compulsory exile). From latin **PANNUS** = white sheet , white blanket. In fact in the old roman empire, was in habit to lay a white sheet where was written a conduct forbidden or a duty to fulfil as example (engagement in army).

BANKRUPTICY

payment failure, default in payment . From latin **PANCA** = stall, table with goods / **RUPTUS** = broken . In the old roman empire, the shopkeeper defaulting in debts payment, was in the habit to break the own stall, used to show the ware.

BIGAMY

plural marriage. From old greek **BETA** = second / **GAMOS** = couple.

BILL

document, certificate, title , draft. From latin **BULLA** = medal. Here used in figurate sense of sign of evidence of performed payment.

BUREAUCRACY

set of public office, personnel of public bodies. From old greek **BUROS** = office / **KRATOS** = power of decision .

CABINET

governmental board of ministers. From old french language **CABANE** = secret storehouse of a ship.

CALCULATION

accounting of a figure. From latin **CALCULUS** = little stone, pebble. In the old roman empire, because lack of modern calculator, were used the little stones to understand and show a figure or an amount of something.

CANCELLATION (C. CLAUSE, C. DATA , C. OF CONTRACT, C. OF AN ORDER)

estinguishment, avoidance , debarment. Different origins : first from latin **CANDIDUS** = white, clear, without fleck / **CAELUM** = sky. In figurative sense a clear sky is representing the absence of fault , or negative record. Second from latin **CANCELLARE** = cover something with a netwire . Here, in the figurate sense of " to bar " something unable to be used.

CANON LAW

law enforced inside the church organization. From latin **CANON** = rule , regular, model. This because in the middleage, all the doctrines far from the church's doctrine were unlawful and irregular.

CANDIDATE TO A PUBLIC OFFICE

concurrent to be appointed holder of a public office by means of elections. From latin **CANDIDATUS** = white dress. In fact, in the old roman empire, the politicians candidates to the senate, were in habit to turn around the streets, in the city of Rome , with a white dress, to distinguish themselves among the other common people. The white colour was a symble of purity, the absence of something dirty, meaning that the candidates were uncorrupted.

CAPIAS

warrant of arrest . From latin **CAPIERE** = to catch, to capture.

CAPTIVE (C. PERSON, C. NATION)

person or nationsubjected to a freedom restraint. From latin **CAPTIVUS** = prisoner, captured.

CASE

process in lawcourt, issue, problem. From latin **CASUS** = situation.

CASSATION (C. OF A SENTENCE, C. OF AN ORDER)

repealing, anulment (of a sentence or order formerly issued). From modern italian **CASSARE** = to cancel . In fact, the supreme court, in Italy, is named "Corte di Cassazione" because has a power to cancel the validity of a sentence issued by an inferior court. Is even possible, that the term, is becoming from latin **CASSUS** = empty, without utility, unlawful. In this case, in figurative sense, a sentence issued by an inferior court, after the "cassation" , becomes "empty" of enforceability.

CASUALTY

unforeseeable accident. From latin **CASUS** = situation

CAUTION ORDER

order containing a warning or admonition affecting a person under investigation. From latin **CAUTIO** = to invite to take careful, to act with prudence.

CAVEAT ORDER

order containing a warning, intimation, notification. From latin **CAVERE** = to avoid, to look with carefulness. In the old roman empire, beside the gate of the houses in which therewas a dog , there was a signal with scripture **CAVE CANEM** beware of the dog.

CAVILL (LEGAL C., PROCEDURAL C.)

pretext or excuse used in a trial. From latin **CAVARE** = to dig. In the figurative sense: to dig into the law system with the aim to find a loophole.

CIRCUITY OF A LEGAL ACTION

putting off of the trial duration. From latin **CIRCUS** = around / **ITINERE** = to travel. So , in figurative sense, to travel willingly around the center of the matter, but without touching the center , without touching the aim.

CITATION

summoning, notice involving the duty to appear in front of the Law Court. From latin **CITARE** = to call (to call the defendant).

CLASS ACTION

legal action advocating the defence of the interests of a particular category. From latin **CLASSUS** = fleet.

CLEARING OF DEFENDANT

acquittance of a defendant , discharge of a defendant. From latin **CLARARE** = to make white, to make cleaned , to remove a stain. Here , in figurative sense, after the acquittance there is the removal of a stain from the criminal record.

COGNISANCE OF A CLAIM

competence to decide a case. From latin **COGNOSCERE** = to know, to have an experience about a situation.

COLITIGANT

party in a process that is joined to another party , litisconsortium. From latin **CUM** = with, together / **LITIS** = concerning the process, concerning the dispute.

COLLATERAL (C. AGREEMENT, C. CLAUSE, C. FACTS, C. NEGLIGENCE)

accessory, secondary, auxiliary. From latin **CUM** = with, together / **LATUS** = at the side. Therefore, for example, a collateral negligence is not the main negligence but only a subsidiary negligence , a negligence standing " at the side " of the principal.

COLLATION (C. OF WRITTEN PAPERFORMS, C. OF DATA)

comparison between two or more documents. From latin **COLLATIO** = comparison.

COLLECTION (C. OF EVIDENCE, C. OF MONEY, C. OF CREDIT)

picking up of evidence or credit, cashing money. From latin **COLLECTUS** = crop in a farm.

COLLUSION

fraudulent agreement , secret and unlawful settlement. From latin **COLLUSIO** = to act in secret with someone.

COMMENCEMENT OF A LEGAL ACTION

phase of beginning of a trial. From old italian **COMINCIARE** = to start, to begin.

COMMERCE RULING POWER

power of the U.S.A. Congress under constitutional rule to regulate the commerce relationship between two or more States. From latin **POTENS** = to be able to , i can / **VERE** = in a proper way, justified / **MERCIMONIUM** = goods. Therefore the power enabling a public office to administrate the goods traffic in a proper way.

COMMISSARY

deputy, delegate, proxy, vicar. From latin **CUM** = with / **MISSUS** = task , charge , duty. In fact, a commissary is a subject charged to do a specific task

COMMITTAL

arrest, imprisonement, task to do a crime , charging a duty. From latin **COMMITTERE** = to commit someone to do something, to give to someone a task to do an action.

COMMITTEE

board, commission. From latin **COMITIUM** = meeting / **COMITES** = a group of friends / **COMITARE** = to escort or to accompaign somebody . In fact , the committee is a meeting of people having a purpose.

COMMODATARY

a thing granted in a commodate contract. From latin **COMMODARE** = to lend something , to grant something for a temporary use.

COMMORIENTES

term concerning two or more people dead in simultaneous moment. From latin **CUM** = with, together / **MORI** = to dead.

COMMOTION

insurrection, rebellious demonstration, revolt. From latin **COMMOTIO** = shaking. Therefore in figurate sense, is meaning the " public order shaking " .

COMMUTATIVE CONTRACT

not performed contract, changed in a undertaking which part have to giveback the equivalent amount or object than amount or object received. From latin **COMMUTARE** = to exchange, to make a substitution. In fact, the original perfomance, without acquittance, had substituted with the restatement of original position of the agreed party.

COMPANY

business, firm, concern. From latin **CUM** = with / **PANIS** = bread. In old roman empire the simply fact to divide the lunch or dinner moment with another person, was symbolically meanings a joining of common interest and target to reach).. Also from **COMPAGES** = structure, connexion, joining among persons. In fact, a company is firm made by a lot of persons joined with the aim to product and sell goods.

COMPELLING LAW

imperative rule, rule forcing a behaviour, underogable law. From latin **COMPELLERE** = to oblige.

COMPENSATION

reward, remuneration, adjustment of damages. From latin **COMPENSATIO** = equilibrium, reposition in a former situation.

COMPETENCY OF A PERSON

legal capacity. From latin **COMPETERE** = to have a mastery of a matter.

COMPLAINT

protest, crime reporting ,tort reporting. From latin **COMPLANARE** = to put something over a flat , over a table . In figurative sense, means to put the wrong fact over a table of a public body, with the purpose to show the situation.

COMPLY WITH A DECISION

to accept a sentence without appealing will. From latin **COMPLACERE** = to be welcome , pleasance of something.

CONCEALMENT (C. OF A CRIME, OF A CORPSE, OF PROOFS)

dissembling a crime . From italian **CELARE** = to keep hidden , to cover someone or something.

CONCILIATION

agreement got between two or more party, avoiding the process in the Court trial or having the purpose to get a settlement about a pending case. From latin **CONCILIARE** = to condense, to melt. Here, in figurative sense, is meaning " to melt " the will of different parties.

CONFIRMATION

ratification or convalidation of documents. From latin **CONFIRMATUS** = assured, encorauged, sustained, sure (term composed with **CUM** = with / **FIRMATUS** = sustained. Therefore, a document convalidated by somebody will or signature. In fact, in modern italian language, the term **FIRMA** is meaning signature.

CONFISCATION

forfeiture, sequestration, seizure, distraint . From latin **CUM** = with / **FISCUS** = basket used in the middle age to collect the money due by the people to the prince as tax. Therefore the term is representing the princep's treasury. In figurate sense, the princeps represents the Crown, the State. Therefore the terms is meaning the collection and joining of people's money with the aim to be cashed by the treasury department of the State.

CONGRESS

U.S.A's parliament. From latin **CUM** = together / **GRESSUS** = common walking, path. In fact, in figurate sense, in the Congress works , the deputies, together are "walking" in the same path with the aim to get a decision useful for the Nation.

CONNIVENCE IN A CRIME

complicity in a crime, abetement in a crime, joining in something wrong. From latin **CONIVERE** = to close the eyes . Here in figurate sense, meaning to close the eyes to pretend don't watch something wrong. Another possible coming of the term is from latin **NIVEUS** = covered by snow. In the figurative sense, the ground is real situation of something wrong and the snow, falling on the ground, covers this situation.

CONSEQUENTIAL DAMAGE

indirect damage. From latin **CUM** = with / **SEQUI** = to follow, to be dependent from, to be caused by another fact.

CONSTITUTION

main law of a nation, (so called " the law of the laws "), political and institutional structure of a State. From latin **CONSTITUTUS** = established, decided firmely.

CONSULATE (OFFICE OF C.)

headquarter of a State's offices in a foreign territory, having as main task, the protection of own's citizens fundamental rights in case of emergency. From latin **CONSOLARE** = to soothe , to give a consolation.

CONTEMPTION (COURT C., CONGRESS C.)

outrage to the Court or Congress. From latin **CONTEMPTUS** = despised , contempted.

CONTRACT

legal deal , legal agreement, legal covenant . From latin **CONTRACTUS** = compressed, joined with strenght , bound with another thing. Or also from **CUM** = with, together / **TRACTUS** = brought. In fact, the contract is an agreement binding two parts to get a performance each other, therefore which a party is brought with another party towards an agreement.

CONTUMACY

defendant's condition which, without reason, doesn't participate to the processual activity or several processual steps. From latin **CONTUMAX** = full of pride , challenging behaviour. In figurative sense, meanings a condition of pride that can be felt by a lawcourt as contempt, as lack of care for the lawcourt activity.

CONVEYANCE

right transfer, property or privilege transfer . From latin **CONVENIRE** = meeting together, to get a pact, to get an agreement. Specifically, from latin **CUM** = with another, together / **VENIRE** = to come. Therefore, a "conveyance" is a coming of two or more parties towards a target. In this case the figurative target is the agreement involving the right transfer.

CONVICTION

guilty verdict, sentence involving an imprisonment . There are more possible becoming of this term. First : from latin **CONVICTUM** = demonstrated as guilty by an evidence. In fact the infinite tense of **CONVICTUM** is **CONVINCERE** = to get the reliability showing the evidences. Second : from latin

CONVICTUS = person eating in the same canteen. In figurative sense, would be the canteen of prison, where all the prisoners eat together. Even , in modern italian language, the word **VITTO** means an expence to buy the food and other essential utilities.

CORONER

lawcourt's officer having the duty to check the suspected death and make an evaluation on the crime spot. From latin **CORONARE** = to surround. Here, in figurative sense is meaning that the coroner activity is concerning a check of all the circumstances or objects present " around " the murdered person. In fact from the verb " coronare " is becoming even the word " crown " . The Crown is the jewel , the golden wire surrounding the king's or queen's head.

CORPORATION

legal person , firm made by partnership of more people. From latin **CORPUS** = group , human body. In fact, the body is a group of different physical elements.

CORRECTIONAL FACILITY

prison , penitentiary. From latin **CUM** = with / **RECTE** = right . Also from **CORRIGERE** = to get better, to straighten, to give a rule. In fact, a penitentiary institute has a duty to get better or to straighten the wrong behaviour of the prisoners with the aim to get a social rehabilitation. Also in the italian modern language, the ruler, the lined tools used to account the centimeters is called " righello ".

CORROBORATING EVIDENCE

kind of evidence increasing the reliability of another proof, making stronger another proof. From latin **ROBORARE** = to reinforce , to consolidate.

CORRUPTION

defilement, depravation (DEPRAVATION : immoral conduct. From latin **PRAVUS** = wrong) , subornation . From latin **CORROMPERE** = to seduce someone, to tempt , to induce someone to do something. In figurative sense, a corrupted public officer is seduced by a promise involving an undue advantage.

COUPON

voucher, ticket , bill . From latin **CAUPONARI** = to trade, to manage a venue. Therefore the coupon, in

figurative sense, is as certficate stating the consummation in a venue.

COUNTERFEIT

to forge, to fake, to simulate, to falsify . From latin **CONTRA** = against / **FACERE** = to built . Therefore, the meaning is " to built something against the trust in a genuine matter ".

COUNTERMAND

revocation, cancellation . From latin **CONTRA** = against / **MANDATUS** = order , order to perform a duty or a task . Even the legal term " mandatory " is coming from latin **MANDATUS** = compulsory / **ARS** = capacity to be.

CONTINGENCY INSURANCE

insurance against losses due to lack of earnings, conditional insurance. From latin **CONTINGERE** = to happen . In fact, the insurance covers the losses only in case of coming true of condition reported in the insurance contract.

CONTRIBUTORY (C. NEGLIGENCE, C. INFRINGEMENT)

concurrence in negligenge together the first negligent party , complicity in the rule violation . From latin **CUM** = with , together with / **TRIBUTUS** = shared. Therfore, for example, in case of car accident, there is the possibility that the guiltyness is not only charged on one driver, but even is "shared" with the other driver.

CONTROVERSY

legal dispute, litigation . From latin **CONTRA** = against / **VERSUS** = direction towards a place. In figurative sense , a dispute comes from two different positions , interests and intentions each against other .

CIRCUITY OF A LEGAL ACTION

plea of a defence needing an overtime than the strictly necessary to be prepared . From latin **CIRCUITUS** = orbit , round. The orbit is the round run by earth around solar system and therefore, and more wide is this orbit, more time is need to complete the orbit turn. Therefore, in figurative sense, with a circuity of action, the lawyer is trying to delay the pre-trial phase of the case, with a set of postponement befor the trial beginning.

CLAIM

petition , right vindication , petition for damages. From latin **CLAMARE** = to tell with loud voice , to invoke repeatedly . Here , in the figurative sense, is meaning to use a loud voice with the aim to got own's right heard.

CONCURRENCE IN A CRIME (C. OF CASE, C. OF CHARGES, C. OF CIRCUMSTANCES IN A CRIME)

contribution of, complicity in (crime, charges) . From latin **CUM** = with, together / **CURRERE** = to run in the same direction , to walk at side.

CONFEDERACY (OUTLAW C.)

association settled to commit crimes, illegal collusion. From latin **CUM** = with , together / **FOEDUS** = alliance, pact, agreement .

CONFEDERATION

association among many States. From latin **CUM** = with, together / **FOEDUS** = pact, agreement .

CONDOMINIUM

joint ownership , co-ownership . From latin **CUM** = with , together / **DOMINUS** = proprietor, owner . In fact, even in modern italian, the sunday day is called "domenica" , because the day of god, in figurative sense, the owner of the world.

COUNSEL

consultation about legal or administrative matter. From latin **CONSILIUM** = project.

COVENANT

unilateral or bilateral promise, contract or pact among a small number of party . From latin **CONVENTUM** = agreed , gathered together.

COSTUME IMMORAL BEHAVIOUR

way to act against the common morality . From latin **MORIS** = usual, been in habit . Here, in the figurate sense of behaviour against the behaviour commonly used.

CONSEQUENTIAL DAMAGE

secondary damage as outcome of a wrong action , indirect loss . From latin **CONSEQUENTIA** = outcome . Or from latin **CUM** = with, together / **SEQUOR** = i follow you , i come after you. In fact the consequential damage is a damage following or coming after the direct damage.

CREDIT

position protected by the law , concerning a subject in an active economic position versus another subject , a subject having a right to receive something or a performance by another subject. From latin **CREDITUS** = lent, delivered, consigned , believed.

CRIMINAL ACTION

action concerning a crime, an offence . From latin **CRIMEN** = guiltyness , accuse .

CROSS EXAMINATION

questioning made by the lawyer of opponent party (eg: cross examination of two witnesses = simultaneous questioning of two witnessess) . From latin **CRUX** = cross / **EXAMINARE** = to give a worth, to weight.

CULPABLE OFFENCE

offence made without willfulness, therefore made by means of negligence or in a situation careless. From latin **CULPARE** = to reproach.

CURATIVE STATUTE

law issued with the aim to repair the wrong effects of a former improper law. From latin **CURARE** = to be worry for someone

CUSTODIAL ORDER

order issued by a Court and involving the keeping of a person or item deemed evidence of a crime or

warranty (in favour of creditor) of a future performance. Es: cautelary custody order over a suspected person, custody order about a little bag containing a drug substance) . From latin **CUM** = with / **STUDIOSE** = diligence.

DAMAGE APPRAISAL

extimation or valuation of the lossess. From latin **DAMNUM** = loss , pain, sorrow / **PRETIUM** = money , worth of a thing.

DANGEROUS IGNITION

crime consisting simply and merely in the firing of something able to provoke a probable danger for the public safety. From latin **DAMNUM** = damn, loss / **GERERE** = to show, to realize / **IGNIS** = flame, fire / **ACTIO** = movement, action. Therefore a flame movement showing a future possibility of damn.

DEBENTURE

security note , money invested in bonded obligation . From latin **DEBEO** = i must. In fact, the obliged person or entity must give back the bonded amount of money formerly taken as security.

DEBT

obligation, liability position versus a creditor . From latin **DEBERE** = must give.

DECEPTION

cheat, swindling, fraud , forgery . From latin **DECEPTUS** = victim of fraud , or also from latin" **DE** = negative / **CAPIRE** = to have a content , to understand. In the first sense , the deception is something having a negative real content. In the second sense, the deception is a incitation to misunderstand a real situation.

DECEPTIVE CONDUCT

fraudulent behaviour, behaviour direct to tangle. From latin **DECEPTUS** = victim of fraud / **ACTIVUS** = placed in a situation of, to be able to be. Therefore, to be able to fall in a fraudulent situation.

DECISION

deliberation , resolution of a matter, verdict issued by a judge. More possible ethimological coming. First, from latin **DECESSUM** = ended. In figurative sense, a decision is the end, the final step of a trial. Second from latin from **DE** = by / **CESSUS** = result, outcome. In figurative sense, the decision is the output of a process, represented by judge's statement. Third , from latin **DE** = from / **CESUS** = cut , something that has been cut or solved. In fact, in figurative sense, a decision is something that has been cut away from the trial, and now is the output coming from a former problem or matter.

DECLARATION

showing of a will, statement , facts affirmation, exposition about situation. From latin **DE** = from / **CLARO** = full of light , luminous . In fact a declaration is, in figurative sense, an activity made with the aim to light something coming from another thing in darkness. The terms can also become from latin **DECLARARE** = to announce.

DECLASSIFY

publication of government's documents , before kept in secrecy. From latin **DE** = from / **CLASSICUS** first level . In fact, the documents are brought from a first rate of importance to a lower grade.

DECLINATORY EXCEPTION

demurrer stating the forfeiture of a right to bring a legal action. From latin **DECLINARE** = to move toward another place / **EX** = from / **CAPERE** = to take away from. In fact, a right formerly standing in the juridical sphere of a subject, moves toward the forfeiture, if this right is not used in a proper time and consequentially , the adversary party in a case, " takes this problem from “ the matter of not used right, remarking the lack of utilization of this last.

DECERNITURE OF A LEGAL MEASURE

absolute sentence, conclusive legal measure , resolutory decree. From latin **DE** = from / **CERNERE** = to distinguish, to decide. Therefore , the meaning is to make a decision , distinguishing this decision among others possible.

DEDICATION (D. OF WAY, D. OF COPYRIGHT)

declaration of a work in honour of something or somebody, renouncing to own's right of this work exploitation. From latin **DE** = by / **DICTUM** = ordered. In figurative sense : ordered by the work maker.

DEDUCTION FROM SALARY

subtraction of money amount for worker's wage. From latin **DE** = from / **DUCTUM** = taken off, pulled from / **SALARIUM** = soldier's wage . Therefore, in figurative sense, the deduction from salary is a amount pulled from a wage

DEED

notary paperform containing a private declaration about a buy and sell contract. From latin **DE** = by / **EDERE** = to generate . Here, in figurate sense, means a paperform generated by the will of the parties involved in the contract.

DEFALCATION (MONEY D.)

emblezzement, malversation , outlaw apportionement of public money. From latin **DE** = from / **FALCATUS** = cut with violence, cut improperly. Here in figurative sense, the violent cutting is representing an unlawful appropriation of money from a fund.

DEFAULT

failure, non-perfomance, lack of consideration , unfulfilment of duty. From latin **DEFECTUM** = failed , dead, missing . Also from **FALLERE** = to be lacking of a duty.

DEFEASANCE

counter deed, counter declaration , counter statement . From latin **DEFICERE** = to abandon, to leave, to let, to take off from.

DEFENCE BRIEF

defensive plea , defensive suggestions for the judge. From latin **DEFENSUS** = protected / **BREVIS** = short . In fact, the defence brief is a written document produced by lawyer and giving suggestion and information to the judge.

DEFERRED PAYMENT

payment put off, delayed payment, postponed payment. From latin **FERRE** = to bring. Here in figurative sense: to bring a payment from a time to another time.

DEFINITION OF CRIMINAL OFFENCE

confining or limitation of meaning of a crime. From latin **DEFINIRE** = give a limitation, to trace a border. In fact, every crime involved a precise behaviour , useful to distinguish a offence from another different offence, an article of accusation from another different article of accusation.

DEFRAUDATION

making a fraud, making a tangle ,a cheat or a bluff. From latin **FRAUDULENTUS** = no-honest guy .

DELEGATION

commission, board, representance pool. From latin **DE** = by / **LEGATUS** = envoyed by someone as ambassador, entrusted by someone as representant because joined or bound by relationship full or trust. Even, the verb " to bind " , in italian modern language is translated " legare ".

DELIBERATIVE ASSEMBLY

people meeting to get a decision, assembly met to get a problem solution or solve a common matter. Two possible ethimological coming. The first, from latin **DE** = from a group / **LIBERUM** = without bound. Here in figurative sense, means a decision taken off (issued) from a group of peolpe met (under an assembly) and therefore free from any bound. The second, from latin **LIBER** = book, document. In this second figurative sense, would be the " document " issued by the assembly in which there is the content of the decision.

DELINQUENCY

misdeed, misconduct, offence, criminal behaviour, unperformance. From latin **DELINQUERE** = to make a mistake, to make a sin.

DEMAND REPARATION FOR A WRONG

to complain a compensation for a tort undergone. From latin **DEMANDARE** = to entrust, to recommend / **REPARARE** = to build again. Therefore, in figurative sense, is meaning a claim entrusted to the examination by a public officer (in this case a judge) with the aim to reconstruct the former situation (the situation before the tort undergone).

DEMOCRACY

decisional power belonging to the people . From old greek **DEMOS** = people / **KRATEO** = to manage , to make decision.

DEMURRER

statement containing an objection , an exception or a plea interposed by a defendant to object the plaintiff's claims. From latin **DE** = by / **MORA** = hindrance . Therefore an hindrance stated by the adversarial party in a trial.

DENIAL

statement declaring that something is not true, statement refusing a petition , a claim object or a request. From latin **DE** = by / **NEGATIO** = refusal.

DENUNCIATION

kind of complaint reporting a crime to the police. It's made usually by a third person (not by victim). From latin **DE** = by / **NUNCIUS** = speaker , teller , reporter . In figurative sense, when a person has been denounced by another , his unlawful conduct has been told by the third person who watched all the fact or matter.

DEPONENT

a witness under oath , a witness stating that the facts which was attendant are true. From latin **DE** = concerning to / **PONERE** = to put into a deposit. Here , in figurative sense ,the deposit represents the verbal of a process, in which are reported the statements of the witness concerning the matter under trial.

DEPORTATION

banishment from a country or forced removal of a citizen in another State. From latin **DEPORTATUM** = exiled. Also from **DE** = from / **PORTATIO** = transport. Therefore , in figurative sense, means transported from a place to another place.

DEPOSITION

statement made by a witness under oath, who says that the facts which was attendant, are true. From latin **DE** = concerning to / **PONERE** = to put into a deposit. Here , in figurative sense ,the deposit represents the

verbal of a process, in which are reported the statements of the witness concerning the matter under trial .

DEPRIVATION OF PROPERTY

seizure or confiscation of property . From latin **DE** = negative preposition, denying . From / **PRIVATUS** = personal. In figurative sense, the denial of the right to have an ownership on a good.

DERELICTION OF A RIGHT OR DUTY

abandonement of a right, carelessness or neglect of a duty. From latin **DE** = by / **RELICTUS** = let alone, abandoned . Therefore, right let alone by the owner.

DERIVATIVE LEGAL ACTION

legal action brought by the stockholders of a company, concerning a right granted by company but neglected. From latin **DE** = of / **RIPA** = bank of river. In figurative sense, something flowing in the river and separated from it and individually going to the banks.

DESECRATION

violation or contemption of a grave or santity place. Two possible meanings. First, from latin **DE** = negative preposition / **SECRETUM** = secret place, solitary place. Here in figurative sense deny a secret or a content of a grave . Second, from latin **SACRATUS** = divine . Here in sense to deny the divinity the holyness of a place.

DESERTION

abandonement of a duty or committment or task provided by law. From latin **DESERTUM** = abandoned, left alone, forsaken .

DETENTION

the act of person's freedom restraining. From latin **DE** = by / **TENTUM** = catched, braked . Here in figurative sense of braked or caught by the State .

DETECTIVE

private person working as investigator , sometime member of law enforcement agency, having usually the task to solve historical crime, makes private investigations and look into record regarding a case. From latin **DE** = without / **TECTUS** = roof . In figurative sense, discovered. In fact, the detective has the task to discovery the true facts of a case.

DETINUE LAW ACTION

legal action used to recover personal property illegally detained by another person. From latin **DE** = by / **TENUI** = i kept, i was owner, i occupied (a land). Therefore, an action aimed to recover the possession of a real estate formerly kept.

DETRITIMENT

loss, harm , damage undergone by a party's contract , that could be the basis for the claim of a contract resolution or compensation. From latin **DETRIMENTUM** = loss . Also from **DETRITUS** = consumed, worn out, wasted , reduced in a lot of pebbles. Here in the figurative sense of party's interest in a contract , wasted by lack of consideration by other party.

DEVASTAVIT ORDER

writ issued by a judge, meant for disvesting an assets manager from his title, because the asset has been wasted by it's mismanagement. From latin **DEVASTATUM** = disarranged, upset, ruined. Therefore an asset ruined because the managager mismanagement.

DEVISE BY TESTATOR

testamentary gift regarding a real property granted by a testator. From latin **DIVISI** = i shared , i distinguished. Here used in figurative sense to share own's property for the heirness beneficiaries.

DEVOLUTION

power or authority granted by a public body of higher level to another belonging to a lower level (as example the competence given by a federal authority to a local authority). From latin **DEVOLUTUM** = something that has been rolled towards someone. Here in figurative sense, the devolution is like a soccer game or better a soccer team and the competence about a matter is represented by a ball. The team's captain (the higher authority) rolls the ball towards the other soccer players (the lower authority).

DIGEST

a summary or compendium of law's principles, legal rules or decisions put in order regarding a matter or authors. From latin **DIGESTUM** = put in order , systematic.

DILATORY PLEA

motion delaying a trial or determination , tactically used by a lawyers meant for a putting off of a decision. From latin **DE** = from / **LATUM** = brought. Also from **DELATUS** = brought , reported , referred to. In figurative sense, means something brough from another (and former) time . Other possibility is that the term coming from **DILATUS** = postponed , extended in the time.

DILIGENCE (DUE D.)

standard level of care expected by a reasonable person concerning the specific circumstance of a fact or matter, or even the standard professional care expected about a professional activity. From latin **DILIGENT** = careful, scrupulous. Even in modern italian language the phrase " to have a sense of duty " is translated " essere ligio al dovere" (**DI** = by / **LIGIO** = careful, paid attention).

DILUTION OF COMPANY'S SHARES

in the corporate law, is action moved by a corporation and involving the reduction of unit value of the shares, issuing new shares. In this way the value will be lower than before. From latin **DILUTUM** = washed and dissolved in the water. In figurative sense, a solid thing (the share) becomes a liquid thing (in the sense of a less worth thing) and therefore loses its former worth because there is a presence of a lot of others shares of the same value.

DIMINUTION OF RECORD

record or paperform in which there is an inaccuracy , a lack , a shortage of some necessary elements, or a paperform that is not completed in some parts. From latin **DEMINUTUM** = reduced , limited / **RECORDOR** = i remember. In figurative sense, the record is a document useful to bring in memory of an old fact.

DIRECTORS (BOARD OF D.)

pool of administrators appointed by a company owner with the power to administrate or manage the company's affairs and concerning business. From latin **DIRECTUM** = ruled by, driven by , driven towards . Here in figurative sense, the company is a vehicle driven by the board directors.

DISAFFIRMATION OF A CONTRACT

cancellation of a contract, refusal of a contract , rescinding of a contract or its binding effects. From latin **DIS** = negative preposition / **FIRMATUM** = established, agreed, guaranteed. So is meaning the denial of an agreement formerly established by the parties (in this case the contract).

DISCHARGE FROM AN OBLIGATION OR DUTY

burden relief operated by a performance , to get rid of a debt by payment or service performed . The term is also indicatin a burden relief operated by a good or document release. From latin **DIS** = from / **CARRUS** = old wooden vehicle with four wheeles used in the old roman empire to be loaded with materials. In figurative sense, the material loaded on the vehicle represents the duty or debt to be paid , charged on the person (the vehicle, by means of which to perform a duty). Therefore the discharge is an activity meant for the "unloading " of duty from the debtor liability situation.

DISCIPLINARY MEASURE

order issued by a board or commission meant for to punish a wrongful conduct of the associated members that failed in observance of standard levels of conduct. From latin **DISCIPLINA** = well manner , teaching activity, lesson about way of life.

DISCLAIM

refusal or giving up of a claim, of right or request about own's interest. From latin **DIS** negative preposition / **CLAMARE** = to invoke with loud voice. Therefore a document invoking a denial of own's right . For example, in insurance contracts, often we find the disclaimer clause , just a condition allowed by assured party that discharge the insurance company from liability in particular cases and kinds of maritime casualty.

DISCLOSURE OF PATENT

exposition or reveal about the specifications of invention describing the method to operate and all concerning matter. From latin **DIS** = negative preposition / **CLAUSUM** = closed, under seal . In figurative sense, the methods used for the invention that formerly were closed in the inventor's brain, now are disclosed and therefore known.

DISCONTINUANCE OF A LAW SUIT

voluntary termination of proceeding wanted by one party. From latin **DIS** = negative preposition / **CONTINUATUM** = connected . Here in figurative sense, is meaning that the party is not more connected to

the trial .

DISCRETIONARY POWER

power kept by a judge, jury or public officer and aimed to reach a decision choosing among several options. This power to choose is limited only by the general principles of fairness and reasonability. From latin **DISCRETUM** = chosen , separated . Therefore, a discretionary decision is a measure chosen among the others possible.

DISHONORED CHEQUE

refused cheque, non-accepted cheque. From latin **DIS** = negative preposition, denial / **HONORATUM** = privileged given by someone, respected as duty. Therefore a dishonored cheque is representing a carelessness about a duty performance.

DISMISSAL OF A CLERK

removal of a clerk from an office , from a task , from an employment or appointment. From **DIS** = negative preposition / **MISSUS** = task . Therefore, in figurative sense, meanings the cancellation, the denial of a task formerly appointed.

DISPOSITION

ruling or decision issued by a judge aimed to get an issue resolving. From latin **DISPOSITUM** = established, managed, ordered .

DISPUTE

difference about opinions , about uneven rights or interests (as representing the basis of every litigation) . From latin **DIS** = word meaning something going in different direction / **PUTARE** = to think, to believe. In figurative sense, the source of a dispute are two parts with a different way to think about a matter.

DISSENTING OPINION

different opinion of a judge not according with the majority of the bench. From latin **DIS** = not, negative preposition / **SENTIRE** = to feel / **OPINOR** = i think that, i believe that . Therefore an opinion not accorded with the others.

DISTURBING THE PEACE

crime committed by a person with action meant for creation of confusion or public disorders. From latin **TURBATUM** = shaked , rebel .

DIVESTING ORDER

order issued by a judge or other administrative authority meant for the seizure of property. From latin **DIS** = negative preposition, not / **VESTIS** = dress. In figurative sense , the dress represents the property right vested by owner. Therefore this order representing the negation of right which formerly the subject was vested.

DIVIDEND

share of an asset which is divided and distributed among several joiners of a partnership. From latin **DIVIDERE** = to divide, to separate into pieces.

DOCUMENT

a writing or instrument containing a set of data, informations, records ,verbals , transactions , notary deeds and similar and in spread sense every object or item having physical form useable as evidence. From old greek **DOKEO** = to teach , and from latin **MINUTUS** = concise, short. In fact, usually the document is a paperform containing a short records or verbals.

DOMESTIC JURISDICTION

imaginary boundaries representing the territorial internal limit of a lawcourt's. The term is also indicating the competence to decide a determinate case . From latin **DOMUS** = home / **JURIS** = of the law / **DICTUM** = established. Therefore the domesticjurisdiction is the law established and able to be enforced inside an internal territory (in figurative sense , the home).

DOMICILE

person's legal home, place in which a person usually manages own's duty or business. For example one place is the residence of a lawyer, another place is the domicile (the Chambers, the lawyer's office). From latin **DOMUS** = house / **CILIUM** = edge. This because in the old roman empire, some houses had a room closed the home , called **CILIUM** , used to deal business.

DOMINION OVER A TERRITORY / D. OVER A PROPERTY

legal situation concerning an undisputed ownership about a territory or property . From latin **DOMINUS** = master, owner. For example, Canada was a britannic dominions.

DONATION

gift given for charity or gratitude purposes. From latin **DONO** = gift.

DORMANT CLAIM / DORMANT INHERITANCE

claim , right or inheritance held in abeyance because barred by a statute of limitation or other kind of rights not claimed (because parties inactivity). From latin **DORMIRE** = to sleep.

DRACONIAN LAWS

set of rules issued in old greece by a king named " Dracone ". This rules were infamous for the excessive harshness and severity. In fact, at the time, some writers wrote that the ink used to write these rules was the blood. From latin **DRACUM** = mithological monster , drake.

DUPLICITY IN TESTIMONY

contradictory speech or double-dealing telling about a matter object of testimony. From latin **DUO** = two / **PLICITUM** = envelopped. In figurative sense , is meaning that in a bag (symbolically representing a testimony) , are envelopped two different versions.

DURESS OF GOODS

illegal restraint with a kind of physical violence, forced imprisonment , use of threaten, coercion. From latin **DURUS** = severe, cruel.

DURESS BY NECESSITY / DURESS OF CIRCUMSTANCES

state of urgency involving a violent reaction or a conduct that made in normal circumstances, would be a criminal conduct. From latin **DURUS** = severe, cruel. In fact, a person that in a normal situation does not make a wrong action, can become cruel and make this action as being in particular situation of emergency or danger for himself or others.

EFFORT OF A CRIME

crime attemption , trying to committ a crime without to reach the target of criminal intention. From latin **EXFORTIAERE** = to show the own's capacity to do something. Therefore the conduct is showing the potential guilty's criminal capacity.

EJECTMENT ACTION

action usually used to remove a person from a land because not entitled, or action used for the recovery of a land possession. From latin **EJECTUS** = taken off from a place.

ELECTION

proceeding by which a candidate for an office can be selected among a group of several competitors. From latin **EX** = from / **LECTUS** = choosen . There fore , choosen among a group of people (**CANDIDATE** : from latin **CANDIDATUS** = white dress. In fact, in the old roman empire, the candidates to the senate, were in habit to turn around the Rome's streets, with a white dress, to distinguish themselves among the other common people. The white colour was a symbol of purity and fairy) .

EMANCIPATION

release of a children from the parental authority , discharge of parents from the duty of care and maintenance of own's children. From latin **EX** = from / **MANCIPATUS** = gone away. In figurative sense, a child gone away from his originary family.

EMERGENCY DOCTRINE

principle of the law of torts absolving a person from a liability caused by his action or omission, because this person was acting in reasonable way due to emergency or dangerous situation. From latin **EMERGERE** = to raise up. Here, in figurative sense, the emergency represents an unforeseen and new situation suddenly risen up from the normality.

EMINENT DOMAIN

the government's power to seize the private property with a purposes of public utility (all this upon the payment of just indemnity or compensation to the private person). From latin **EMINENS** = superior / **DOMINIUM** = power. Here , means that the Government, in case of necessity or public utility, can exercise (over a private property) a public power more important than the private owner.

EMISSARY AGENT

a person appointed to perform a diplomatic duty, a political task or mission. From latin **EX** = by / **MISSUS** = sent . Therefore, an agent sent by the Government with a specific purpose.

EMOLUMENT RULE

rule establishing a due money award resulting by a performance of a public utility task or a keeping of public office. From latin **EMOLUMENTUM** = utility , profit, reward. Therefore the emolument is the profit money granted for a performance made.

EMPIRICAL RESEARCH ABOUT PUBLIC ORDER

kind of research about people criminal conduct purely made by the material experience , therefore untied from theory but made only on the reality. As example, a study about gangs joining on the criminal areas, is made examining the policeman's report and testimony. From latin **EM** = here ! there! exactly ! / **PURUS** = clear, clarity , frank. Here , in figurative sense is meaning a clear fact, observed directly by a person. Is even possible that this legal term is coming from the old greek **PUR** = fire. Here in the figurative sense, the fire is representing the experience, a thing possible to be known only by the personal touch or sight.

EMPLOYMENT

action direct to utilize the service of a person (upon payment). The hiring of a person for a work or service performance. From latin **IMPLEO** = i complete, i fulfil, i perform. In figurate sense, is meaning a duty performance, to complete a task , to fulfil the firm's staff, to fulfil a performance (the work or service represents the performance).

ENABLING ACT

set of rules (or legislation) granting a special power (or authority) to private person or public body. This kind of rules are also able to remove a legal disability or to be intervening in an emergency situation (eg : the enabling act granting special power to the national guard in case of public commotion). From latin **IN** = to / **HABILIS** = skills, competences, capacities . Therefore, to give to someone the legal capacity to perform a specific task.

ENDORSEMENT OF A CHEQUE

to write one's name as payee on the back of a cheque. To support a politician during his candidature. From latin **IN** = over / **DORSUM** = back

ENDOWMENT

gift of money or asset for the maintenance or support of a person or institution. Funds collected for the support of public or charity institution. From latin **INDUMENTUM** = dress, covering. Here , in figurative sense, the dress or the covering is representing the gift , the tools given by someone because the association as beginning is "naked" or lacking of tools or funds.

ENDOWMENT POLICY

kind of life insurance policy with proceed payable to the beneficiary at the end of a stipulated term, when the assured is "naked or bare", therefore not covered by insurance. From latin **INDUMENTUM** = dress, covering. Here, in figurative sense, the dress is representing the insurance coverage in favour of assured at the end of insurance period, therefore when he will be "naked or bare " of any coverage

ENTITLEMENT

right or title conferred by public body to a defined class of persons . Therefore , an entitled right is a legal right given by government or the furnishing of the basis of a claim or right. From latin **TITULUS** = title , sign. Here in figurative sense, the sign is representing the distinguish among person that is having or not having a title.

EQUALITY IN FRONT OF THE LAW

constitutional statement asserting the same condition of the all people under a trial. From latin **AEQUARE** = to reach the same level of another person.

EQUITY

law and jurisprudence system having an origin in old english law Court. This system was and even now is inspired to the principle of general fairness and justice , and is in the former centuries was enforcing in the equity courts. From latin **AEQUARE** = to reach the same level of another , therefore means to reach in a equity court , the same outcome reachable in the law court.

EQUIVALENT DOCTRINE

doctrine enforced by the patent law, dealing the relations between two different patented devices, having the same function but different shape. From latin **AEQUUS** = same , equal / **VALENS** = effective.

ERROR IN LAW / ERROR IN FACT

in the litigation law, is a mistake or oversight made by a lower court judge during an evidence admitting or ruling on a motion, that can be raised and objected by lawyer during the trial . From latin **ERRARE** = to go in the wrong way.

ESTABLISHED BY JUDGE

ordered by lawcourt , stated or enforced by lawcourt . From latin **STABILIRE** = to consolidate, to decide.

ESTIMATION

survey, evaluation. From latin **AESTIMATIO** = evaluation

ESTOPPEL

restraint or impediment imposed by a rule or agreement will , clause of prevention from hypothetical and future legal action or claim by a party. From latin **STUPUI** = i halted , i have been prevented from.

ESTOVER RIGHT

right which is vested a land tenant , enabling himself to collect an amount of wood as he is needing , but also the right of divorced wife to receive the alimony by her former husband. From latin **AESTUS** = hot. The hot given by a fired wood, in figurate sense, is representing the source of maintenance against the cold (the lack of own's wage).

ETHICS (LAW SOCIETY E.)

set of rule representing the canon and judicial standard of conduct adopted by several association of lawyers. From latin **ETHICUS** = concerning the moral conduct.

EVICTION

recovery of the property possession by means of legal process. Two possible origins and meanings. First from latin **EX** = by / **VICTUS** = suffering a loss. In figurative sense the illegal occupant of a land is suffering the loss of it's possession. Second, from latin **EVICTUS** = bounded with chains. This terms is referring a practice, in the old roman empire , to arrest the defaulter in payment with the use of chains.

EVIDENCE

anything able to furnish a proof or tending to prove a fact. From latin **EVIDENTIA** clarity, expression. Therefore, means the expression of a matter or fact. Also from latin **EX** = from / **VIDEOR** = to look like. In fact from the examination of an evidence , the proof would be looking like to the fact really happened.

EXCISE TAX

a tax striking some kinds of luxury commodities or products. From latin **EXCESSI** = i went beyond (in this case beyond a determinate consumption level). Also from **EX** = by / **CAESUS** = cut . In figurative sense , the originary amount of money is cut by the taxation.

EXCLUSIONARY RULE

rule regarding the criminal trial, involving the exclusion of an evidence obtained illegally or an evidence as result of an unreasonable seizure (it's also indicating the exclusion of a proof obtained by means of a constitutional law infringement). From latin **EXCLUSUS** = put out of a home . Here in figurative sense, the evidence illegally obtained, is closed out of the home (the home is figuratively representing the Courthouse , the lawcourt). In fact in all the others meanings , the word "exclusive " means a relationship between a thing and a restricted group of people (eg : exclusive university is an institute that is putting out the students that is not allowed to stay inside it).

EXCULPATORY CLAUSE

document's clause involving a relief of a party from the liability (in case of wrongful actions or negligence during a duty performance) . From latin **EXCLUDERE** = to put something out / **CULPA** = guilt , defect . Therefore, the figurative meaning is a “guilt closed out” from the agreement, so not spoiling the settlement.

EXCUSABLE WRONGFUL ACTION

an action that ordinarily would be wrongful, criminal or illegal but, in circumstances involving a necessity or imminent danger, gets right or legal (eg: a person killing made in a self-defence situation). From latin **EXCUSARE** = to justify.

EXECUTIVE AGREEMENT

enforceable treaty like an agreement among two or more nations. From latin **EX** = by / **SECUTUS SUM** = followed . Here in the figurative sense, means that a State has been followed by another State in the signature

of a treaty.

EXECUTOR (TESTAMENTARY E.)

the person appointed by a testator to carry out all the purposes specified in a will , aimed to manage his property in accordance with testamentary instructions. From latin **EX** = by / **SECUTUS SUM** = performed. In figurative sense , means a task performed by a person chosen and appointed by a testator.

EXEMPTION FROM A DUTY

release or immunity from an obligation usually required for the other people belonging to the same group , to free a person from a performance of duty which, usually is compulsory for other person belonging to the same group or same class (e.g. = exemption from military service , exemption for taxation) . From latin **EXEMPTUS** = taken off, removed . In figurative sense, means that a duty has been removed.

EXHAUSTION OF REMEDIES (DOCTRINE OF E.)

doctrine stating that a party, before move an action in the lawcourt , has to proceed through all available administrative (and alternative) remedies. From latin **EXHAUSTUS** = empty . Here, in figurative sense , means that the bottle of administrative remedies is empty, therefore is need to seek the assistance of the lawcourt. In fact the " exhaust pipe " is a tube by means the unloaded gas of car's engine is going out, making empty the engine.

EXIGENT CIRCUMSTANCES OF EVIDENCE RESEARCH

in criminal law, circumstance of necessity justifying an immediate police search or rummaging even in the lack of warranty. From latin **EXIGO** = i demand to, i claim to, it's matter to me. In the figurative sense, means a pressing circumstance.

EXILE

measure providing the expulsion or the banishment of a person from own's Country . From latin **EXILIUM** = ban.

EXONERATION

removal of somebody from an obligation. From latin EX = (abbreviation of **EXEMPTIO** = freedom)/ **ONERATUS** = loaded . Or also **EXONERATUS** = unloaded.

EXPATRIATION

statement wich a person is renouncing to the citizenship of his country of origin and electing the citizenship of another country. From latin **EX** = from / **PATRIA** = country of origin, nativity nation. Therefore, coming from his own country.

EXPECTATION DAMAGES

damages awarded in favour of a party in a law suit for the contract breach. The amount is according to the benefit he would have received if had been the normal contract performance. Two possible coming. First from latin **EX** = from / **PECTORE** = chest. The chest , in figurative sense, represents the soul or the wishes, therefore the expectatives wished by a contract party coming from the soul. Second possible coming is from latin **EXPECTARE** = to wait. Here , in figurative sense , the expectative was the performance, the consideration waited by a contract party.

EXPERT WITNESS

special kind of witness called for assistance to the Court, because having a particular acknowledge of a matter not possessed by the judge (eg: interpreters , doctors , engineer). From latin **EX** = with / **PERTINERE** = concerning a matter. Therefore, a expert witness is a person with skills concerning with the matter under trial. Also is possible to make coming the term from **EXPERTUS** = person with experience in a matter.

EXPRESS CONDITION

stipulation present in a contract or other kind of legal agreement written in clear and simple way, able to not leave space for doubts (this condition is concerning the latin legal maxim **IN CLARIS NON FIT INTERPRETATIO** that is literally translated " in the clear matter, is not existing an interpretation. Therefore where the rule is clear, is not need an intepretation of the rule). From latin **EX** = from / **PRESSUS** = concentrated as short, clear. Therefore an express condition is a clear and short condition coming from the entire contract's ground.

EXPROPRIATION ORDER

order issued for the dispossession or deprivation of property usually because need for public use. From latin **EXEO** = i go away / **PROPRIETAS** = ownership. Therefore ,in figurative sense, is meaning that the owner is going away from own property.

EXPULSION OF (E. OF FOREIGN CITIZEN, E. OF MEMBER)

enforced removal of a citizen from a State or a member from an organization . From latin **EXEO** = i go away from a place / **PULSUS** = pushed out , chased away.

EXPUNGE DATA FROM A CRIMINAL RECORD

erasement of a data from a criminal record (usually after the rehabilitation of a convicted person). From latin **EXPUNGERE** = to erase , to delete.

EXTINGUISHMENT OF A RIGHT / EXTINGUISHMENT OF A DUTY

termination of a right enjoyment , termination of a lien or power , cancellation of a debt or duty performance. From latin **EX** = at the end of / **TINGERE** = to colour. Here, in figurative sense, the colour is representing the right which a person is dressed or vested , and at the end of a determinate period , this colour (the right) is faded e consequentially is not more actionable or claimable (if it is a duty of performance) .

EXTORTION

removal of money or property from a person by means of a former threaten and following violence or misuse of power. From latin **EXTORTUS** = taken off by force.

EXTRADITION

delivery of a prisoner from a State to another State, consequentially changing the venue of jurisdiction and permitting his trial or punishment. From latin **EX** = from / **TRADITIO** = delivery. Here in figurative sense, means delivered from another Country. (Note : the preposition **TRA** , in many latin, italian and also english word is meaning a moving from a place to another place , both in material and figurative sense. Eg: to trade : to move a property of an item from a person to another person ; to betrayal : feeling moving the love for a person, from this person to another person ; traditions : customs coming from a time towards another time.)

EXTRATERRITORIAL JURISDICTION

power allowed to a lawcourt to extend its jurisdiction beyond the limit of the State or Country in which it is placed. From latin **EXTRA** = beyond , out of / **TERRITORIUM** = district.

EXTRINSIC EVIDENCE

evidence not derivating from a document (internal source) but from external sources as, for example , a

content of a testimony . From latin **EXTRINSECUS** = outcoming from . Therefore, outcoming from external source. Other possibility is that the term is coming from **EXTRA** = out / **IN** = inside / **SIC** = in the same way of . Therefore, evidence outcoming, but put inside the process in the same way of a direct evidence.

FACT IN A TRIAL

the principle objective or target in a trial or any legal proceeding . In fact, the judge has the duty to analyze the proofs submitted by both parties with the aim to discovery the reality of the facts . From latin **FACTUS** = done, made.

FALSE ARREST

physical seizure of a person without lawful authority . From latin **FALSUS** = mistake, error / **AD** = according to / **RESTARE** = to stop oneself . Therefore, in figurative sense, means to stop an action made by oneself according the law.

FALSE PRETENSES IN ASPERSION

crime consisting of an untrue representation of a past or present fact (when the offender is well knowing the untrueness of all the matter) . From latin **FALSUS** = mistake, error, untrue / **PRETENSUS** = showed, exhibited. Therefore, in figurative sense, the untrue exhibition of a fact.

FAMILY LAW

law's area dealing with marital relations, marriage, divorce, custody of children, adoption and others matters concerning with the domestic affairs. From latin **FAMILIA** = domestic , intimity.

FEDERAL GOVERNMENT

central government Authority in a territorial division formed by a union of singular States or other kinds of territorial division. From latin **FOEDERATUS** = allied, partecipating to an alliance / **GUBERNARE** = to drive a ship, to lead a ship . The ship , in figurative sense, represents a Country, a nation.

FELONY

an heavy crime (as robbery or rape) involving an heavy kind of punishment or a long period of imprisonment. There are two possible and unascertained origins of this term. First, from latin **FELLEUS** =

full of bitterness. Here in the figurative sense, means the bitterness that this kind of crime left in the people's soul. Second, from latin **FELINUS** = of a wild cat. Here, ever in figurative sense, would be meanings the ferocity used in the crime, as a wild cat behaviour.

FETICIDE

criminal abortion. From latin **FETUS** = pregnant / **ACCIDERE** = to cut down, to weaken.

FIDELITY BOND

indemnity awarded by an insurance company to the insured party in case of dishonesty, breach of trust or negligence of a company's clerk. From latin **FIDELITAS** = reliability , fairness . (Here is regarding to a clerk's fidelity to the company. In fact, even today, in italian modern language, the golden ring dressed by a marriaged couple is called " fede " , meanings the trustfulness).

FIDUCIARY AGREEMENT

settlement operating among two or more persons, meaning a relationship founded on the trust. From latin **FIDUCIA** = certainty, confidence, familiarity.

FILIATION PROCEEDING

judicial proceedings used to establish the paternity or maternity of a child, therefore the natural relationship between children and parents. From latin **FILIA** = daughter / **FILIUS** = son.

FINE TO PAY

sum of money paid as a penalty (usually by the losing party in a civil litigation or person due to road rule infringement. From latin **FINIS** = termination, reached target. Here, in figurative sense, means that at the termination of a trial, a sum of money must to be paid by the losing party.

FISCAL PERIOD

time range pertaining the business taxation, the private or public financing. From latin **FISCUS** = the treasury of the prince. Here, in figurative sense, the prince represents the State's power to impose a taxation, and the money collected, are incoming insinde him treasury. In the Italy of the middle age, the **FISCUS** was a can carried around the kingdom by a king's clerk that, home by home , asked to the people to put a sum of money (the tax) inside this.

FIXTURE OF REAL PROPERTY

anything which is physically attached to a real property and becoming its permanent part (eg : a backyard or a carbox of an house). From latin **AFFIXUM** = stuck , attached.

FLAGRANTE CRIME

offence watched or discovered by the police in the meanwhile of its acting. From latin **FLAGRANTIA** = heat, very hot . Here in figurative sense, meaning that the fact concerning the offence has been discovered just in the same moment in which the crime is perpetrated.

FORCE MAJESTURE

an event or fact to whom is impossible to resist by an human being , usually called " action of god " (eg: earthquakes , floods). From latin **FORTIS** = strong / **MAIOR** = bigger / **GESTUS** = action / **STATIO** = position. Therefore, in figurative sense, the bursting out of force action bigger than a human being force, has brought a person in this position of guilt lackness.

FORECLOSURE

judicial sale order issued by a lawcourt, usually to apply to the cost of the proceeding or to liquidate the mortgage. From latin **FORES** = door / **CLAUSUS** = closed . Therefore, literally would be **FORE CLAUSUS** = closed outdoor. In figurative sense, this term represents an house's owner that, after the auction and the sale of his house, remains out of the door.

FORENSIC MEDICINE

discipline which relates all of medicine to the needs and purposes of the law, as for example the collection of medical data submitted to the lawcourt and examined both in civil and criminal trial. From latin **FORUM** = tribunal / **SIC** = so, in this way. Therefore , a matter put in this way under lawcourt examination.

FORFEITURE

losing a right or privilege in consequences or some action or lack of performance as for example a breach of contract , failure of appearance in lawcourt. In the criminal law , the forfeiture is also meaning the seizure of real assets as punishment due to committal of a crime . From latin **FORIS** = out , removal / **FACERE** = to cause . Here, in figurative sense , involving the removal of a good from the former owner. Also is possibly coming from **FORFEX** = scissors. Here in the figurative sense, the scissors are cutting the relationship

between the real estate and the owner.

FORTUITOUS EVENT

fact happened accidentally , not voluntarily . From latin **FORTUITUS** = casual , accidental (composed term by words **FORTE** = by chance, at random / **TUITIO** = entrusted). In figurative sense , means to rely an event at random.

FORUM SELECTION

stipulation inside a contract involving an agreement between the parties of the contract. This stipulation states the competent jurisdiction in the eventuality of dispute about the contract. From latin **FORUM** = lawcourt, tribunal / **SELECTUS** = chosen .

FOUNDATION

organization established for charitable , educational or social purposes (eg: a lot of museums or schools are supported by foundations). From latin **FUNDARE** = to pay . Also from latin **FUNDUS** = farm, land / **DATIO** = to confer, gift . The reason is because in old roman empire, the rich families having a lot of land, gave them as a gift to support the farmer activity.

FRATERNAL SOCIETY

organization created by small number of members with common purposes or benefit (usually for charitable purposes). From latin **FRATER** = brother. Here, in figurative sense, is meaning the tie and trust among brothers in a family.

FRAUDULENT CONDUCT

a criminal action aimed to deceive or mislead a subject to a false representation of a material fact (usually by means of concealment). From latin **FRAUDARE** to cheat , to decept , to make a tangle / **LENTUS** = lasting , enduring. Therefore, a deceptive conduct enduring a period , a lasting and repeated deceptive conduct.

FRIVOLOUS DOCUMENT

a legal document such an appeal or brief containing a matter , an argument ,a claim or request evidently false or without merit. From latin **FRIVOLOUS** = worthless.

FRUSTRATION OF PURPOSE

condition used in contract law to define a supervening or unforeseeable event which completely defeats the purpose pushing the parts to enter in to the contract. From latin **FRUSTRATIO** = mistakenly . Therefore, the parts involved in a contract, would not be involved if they knew this event, and therefore they were falling in a mistake.

FUGITIVE OFFENDER

a person running away to avoid a trial, an arrest or imprisonment. From latin **FUGITARE** = to avoid.

FUNCTIONARY

public clerk having a public function. From latin **FUNCTIO** = task execution / **ARS** = skill, competence. Therefore a person having a skill to execute a task.

FUND

an amount of money dedicated for a specific purpose (as example a capital investment with the aim to gain the interests). From latin **FUNDUS** = ground , land. Here in the figurative sense, a farmer , before to begin its work, is need a land, because without it, he can not plants any seed.

FUNDAMENTAL RIGHTS

individual rights supported by a constitutional provisions. From latin **FUNDUS** = farm. Here , in figurative sense, the land is the Constitution (so called **LEX LEGUM** = the law of the laws, the law over the other laws, the fundamental law) and the crops are (figuratively) the laws, as secondary sources of right.

FUNGIBLE GOODS

object being of the same quality of another object having the same general nature and not distinguishable from it (eg : a basket of apples). From latin **FUNGI** = to perform, to fulfil / **ABILIS** = to be able to . Therefore, able to fulfil the performance required by a creditor. In fact, as example, if the object of performance is a delivery of a apples basket , whatever will be the apples, if them have been cropped in a farm or other farm , the important is that will be apples. Therefore, a basket filled with apples (any apples) is proper to fulfil the performance .

FUTURES CONTRACT

contract traded on commodities exchange involving a delivery of commodities at one exact future date and fixed price. From latin **FUTURUS** = future thing , something that will be existing.

GENERAL AGENT

clerk authorized by his principal to manage a set of transactions, in the sphere of relations between subordinate and principal. From latin **GENERALIS** = concernig a wide range of matters. Also in modern italian language, when the police stops a suspected person, says " mi dia le sue generalita' " , that is meaning " tell me your general and personal data ". Other example are given by other terms as general assignment, general creditors, general partners.

GENUINE SIGNATURE

authentic or real signature, signature put without adulteration or counterfeiting. From latin **GENUINE** = sincerely , or from **GENUINUS** = natural / **SIGNATURA** = mark , seal . In figurative sense, the genuine signature, is the abstract seal apposed sincerely by a person (as a personal seal).

GIFT CAUSA MORTIS

a gift given by a donor to a person in expectation of own death, waiting an imminent death. From old dutch language **GHIFTE** = dowry, give an endowment / from latin **CAUSA** = because occasion, because cause / **MORTIS** = regarding the death.

GOOD SAMARITAN DOCTRINE

doctrine advocating a rate of protection in favour of a subject who voluntarily helps a people in a dangerous situation. From latin **SAMARITANUS** = a resident of Samaria , a region in the middle east. In the bible, was reported a story of a man resident in this region, that was in habit to help the people in difficulty.

GOVERNMENT

central Authority of an indipendent State having the task to manage , to deal and control common affairs and activities , and generally all matters concerning the public sector. This because it is entitled of the concentration of powers. From latin **GUBERNATOR** = driver of a ship / **MENS** = brain. In the figurative sense, the ship is a State , a Nation , and the driver's brain is leading the ship. The Government is figuratively the brain pool , the group of drivers of this ship (the State) .

GRACE PERIOD

stated period of time during which a responsibility or a duty is suspended without penalty or fine to pay. From latin **GRATIA** = favour, benevolent behaviour.

GRATUITOUS PERFORMANCE

performance or service given freecost. From latin **GRATUITUS** = without expenses

GRAVAMEN

the essential part of a grievance , of a complaint, of an indictment. From latin **GRAVIS** = heavy. Here in figurative sense, a document as for example a complaint, contains a lot of articles, but among these, the gravamen has a superior weight , therefore a superior importance.

GRIEVANCE

complaint about injustice , tort or wrong undergone. From latin **GRAVATUS** = burdened . Here in figurative sense, the opposite part in trial is burdened with a duty to find proper argument for the defence or counterclaim.

HABITABILITY (WARRANT OF H.)

document stating the capacity of a new house unit to be lived by people, involving that the construction of the unit is according to all specific law provisions. From latin **HABITARE** = to dwell / **HABILIS** = to be able to.

HEARING IN CAMERA

type of hearing celebrated in a judge's chamber, not in public Court room, therefore with the public exclusion. From latin **IN** = inside / **CAMERA** = room .

HEIR

subject succeding as owner in the property of a decedent. From latin **HAERES** = heir .

HIERARCHY APPEAL

kind of petition directed to a functionary ranked on higher level than the functionary issuing the measure appealed. From old greek **HIEROS** = sacred, high priest / **ARCHE'** = power. In the old greek nations, the high priest had a superior authority than the others priest.

HOLOGRAPHIC WILL

type of document containing a testamentary provision entirely handwritten by the same testator, therefore by the person creating the document. From old greek **HOLOS** = whole, fully , entirely / **GRAPHEIN** = to write. Therefore a genuine document entirely written by the same testator.

HOMICIDE

criminal killing of human being, made by murder, assassination, manslaughter or as result of a criminal negligence. The term is also used to indicate a non criminal killing as for example a killing in self-defence. From latin **HOMINIS** = of a man / **CAEDERE** = to kill.

HOSTAGE

person seized by another to make sure or enforce compliance with a demand. From latin **HOSTIS** = enemy.

HOSTILE POSSESSION

is possession of real property adverse to all other ranges of interests, also to the owner's title of record. From latin **HOSTILIS** = contrary.

HOSTILE TAKEOVER

usurpation of a corporation or business control in opposition to existing management. From latin **HOSTILIS** = contrary.

HOSTILE WITNESS

during a direct examination, is so called a witness showing a kind of antagonism to the party by whom he has been called . From latin **HOSTILIS** = contrary.

HUMANITARIAN DOCTRINE

doctrine holding that a person having the last possibility to avoid an accident or avoid to provoke an injury to another, has an affirmative burden to do so. From latin **HUMANIS** = relating to human being. Therefore, this doctrine, speaks about a kind of a impulse of consciousness that every human being would have.

HYBRID SECURITY

kind of security combining the elements of a debenture , bond or common stock, being usually a mix of debt and equity. From latin **HYBRIDA** = mixture of races, monster of old greek mitology being a mix of man and beast.

HYBRID DEFENCE

kind of defence of criminal trial which is conducted sharing the activity of defendant by himself and by his attorney. From latin **HYBRIDA** = mixture of races, monster existent in the ancient greek mitology being a mix of man and beast.

HYPOTECH

kind of pledge regarding immovable goods or real estate, aimed to assure the creditor in case of lacking of debtor's performance (eg : a bank grants a loan to a person, but this last have to register an hypothec over his house). From old greek **HYPO** = under / from old greek **THEKE** = cupboard, store. Therefore, in figurative sense, an hypotecated good or estate , is a good given by the debtor and under the custody of creditor that put this good in the store, until the debtor will fulfill own's performance.

ILLEGAL ACTION OR CONDUCT

action not authorized by law, by regulation or rule, therefore an action or behaviour going beyond the law border. From latin **IN** = against / **LEGALIS** = according to law.

ILLICIT CONDUCT

conduct not allowed by law, outlaw conduct. From latin **ILLICITUS** = forbidden (the latin verb **LICERE** means to be permitted , so from this word, is coming the english term " licence " that means permit) / **CUM** = with / **DUCERE** = to lead . Therefore a kind of conduct that is leading a person towards a forbidden purpose.

ILLEGAL TRAFFIC

illegal items dealing or trading , illegal exchange of military or secret informations. From latin **IN** = against / **LEGIS** = law / **TRA** = from a place to another place / **OFFICIUM** = task. Therefore, the unlawful task having the aim to bring an illegal item from a place to another place.

ILLUSORY CONTRACT

legal document containing a language involving an obligation or performance commitment, but actually it doesn't oblige at least one of the party to do any performance. Usually the performance is described in promissory conditions, therefore the promisor can choose to fulfil or not the performance because this last is described in a too vague way or is impossible to do. From latin **ILLUSUS** = mocked.

ILLUSORY TRUST

contractual conditions ostensibly involving an enpower of trustee, but actually inconsistent because the settlor keeps an high control on the property, therefore he is not surrendering any right in favour of the trustee. From latin **ILLUSUS** = mocked.

IMMATERIAL EVIDENCE

evidence or proof lacking of probatory value. From latin **IN** = against, not / **MATERIA** = substance, matter.

IMMUNITY FROM PROSECUTION

special status conferred to a person , putting him subject in the condition of freedom concerning a duty performance or as following the consequences of a committed crime. From latin **IN** = not / **MUNUS** = charge / **PRO** = having a function of / **SECUTUS** = pursued . Therefore, the figurative meaning is the not-chargeability of a person, even if pursued because committed a crime.

IMPAIRED CAPITAL

company capital having a net value smaller than the capital originally invested. From latin **IMPAR** = uneven, not equal.

IMPARTIAL JURY

jury acting without preference or bias towards all parties in a dispute or lawsuit. From latin **IN** = inside / **PARTITE** = not individually. Therefore, inside the jury that doesn't make individual preference among the parties.

IMPEACHMENT

accusation brought against a public officer, provided for a possible removal from a kept office. From latin **IN** = towards to / **PECCARE** = to make a mistake, to be wrong. Therefore, in figurative sense, is meaning a conduct made towards a mistake, or in a wrong manner. In fact, is possible even to impeach a witness or a verdict if , during the differents steps of a process there was some irregularity.

IMPEDIMENT BY LAW

kind of figurative obstacle provided by law , involving a disqualification to assert one's right or to entry in legal relationship with someone or something. More possible origins. First from latin **IN** = inside / **PEDICA** = noose , snare. In figurative sense, the aim of an obstacle is to stop the "legal walking" of the claimant's right. Also, the term is coming from latin **IMPEDIMENTUM** = load , luggage used by the army in the old roman empire consisting in a vehicle full of heavy weapons and for this reason slowing down the march of the soldiers. In figurative sense, the march is the “walking” of the claimant toward own's award : his claimed right.

IMPERFECT RIGHT / I. OBLIGATION / I. TITLE

legal deed defective in some element required by the law. The right derivating by this deed, is unforceable because lacking in some essential part. From latin **IN** = not / **PERFECTUS** = lack of fault.

IMPERSONATION

false representation of oneself as keeper of a public office , licence required , lien , skill. From latin **IN** = inside / **PERSONA** = human being, person. Therefore, figuratively , to go inside the personality of another, inside his uniform or title.

IMPLIED CONSENT

implicit consent inside a contract (examining the circumstances that are surrounding the agreement) or before to begin an activity (as a sexual intercourse). The consent is deducted from different circumstances. From latin **IN** = inside / **PLICATUS** = wrapped up. So the consent is deducted from the circumstance and for this reason is wrapped up inside a contract content or inside an activity.

IMPLIED THROUGH DEED

kind of deed having a set of not-explicit terms or condition but these last are implicit in the contract matter and contractors mind. (as example = implied deed, implied agency, implied contract, implied consent). From latin **IN** = inside / **PLICARE** = wrapped up (figuratively, the not explicit condition , is wrapped up in the contract).

IMPOSSIBILITY (SUPERVENING I. OF A PERFORMANCE)

supervening not capability of performance due to natural occurrence or event, not depending from the human will (therefore an unexpected occurrence or event). From latin **IN** = not / **POSSUM** = to can / **SUPRA** = after / **VENIRE** = to arrive. Therefore, is meaning that after the arrive of this new and unexpected event, the part can not do the fulfilment of the performance.

IMPOSTER

person declaring to be another, usually with the intention to get a defrauding purpose or a deceiving aim. From latin **IN** = inside / **POSITURA** = situation , condition. Therefore, figuratively , the imposter is a person that declares to be inside a situation, a status (or a condition) of another person.

IMPUNITY

exemption from a punishment , not liability for a criminal conduct. From latin **IN** = not / **POENA** = punishment.

IMPUTE (TO)

to charge a person with responsibility or liability for a criminal conduct made by another. From latin **IN** = inside / **PUTARE** = to deem. In figurative sense, to deem a person, not perpetrating the crime, involved inside the criminal conduct.

IMPUTED NEGLIGENCE

charging of a person with the negligence or the careless of another person (as example : the negligence of an employee is imputed to his employer, his job giver). From latin **IN** = inside / **PUTARE** = to deem . In figurative sense, to deem a person, without personal fault, involved not directly inside a careless or negligent conduct.

INALIENABLE RIGHTS

rights incapable to be sold or transferred from one subject of right to another subject of right (eg : State's property right upon a public bridge, or fundamental right granted by the Constitution). From latin **IN** = not / **ALIENUS** = out, foreigner, far from a center / **HABILIS** = to be able to.

INCAPACITY (LEGAL I.)

inhability to exercise a right available to others subject because of any impediment or condition due to lack of maturity or lack of a legal title (eg : underaged children or mentally insane people) . From latin **IN** = not / **CAPACITAS** = skill.

INCARCERATION ORDER

imprisonment or confinement order issued over a person. From latin **IN** = inside / **CARCER** = prison.

INCEST

sexual illegal relationship or intercourse between two members of a family. From latin **IN** not / **CASTUS** = morally pure.

INCHOATED OFFENCE

criminal action only partially executed . Therefore has been become the first step of illegal conduct that is putting the basis to committ another crime (eg: conspiracy offence). From latin **INCHOATUM** = begun.

INCIDENTAL ASSUMPTION OF EVIDENCE

evidence assumed before the trial beginning, because the assumption in the future, can be impossible or very difficult. Eg : a witness suffering of an heavy illness that, in the near future , possibly will be dead. From latin **INCIDERE** = to happen / **ASSUMERE** = to take .

INCIDENTAL BENEFICIARY OF THE CONTRACT

third party , external to the contract stipulated between two other parties who enjoy an unintended benefit from the contract. Therefore, the settlement has an further effect attached to the main effect. From latin **INCIDERE** = to happen / **BENE** = well, good / **FACERE** = to do.

INCIDENTAL DAMAGES

compensation provided by uniform commercial code to cover the cost met by a contract party who has been damaged by the other party for a contract breach (eg: cost met for the transportation of the goods). From latin **INCIDERE** = to happen, to make a sign

INCITE TO RIOT

instigation , fomentation, solicitation to commit a riot . From latin **CITATUS** = excited .

INCOMPETENT EVIDENCE

evidence not according to the rule of evidence, therefore not admissible. From latin **IN** = not / **COMPETITUM** = applied to. Therefore is an evidence that is not possible to be applied in a trial .

INCONVENIENT FORUM

inappropriate lawcourt formally competent for a trial or proceeding but usually not suggestable because having a venue too far from the parties residence. From latin **IN** = not / **CUM** = together / **VENIRE** = to come. Therefore a trial venue not suitable for the parties that , in figurative sense, have to coming together in a lawcourt.

INCORPORATION

formation of legal entity recognized by the State and having a limited investors liability. From latin **IN** = got / **CORPUS** = substance.

INCORPOREAL ASSET

goods having a pecuniary worth but not a physical form (eg: a patent right). From latin **IN** = not / **CORPUS** = material substance.

INCORPOREAL HEREDITAMENT

anything inheritable which has not tangible form (eg: the income owing from exploitation of patent right) . From latin **IN** = not / **CORPUS** = material substance.

INCORRIGIBLE DELINQUENT

uncorrectable or not reformable offender. From latin **IN** = not / **CORRIGERE** = to get better. Also from **IN** = not / **RIGARE** = to channel. Therefore, to channel or converge the offender in the right way.

INCRIMINATION

accusation of a crime after the acknowledgement that a crime has been committed. From latin **IN** = inside / **CRIMINATIO** = accusation.

INCULPATORY EVIDENCE

in the criminal law, is the evidence able to demonstrate that the defendant is guilty. From latin **CULPATIO** = reproach . Or also from **CULPA** = fault.

INCUMBENT HOLDER (I. H. OF AN OFFICE OR TITLE)

present office holder legally appointed to perform the duties concerning his office or title. From latin **INCUMBERE** = to apply oneself. In figurative sense, is office holder self applied to a task.

INCURRING LIABILITIES

becoming subject to liability, becoming liable . From latin **INCURRERE** = to run towards, to run into.

IN CUSTODY (PERSON IN C.)

person suspected and accused of crime or eventually charged with a crime , under the police restraint order, breaching is freedom. In U.S.A is claimable as law article named "miranda rule ". From latin **CUSTODIA** = surveillance.

INDEFEASIBLE RIGHT

right or lien not capable to being nullified or voided . Eg: irrevocable interest in property right. From latin **INDEFESSUS** = never tired. Here, in figurate sense, is meaning a right having a particular resistance to any legal hindrance (eg: right not subject to prescription).

INDEMNIFY (TO I.)

to give a reimbursement to compensate losses or damages due to harmful conduct or accident . From latin **INDEMNIS** = unhurt.

INDENTURE DOCUMENT

official document executed in two or more copies. From latin **DENTIS** = teeth. In fact the teeth are two or more and even are more and less similar. Also, from latin **IDENTIDEM** = repeatedly (therefore a copy made several times).

INDENTURE TRUSTEE

person appointed by trustship giver having the duty to defend , in any occasion, the interest of the debenture holders. From latin **DENTIS** = teeth. In fact the teeth are two or more and even are more and less similar. From latin **IDENTIDEM** = repeatedly (therefore, if necessary, a defence concernig a range of repeated situation).

INDEX

part of book summarizing and referring the contents of the book by categories that has been alphabetically settled. From latin **INDEX** = signal.

INDICIA (CIRCUMSTANCIAL EVIDENCE)

evidence tending to suggest the reliability of a fact or relationship , but not having a sufficient probatory strenght as evidence . From latin **INDICIUM** = signal / **CIRCUM** = around / **STARE** = to stay. Therefore, a fact or situation that was standing around and near the fact under trial.

INDICIA OF TITLE

document suggesting the possible existence of the ownership of good or estate but not confirming it. From latin **INDICIUM** = signal . Called also **FUMUS BONIS IURIS** (literally "smoke of good right " . In figurative sense, the smoke is representing the existence of a right actionated).

INDICTMENT (BILL OF I.)

formal document containing an accusation of a crime , therefore articles charging somebody with a crime. From latin **INDICTUM** = convened. In figurative sense, convened by the judge.

INDIGENT DEFENDANT

defendant stated as unable to pay the legal service performed by a lawyers, therefore, under application, the lawcourt will appoint a lawyer free of cost. From latin **INDIGERE** = to need , to be lacking of.

INDISPENSABLE PARTY

party of a trial whose interests is essential to get a whole and complete determination of all claims arising in any litigation or proceeding. From latin **IN** = not able to / **DISPENDIUM** = loss, damage . Therefore , in figurative meaning, the presence of this party in not able to be lost.

INDUCEMENT TO INFRINGEMENT

conduct made by a person who is motivating somebody to commit a crime. From latin **IN** = towards / **DUCERE** = to lead.

INEVITABLE ACCIDENT

fact not avoidable by any human being, event not avoidable neither with the maximum rate of diligence, because external circumstances is going beyond the avoidability. From latin **IN** = not able to be / **EVITARE** = to avoid.

INEVITABLE DISCOVERY

in the criminal law, is the discovery of an unforeseen evidence, during a unlawful rummaging (eg: unauthorized or unwarranted search permit). The evidence found in this way is able to be admitted. From latin **IN** = not able to be / **EVITARE** = to avoid / **DISCO** = i learn, i know .

INFAMOUS CRIME

kind of criminal conduct that is involving a shameful reputation for the offender (eg : crime of sexual harrassment). From latin **INFAMIA** = shame, bad public opinion.

INFANTICIDE

killing of a child after his birth. From latin **INFANTIS** = of a child / **CAEDERE** = to kill (killing of a child) .

INFERENCE

deduction or finding of a fact or conclusion from a set of other facts presented as evidence, therefore facts known or proven. From latin **IN** = inside / **FERRE** = to bring. Therefore a fact brought inside the trial.

INFLAMMATORY CONDUCT

criminal conduct aimed to induce violence or public riots. From latin **FLAMMA** = enthusiasm.

INFORMANT (INFORMER)

person informing the police , as confidential source of news, of the misconduct or wrong behaviour or intention of another person. From latin **INFORMATIO** = explanation . In italian modern legal language is called " delazione confidenziale " . From latin **DELATOR** = spy.

INFORMATION

accusation of the commission of crime issued against a person, by competent public officer appointed by law to this duty (usually the prosecutor). From latin **INFORMATIO** = explanation. Therefore, means that the crime has been explaned by the police to the prosecutor.

INFORMATIONAL PICKETING

form of particular activity made by trade union association aimed to make known the activity of an employer directed against a category of labourers. From latin **INFORMATIO** = explanation , and from old french **PIQUET** = pointed stake, pierced. In the middle age therewas a tactical military defence of a land against the enemy cavalry. This defence , involved the pierced of the land by means of sharped sticks, to break the running of the cavalry . Now , in figurative sense, the sticks represents the striking labourers put together and the land is representing the factory. Therefore, the labourers, lined together at the gate of a factory with the aim to impede the entrance to the others.

INFORMATION AND BELIEF

legal term indicating that the person sponsoring a pleading or an affidavit has not a personal acknowledgement of the statement made, but even if there is this situation, he believe , trusting in good faith, that the facts stated are true. From latin **INFORMATIO** = explanation .

INFRACTION

violation or breach of a contract , of a law, of a duty, of a regulation, statute. The infraction is punishable only with a imposed fine to pay. From latin **INFRACTUM** = broken . In figurative sense, the ban imposed by law has been broken.

INFRINGEMENT

unauthorized usurpation , violation or trespassing of property right (even the rights of another, as the intellectual property). From latin **FRANGERE** = to violate.

INHERITANCE

acquisition of title representing the ownership of real or personal property, due to the declarations in a will or the dispositions issude by the law of intestacy. From latin **IN** = with, inside / **HERERE** = to unite, to join. Here , in figurative sense, means that the estate of the heir is united to the estate of the testator. From this root , is coming the latin term **HAEREDITAS** = inheritance.

INITIATIVE RIGHT

right granted by some Constitution about a political process involving the general electorate (by a signatures collection) to propose a new set of rules , a new legislation or constitutional changes or rewiew. From latin **INITIARE** = to begin. Therefore, law proposed firstly by the general electorate.

INJUNCTION

a remedy allowed by the Courts of equity with the aim to protect a plaintiff from an imminent and irreparable injury to his property or rights (in case of treathen by acts or impending acts of the defendant). With the injunction, the Court orders to the defendant to refrain or desist from committing or continuing the complained action . Some time the Court orders to repair the effects and causes of a wrong action (already committed) . From latin **INIUNCTUM** = imposed.

INJUNCTION PENDENTE LITE

temporary remedy afforded and issued by the judge (upon plaintiff application and intercurring a law suit) restraining the defendant frome some complained action (even if it's not a final disposition). From latin **INIUNCTUM** = imposed / **PENDEO** = i am undecided. In fact this form of injunction, is a temporary but not a final decision issued by a judge.

INJURY , INJURIOUS ACTION

any action causing harm or loss to another, invasion of interest or right belonging to another. From latin **IN** = not / **IURE** = fairly, rightly.

IN LIMINE (IN L. MOTION)

motion started in a pre-trial phase of legal action, aimed to prevent an opposing demurrer concerning an evidence that may be irrelevant or prejudicing because possibly can brings a trial slowness. From latin **LIMEN** = entrance of an home, threshold. Here in figurative sense, the home is representing the lawcourt, and the entrance would be the trial beginning.

INNOCENCE

absence of guilty , determined by a judge or jury about the crime commission. From latin **IN** = not " / **NOCENS** = harmful.

INNUENDO

in the action for slander or libel , is the part of the complaint which uses words having defamatory meanings (or insinuations). From latin **INNUERE** = to make a sign , to give a signal.

INOPERATIVE RULE

ineffective law , rule without legal consequences, rule not effectively enforced. From latin **OPERARI** = to work.

IN PERSONAM (PLEADING IN PERSONAM, ACTION IN PERSONAM)

type of pleading or action requiring jurisdiction over the defendant (the involved person). In fact the Court usually orders directly to the defendant (by means of injunction) to do or not to do , and sometime to refrain from doing some illegal conduct. From latin **PERSONA** = physical person.

INQUEST

official investigation executed by a public body appointed by the Court with the aim to get a determination of the facts or circumstances surrounding a criminal event. From latin **IN** = inside / **QUAESTIO** = to ask . Therefore, to ask around about information that can be inside a fact (regarding a fact) .

INQUIRY

formal investigation made by a prosecutorial committee (prosecutorial pool) on a matter of public interest. This activity is aimed to search for facts, informations, evidences. From latin **INQUIRERE** = to seek, to search.

INQUISITION

old fashioned term indicating the activity of the catholic church tribunals direct to the elimination of heresy and his followers. In italian modern language, **INQUISIRE** is meaning to process a subject without affordance of fundamental rights of the defence. In fact, at the epoch, the function of the judge and prosecutor was concentrated in one only subject. From latin **SANTA INQUISITIONE** = holy catholic tribunal operating in Europe in the fifteenth century.

IN REM JURISDICTION

rule giving to a lawcourt the controlling or restraining power over an item or property, because more parties are claiming the ownership of the same item or property. So the determination of this ownership is yet pending. From latin **REM** = thing, item / **JURIS** = right, law / **DICERE** = to pronounce. Therefore the law pronouncement over a item.

INSECURITY CLAUSE

clause or condition in a contract or other kind of legal document , permitting to a party to claim to the opposite the immediate payment, because in the future there is a possibility to be damaged by the counterpart unfulfilment. From latin **IN** = not / **SECURITAS** = tranquillity, safety.

INSOLVENCY

position in which is involved a debtor that is unable to pay own's debts, or the position in which is an enterpreuner incapable to meet the financial obligation of own's firm. From latin **IN** = not / **SOLVERE** = to untie. Therefore , in figurative meaning, the relationship between creditor and debtor is not yet untied, is yet bound because the consideration has been not satisfied.

INSPECTION

examination of goods , documents or property made by a public body representant , legally appointed and authorized. From latin **IN** = inside / **SPECTARE** = to look . Therefore, the inspector is a person that is

looking a thing, and at the end, he has a duty to compile a report.

INSTANTER PLEADING

pleading ordered by judge , authorizating a lawyer to file suddenly the concerning documents. From latin **INSTANTIA** = imminence.

INSTITUTE

collection of laws, set of rules or principles. From latin **INSTITUTUM** = organization, establishment.

INSTRUCTIONS OF THE JUDGE

advice issued by judge , direct to the jury, concerning clarification about the rule of law controlling the future examined evidence. From latin **INSTRUERE** = to teach. Here , in figurative sense, the judge teachs to the jury member (not having technical skills about the law) how to value the evidence. (In fact, in italian modern language, the italian educational department is called **MINISTERO DELLA PUBBLICA ISTRUZIONE**).

INSTRUMENT (LEGAL I.)

legal document fixing rights, duty or obligations (eg: deeds, mortgages) . From latin **IN** directed to / **STRUMENTUM** = tool. Therefore, a tool used to set up a legal relationship between two or more parties.

INSTRUMENT (NEGOTIABLE I.)

note, cheque or draft containing an unconditional promise to pay (at a fixed time) an agreed amount of money to the holder of the instrument. From latin **IN** directed to / **STRUMENTUM** = tool. Therefore, a tool used to set up a legal relationship between two or more parties.

INSULAR COURTS

federal courts having a jurisdictional competence in the insular possession of the United States. From latin **INSULA** = island.

INSURRECTION

locally placed riot or rising up against any public authority. From latin **IN** = against / **SURRECTUM** =

risen. In figurate sense, a demonstration made by a group of people rising own's rights with the aim to show them to the public power.

INTANGIBLE ASSETS / I. RIGHTS

type of assets, worth or right physically not touchable , not existent, but evidenced by receipt or document containing informations about it. Eg: patent right. From latin **IN** = not / **TANGERE**= to touch.

INTEGRATED CONTRACT

type of document used by the parties involved in a former contract , with the aim to give ulterior informations about the contract terms or conditions (eg: a contract containing instructions about the practical performance execution). From latin **INTEGRATUM** = taken again. In figurative sense, the parties are taking again the examination of theirs settlement.

INTENT

term used both in the law of tort and criminal law. In the first case, is the conscious decision to have a conduct that will injure another person. In the second case, is a necessary element of any not culpable offence, that has to be proved by prosecutor, to get the declaration of guilt. From latin **IN** = towards / **TENTUM** = aimed. Therefore, a conduct aimed towards a result.

INTERCEPTION OF COMMUNICATION

conduct aimed to hear the conversation between two person over any kind of communication (eg : phone, web chat). From latin **INTER** = between / **CAPTUM** = got , understood (in the figurative sense ,the communication content is understood by the interceptor).

INTERDICTION

ban or prohibition order issued by a Public Authority. Eg : interdiction from holding a public office. From latin **INTER** = among / **DICTUM** = established. Here, in figurative sense, is established (by a Court) the ban of a person among the possible public office holders.

INTERFERENCE

in the patents law an interference is a proceeding conduct by the appeals Board of patents aimed to determine conflicting claims among competing applicants. In the law of torts , when a party intentionally

interferes in the right of another party, causing a financial loss, there is a so called interference with contractual relationship. From latin **INTRA** = between / **FERRE** = to bring. In figurative sense , to bring an hindrance (the claim) between two differents competing applicants.

INTERIM ORDER

order issued by public body having temporary effect , momentaneous validity. From latin **INTERIM** = for the moment.

INTERLOCUTORY DECISION

decision or decree occuring during the course of litigation , necessary for the resolution of an intervening issue . This decision is purely temporary, in fact is not the conclusive determination of the rights of the parties. From latin **INTER** = between / **LOCUTUS** = spoken. In figurate sense, a matter which the judge speak between the beginning and the end of the trial.

INTERMEDIARY

person acting with the aim to resolve a dispute between two opposite parties (eg : member of conciliation board). From latin **INTER** = between / **MEDIUM** = middle. Therefore, a third party between two litigants.

INTERMEDIATE SCRUTINY

judicial scrutiny of a statute put between the basis scrutiny and advanced scrutiny. This scrutiny is concerning a statute under the equal protection clause provided by constitution. From latin **INTER** = between / **MEDIUM** = middle / **SCRUTATIO** = examination.

INTERMEDIATE COURT

name given to the appeal court because its position is between lowcourt and highest court. From latin **INTER** = between / **MEDIUM** = middle.

INTERNAL AUDIT

examination about financial affairs and record of a company , performed by its own staff (without intervention of external auditors). From latin **INTERNUM** = inward , indoor.

INTERPRETATIVE RULE

law issued with the aim to give an uniform interpretation to the meaning of another law formerly issued. From latin **INTERPRETARE** = to translate, to explane (in figurative sense, to translate from the language used by the draftsman of the law to the language used by the people). Also , from latin **INTER** = among / **PRETIUM** = worth . In figurative sense : to give a worth on a specific meaning among a lot of different possible meanings of a law text.

INTERROGATE

questioning of a person suspected to be maker of a crime , made by police. From latin **INTERROGATUM** = accused, but also from latin **INTER** = among / **ROGATIO** = question, asking. Therefore, to ask to the person a lot of questions among the facts concerning the crime.

INTERROGATORIES

legal instrument used in the pretrial phase by lawyer of a party, consisting in a set of question directed to the party or his witness. From latin **INTERROGATUM** = accused.

INTER SE LIABILITY

kind of liability involving two or more parties each other , that are tied in a legal relationship concerning only them. Eg : liability inside a partnership legal relations between two partners. From latin **INTER** = between / **SE** = themselves.

INTERVENTION

enter of a third party (not originally involved) in a law suit with the aim to support or corroborate the claims of one former existing party. From latin **INTER** = between / **VENUTUM** = came from. In figurative sense, an intervention came from outward , between the original litigants.

INTERVENING CAUSE

event following an illegal conduct . Fact following the wrong action, intervened in a second moment and contributing to increase the loss entity or aggravating the injury. Eg: a man bashes another in the middle of a road , leaves him there,and in the second moment a car runs over him. From latin **INTER** = between / **VENUTUM** = came from. In figurative sense, an intervention of second subject in a wrong action , between the beginning of conduct and its end.

INTESTABLE

subject not able to be a witness or not able or competent to make a will (therefore subject not able to do a testimony or to do a testamentary document. Therefore, a intestable subject is not able to make a will and choose a person , a " head " . From latin **IN** = not / **TESTARI** = to make a will .

INTESTACY

act of dying without a will or with an invalid will . The subject taking the property of estate involved in the will, are determined by the state law . From latin **IN** = not / **TESTATUS** = object of a will / **AGESSI** = i added (latin verb **AGGERERE** = to add). Therefore, in figurative sense, the State added the name of heir because lacking in the testamentary document.

INTIMIDATION

criminal conduct directed to obtain by another person something by means of threaten or violence. From latin **IN** = in direction of / **TIMIDUS** = someone that is afraid of something . Therefore the intimidation is a conduct similar to a threaten aimed to frighten someone.

INTRINSIC EVIDENCE

proof contained entirely within a writing or document but not externally used (eg : the information contained in a document regarding a selling / buying of an home, is a proof of a civil status of a person). From latin **INTRA** = inside / **NON** = not / **SECUS** = differently. Therefore literally " inside is not different ". In figurative sense is meaning that inside the document there is another matter not different from the documental evidence.

INTRINSIC FRAUD

activity made by a party with deceiving intent against the other parties. Eg: the introduction of false documents in the trial. From latin **INTRA** = inside / **IN** = not / **SECUS** = differently / **FRAUDIS** = of a trick, of a muddle. Therefore literally " inside is not different ". In figurative sense , inside the activity there is an intent not different of a trick , of a fraudulent intent.

INTRUSION

wrongful action consisting in an unauthorized entry in a property or land of another. From latin **IN** = inside / **TRUSUM** = pushed.

INTRUSIVE ACTION

wrongful action committed by a person without consent or permission of those affected. From latin **IN** = inside / **TRUSUM** = pushed.

INVADENT SPENDING

unauthorized spending of a fund of money for a purpose not formerly intended. From latin **IN** = in another place, beyond the border / **VADO** = to pass through , to go beyond. Therefore a money spending going beyond the purpose initially agreed.

(TO) INVALIDATE A DOCUMENT

to nullify a document, to make illegal, to state a document not enforceable. From latin **IN** = not / **VALIDUS** = effective .

INVASION OF PRIVACY

term used in the law of tort, indicating several kinds of illegal conducts involving an intrusion upon a person's right to privacy (eg : wiretapping to record a conversation, publication of details of private life when are not need, usurpation of a person's identity). From latin From latin **IN** = inside / **VADO** = to pass through. Therefore, to go across the private life of another.

INVENTORY

kind of schedule showing all the assets or property of an identified entity or person, with valuation made at stated cost or at market cost. From latin **INVENTUS** = discovery . Therefore this kind of document is discovery totally the acknowledge of the real estate belonging to a person.

INVENTORY SEARCH

kind of rummaging conduct by police , lacking a warrant, following the seizure of an item (eg: a rummaging over a motorvehicle aimed to find something of illegal among all list of a motorvehicle's components). From latin **INVENTUS** = discovery . Therefore an activity aimed to discovery something of illegal.

INVESTIGATION

examination and surveying of all fact and circumstances surrounding a crime aimed to the identification of the guilty and the establishment of the probable causes. From latin **VESTIGARE** = to follow the feet's print ,

to follow the track left by someone. Also from latin **IN** = inside / **VESTITUS** = dress. In figurative sense, the dress is the matter , the case, and the investigator has the task to watch inside this dress.

INVESTITURE

act of conferring to a person the symbol of the office to be kept. Eg : to appoint someone as army captain and the consequential delivery of the uniform. From latin **IN** = inside / **VESTITUS** = covered , dressed.

INVITEE (BUSINESS I.)

invite made by the owner of a land to a farmer, aimed to do business concerning the joined cropping of the land. From latin **INVITARE** = to give an accomodation.

INVOCATION

action enforcing or corroborating a legal claim or right (eg : the invocation of a specified article of a law or a constitutional provision). From latin **IN** = inside / **VOCATUS** = called . Therefore , in a figurative sense, is an article of law called to go inside the trial.

INVOLUNTARY CONFESSION

confession that has been extorted or induced through fraud, deceive or threat. From latin **IN** = without / **VOLUNTARIS** = will .

INVOLUNTARY MANSLAUGHTER

unintended killing due purely to reckless or careless conduct by the defendant or other kind of his negligence. From latin **IN** = without / **VOLUNTARIS** = will .

INVOLUNTARY BANKRUPTICY

type of proceeding in the bankrupticy court initiated with a petition claimed by creditors (unwillingly by the debtor). From latin **IN** = without / **VOLUNTARIS** = will .

IRRATIONAL SIGNATURE

signature put by a subject in a status of mental disorder , without faculty to reason or understanding the

effects of his action. From latin **IN** = not / **RATIONALIS** = reasonable, justifiable. Also from latin **ERRATUS** = mistake / **RATIONALIS** reasonable. Therefore, something wrong for a reasonable think.

IRRATIONAL SEARCHING OR RUMMAGING

unlawful searching or rummagin upon a person or item because abusive or lacking the authorization or warranty. From latin **IN** = not / **RATIONALIS** = reasonable, justifiable.

IRREPARABLE INJURY

any type of harm incapable or very difficult to be compensated in money. From latin **IN** = not / **RE** = again / **PARATUS** = equipped. Therefore a property's worth , a mental or physical worth not able to be repaired , to be equipped again in the originary situation.

IRRESISTIBLE FORCE

unforeseeable event which can not be avoided . Eg: a agreement involving a supply of foodstuffs, has been breach by a flood that destroyed the store in which the foodstuffs were stored. From latin **IN** = not / **RESISTERE** = to oppose.

IRRESISTIBLE IMPULSE

temporary and sudden mental status that is producing a mental disorder and involves an not uncontrollable aggressivity outcoming in a criminal conduct. From latin **IN** = not / **RESISTERE** = to oppose.

IRREVERSIBLE DECISION

conclusive statement or sentence not afforded to be changed, not allowed to be revoked. From latin **IN** = not / **RE** = again / **VERSUM** = changed, transformed.

IRREVOCABLE OFFER

offer not be able to be revoked or pulled back by a party in a contract proposal. From latin **IN** = not / **RETRO** = back , again / **VOCARE** = to call, to renew.

IRREVOCABLE LETTER OF CREDIT

commitment to pay which remains outstanding until it is utilized by payee or beneficiary. From latin **IN** = not / **RETRO** = again , back / **VOCARE** = to call , to renew.

ISSUE

term having several meanings : distribution of statement or document, official proclamation of a law , put in circulation of a currency, delivering of a pleading to the party named, point of fact or law advanced by one party and disputed by other party (eg: issued of fact is decided by the jury, issue of law is decided by judge because having the technical skills) . The ethimology is various. First of all, from latin **EMISSUS** = gone out, sent out, emitted. Second possibility, from latin **ISSUS** = ordered by . In fact for example, a legal measure is issued by judge, the put in circulation of currency is issued by a government or central bank. Also from italian **ISSARE** = to lift, to rise up. Here in figurative sense an issue of law is the matter risen during the law intent examination.

JACTITATION

false public statement aimed to show a juridical situation or legal title not effectively existent. From latin **IACTATIO** = ostentation , showing off , exihibitionism.

JOINT TENANCY

title involving two or more parties that are holding individual but equal and indivisible title of property. From latin **IUNCTUM** = joined / **TENERE** = to occupy.

JUDGE

public officer appointed with the aim to hear the disputes and issue a decision, person presiding over a Court, leading the running of the trial as indipendent from the parties, interpreting the law and rendering the final decision. From latin **IUS** = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the latin verb **JUDICARE** = to judge.

JUDGEMENT

final decision, decree or sentence issued by a lawcourt after a celebrated trial. From latin **IUS** = right , law / **DICERE** = to say , to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the latin verb **JUDICARE** = to judge.

JUDGEMENT BY COGNOVIT ACTIONEM

decision rendered against a defendant who acknowledges his liability after he was serving with trial. From latin **IUS** = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of these two terms is born the latin verb **JUDICARE** = to judge . From latin **COGNOSCERE** = to know / **ACTIO** = conduct . Therefore in this case, the defendant is admitting or acknowledging own's conduct.

JUDGEMENT BY CONFESSION

judgement rendered against a defendant that, before the beginning of a trial and after a withdrawal of all his defences, is confessing own's liability. From latin **IUS** = right / **DICERE** = to say / **CONFESSIO** = acknowledgement (to recognize own's wrong conduct). Therefore the right thing said not by judge but by defendant (acknowledged by himself).

JUDGEMENT IN RETRAXIT

voluntary renounciation of his action by the plaintiff , with a consequential dismissal of the action by the lawcourt and the case removal from court calendar. From latin IUS = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the latin verb **JUDICARE** = to judge . (From latin **RETRAXIT** , composed by **RETRO** = back / **TRAHERE** = to pull) . In figurative sense bring the action before the court and after pull back the action.

JUDGEMENT NIHIL DIXIT

judgement by default because is present a defendant failure of answers to the complaint . From latin **IUS** = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the verb **JUDICARE** = to judge / **NIHIL** = nothing / **DIXIT** = said.

JUDICATURE

system used to manage the justice involving its all aspects (eg : the system of judges appointment) . From latin **IUS** = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the verb **JUDICARE** = to judge.

JUDICIAL

anything concerning the judging process , the enforcement of judgements and generally the lawcourts administration. From latin **IUS** = right, law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the verb **JUDICARE** = to judge.

JUDICIAL NOTICE

acceptance and recognition by a Court of a fact whis is clearly and spreadly known, therefore not requiring an evidentiary proof of his existence. From latin **IUS** = right , law / **DICERE** = to say, to tell. Therefore the judge is telling what is the intent of the law. By the merger of this two terms is born the verb **JUDICARE** = to judge.

JUDICIARY

government brench empowered to administer the Courts and to interprete and enforce the law provisions. From latin **IUS** = right , law / **DICERE** = to say, to tell / " ars " = to be able to . Therefore the judge is able to tell what is the law intent. By the merger of this two terms is born the verb **JUDICARE** = to judge.

JUNIOR LIEN

lien having a lower priority or lower rating than another lien called senior lien . From latin **IUNIOR** = more young.

JURAL SOCIETY / JURAL MATTER

organized society or community operating under the law / issue arising under the law . From latin **IURIS** = of the law.

JURAT

certification issued by an officer authorized to administer an oaths after that has been sworn a legal writing. From latin **IURATUM** = sworn.

JURATION

the action consisting in a oath takin . From latin **IURATUM** = sworn.

JURISDICTION

the lawcourt's power to exercise a control over specific parties or matters under dispute, the lawcourt's power to decide about a particular litigation (eg: in the U.S.A, the federal courts has a jurisdiction about crime involving defendants abiding in several and different states). From latin **IUS** or **IURIS** = right or of the

right / **DICERE** = to say, to te ll. Therefore the judge is telling what is the intent of the law.

JURISDICTIONAL AMOUNT

amount of money which must be asserted by the plaintiff in a litigation , with the aim to invest of the case the competent Court. As example , in Italy, about the litigation having a claim with a worth under 5000 euro, the competent Court is a small claims Court, named " Ufficio del Giudice di Pace " = (literally) " office of the judge of the peace " . From latin **IUS** , **IURIS** = right , law / **DICERE** = to say, to tell / **MONTIS** = mountain. Therefore , in figurative sense, the mountain is the aggregate sum of money claimed , and the judge is telling what is the intent of the law in the awarding of this money amount.

JURISPRUDENCE

the study of the law and concerning processes. From latin **IUS** , **IURIS** = right , law / **DICERE** = to say, to tell. / **PRUDENTIA** = competence, proficiency . Therefore the judge has the proficiency to tell that is the intent of the law.

JURY

a group of citizens selected by particular criteria and appointed with the aim to decide the fact at issue in a litigation. From latin **IURARE** = to swear.

JUSTICE

the administration of law and lawcourts, requiring an impartial resolution of a litigation between the parties involved. From latin **IUSTUM** = deserved , legitime.

JUSTIFIABLE HOMICIDE

killing of a person that , in normal circumstances , would be unlawful , but in particular circumstance is excused by law because determinate by a state of necessity or self-defence . From latin **IUSTUM** = deserved , legitime / **FACERE** = to do. Therefore a killing that would be wrong , but , in particular circumstances, becomes legitime.

JUVENILE COURT

lawcourt having a competence to trial the underaged people involved in a crime. From latin **IUVENILE** = about youth age.

LABOUR CONTRACT

contract between an employer and employee , containing terms and condition concerning a work relationship. From latin **LABORARE** = to work.

LACHES (GUILTY OF L.)

person estopped to assert his legal rights because his delay, due to neglect behaviour or failure when the use of this right has provoked a disadvantage to another party. From latin **LAXE** = not strictly . In figurative sense the claimant doesn't use in a case the rigours , the strictness or careful that would be proper.

LAPSE OF RIGHT

loss of legal right or privilege due to the failure to exercise it within a determinate time period. From latin **LAPSUS** = fallen down , slided. In the figurative sense, a right that formerly was kept by owner, now is falled down, is not yet kept by him.

LARCENY

theft of small worth items. In the law history was a crime consisting in an actual taking of another's property against his will, now the term is indicating any type of emblezzement or conduct directed to obtain property under false representation of situations, facts or rights. Eg: the theft of a washing machine by judicial bailee. From latin **LARGITUS SUM** = corrupted.

LEGACY

testamentary gift given under a will , consisting of money or personal property. From latin **LEGATUS** = representant , sent as ambassador. In figurative sense, the person appointed with legacy is representing the deceased person.

LEGAL

anything matter concerning the law or authorized by the law. Any type of legal statute. From latin **LEGALIS** = according to a law provision.

LEGAL FICTION

fact assumed by a Court , regardless of its truth , to enable it to reach a decision . From latin **LEGALIS** = according to law / **FICTITIOUS** = simulated, invented, false.

LEGALIZATION

granting of a legal status to an act or condition when this legal status , formerly , was not according to the law provisions. From latin **LEGALIS** = according to law / **ACTIONEM** = action, operation.

LEGATION

diplomatic mission consisting in a group of person sent by a Country to another Country to act as official representants of the State authority. From latin **LEGATUS** = sent as ambassador / **ACTIONEM** = action, operation.

LEGISLATION

exercise of the power aimed to rule making and law promulgation. From latin **LEGIS** = of a legis / **LATOR** = bringing or carrying something. In figurative sense bringing a law inside the legal system.

LEGISLATIVE IMMUNITY

set of privilege enjoyed by members of U.S. Congress. From latin **LEGIS** = law / **LATOR** = bringing / **IN** = not / **MUNUS** = load, burden, duty. Therefore exempted from the rule brought or imposed by the law.

LEGISLATURE

elected public body having an authority to make law for a governamental unit as a State or State federation. From latin **LEGIS** = law / **LATOR** = bringing. In figurative sense bringing a law inside the legal system.

LEGITIMATION

giving of a legal status to a document or person. From latin **LEGITIMUS** = lawful , legal.

LENITY RULE

rule providing that if there is an ambiguity in a definition of a rule about the punishment of a crime , is need

to resolve the ambiguity following the more soft interpretation (named also **FAVOR REI** = in favor of the defendant). From latin **LENIRE** = to make mild, to make more sweet. In figurative sense , to render a punishment more soft.

LETTERS AD COLLIGENDUM BONA DEFUNCTI

order instructing a person aimed to the gathering and preserving the goods and real estates of a deceased person. From latin **LITTERA** = instructions / **COLLIGERE** = to collect / **BONA** = goods, estate / **DEFUNCTUS** = dead.

LETTERS (ADVOCATORY L .)

order direct to oblige a person to return in own's Country from another Country that is in belligerant relationship with his State. From latin **LITTERA** = instructions / **AD** = towards, in direction of / **VOCARE** = to call. Therefore , to call someone and give him instruction how to return to his home Country.

LETTERS ROGATORY

request issued by a Court of a Country to a Court of another Country and asking some particular duty to do (as example the consignment of document , the hearing of a witness deposition , the execution of a survey). From latin **LITTERA** = instructions / **ROGARE** = to ask.

LEVERAGED BUYOUT

acquisition of a company by the use of its borrowings secured just by the assets of the acquired company. From latin **LEVARE** = to lift, to give a relief. In figurative sense, a company makes an acquisition of another , and the acquired has not more the duty to repay the loaned amount of money, therefore is a relief for it.

LEVY

required payment compelled by exercise of legal authority , conscription for the compulsory military service . From latin **LEVARE** = to stand up. In figurative sense , stand up oneself to go make the duty required.

LIABILITY

term used to indicate a burden , an obligation to perform, a duty , an obligation or answering for own's action. From latin **LEGARE** = to entrust / **HABILITAS** = capacity to do. Therefore, when a person is liable

to do something is meaning that is entrusted to perform a duty.

LIBEL

defamatory statement expressed in pictures, printing , signs or writings. This statement must be able to provoke an injury against the reputation of another person. From latin **LIBER** = document / **BELLUM** = war. In figurative sense is a document containing offensive words able to provoke a (legal) war.

LIBERATION

releasing a person or a thing from a restraint or custody . From latin **LIBERATIO** = acquittance.

LICENCE

document involving the assignment of a right, title or authorization granted by a public body to a private applicant (claiming this right or title). From latin **LICENTIA** = permit.

LICENTIOUS USE OF RIGHT

abusive way to use a right, a lien, a privilege regardless the other's rights. From latin **LICENTIOUS** = without rule .

LICIT CONDUCT

behaviour according to law, lawful conduct, conduct allowed by the law system. From latin **LICERE** = to be allowed.

LIEN

charge allowed upon property (or assets) of one person to secure to another the payment of a debt (or an obligation, right of retaining , taking possession of another's property) aimed to get the satisfaction of the debt . From latin **ALIENATIO** = to transfer a property. In fact, for example, the mortgage is a temporary virtual transfer of the ownership right. Possibly also, from latin **LIGAMEN** = bond, tie. Here in the figurate sense , the lien bends the creditor to the assets of the debtor.

LIMITATION

restraining condition imposed by the law , any statement present in a legal document aimed to limit the validity of a right or enforceability of obligation. From latin **LIMITUS** = of the path representing a boundary or a border (in the old roman empire the boundaries between two land were represented by a path) . Here in the figurative sense , the land is the law and beyond the land's border there is the land " outlaw ".

LIMITATION OF A RIGHT

limit put on the validity or the use of a right. From latin **LIMITATIO** = line of a border, line of boundaries

LIMITED GUARANTY

guarantee confined inside the figurative boundaries of a particular transaction or liability. From latin **LIMITUS** = of the path. Figuratively representing a boundary or border (in the old roman empire the boundaries between two lands were represented by a path) . Here in the figurative sense , the land is the law and beyond the land's border there is the land " outlaw ".

LINEAGE IN A HEREDITARY MATTER

figurative line indicating a group of person descending from a common ancestor, having teorically right to participation to the share of decedent's estate (the opposite figurative line is called " collateral"). From latin **LINARE** = to draw a line.

LIQUID ASSETS

condition of a business having sufficient cash availability, therefore material money or thing available to be converted easily in money. From latin **LICERI** = to buy, to purchase / **QUIDAM** = something.

LIQUIDATION

payment in full or whole settlement of an obligation. From **LICERI** = to buy, to purchase / **QUIDAM** = something.

LITERARY PROPERTY

right to publish a book or a work and to do make an economic exploitation of this work. From latin **LITTERA** = written.

LITIGATION

term indicating the beginning of a lawsuit or other dispute able to be decided by a judge. From latin **LITIS** = of a dispute / **ACTIONEM** = action. Therefore an action regarding the matter of a dispute.

LITIGIOUS MATTER

any matter under examination in a law suit or litigation, therefore the object of the claim or dispute. From latin **LITIS** = of a dispute / **MATERIA** = object, matter, aptitude.

LITORAL RIGHT

right allowing the use, as proprietor, of the bend involving space of the shore of a lake , sea, or river. From latin **LITORALIS** = of the coast, of the shore.

LOCAL LAW

law valid and enforceable only in a restricted territory, area or municipality. From latin **LOCUS** = place.

LUCID INTERVAL

time period indicating a time share , which a person, usually mentally insane, has a temporary capacity to understand the effects of his conduct. From latin **LUCIDUS** = shining , brightness . Also from **LUX** = light / **IDONEUS** = appropriate, able to / **INTRA** = between / **VALLUM** = fence , separation . Therefore in figurative sense , during a conduct perpetrated in a mental status of insanity, in which the brain is figuratively dark, there is a light of mental clearing, that as fence is breaking the insanity and therefore in this case, the conduct is willingly perpetrated.

LUCRATIVE INTENT

mind condition indicating the intent to get a gain or profit from any contract or legal deed. From latin **LUCRUM** = gain, profit.

LUXURY TAX

tax indirectly striking the use of a good considered not essential, as liquors or cigarettes, luxury boats as yachts. From latin **LUXURIOSE** = excessive / **TAXATIO** = to give an extimation, an evaluation of an item or real estate. Here, in figurative sense, an item excessively expensive are extimated by the State as luxury item.

MACHINATION

secret plane aimed to contrive something intended to get a dishonest, fraudulent or illicit purpose. From latin **MACHINAMENTUM** = instrument usable in a battle, snare.

MAGISTRATE

inferior judicial officer, having a local competence in hearings about not heavy offences. From latin **MAGIS** = more important / **TRACTARE** = to deal, to manage. In the old roman empire the more important public functions were managed by high officers named " magistrati ". Also from latin **MAGISTERIUM** = task of a leader, function to impose orders.

MAINTENANCE

provision present in the matrimonial law, obliging a person to support by means of financial substances the own's children or husband or wife having inferior economic conditions. From latin **MANUS** = hand / **TENERE** = to hold. Here in the figurative sense, a child held from his hand by his father , is a child accompained because not able to go ahead by himself.

MAINTENANCE CURIALIS

conduct consisting to give a support to a litigation, usually helping the claimant or plaintiff with financial aid. From latin **MANUS** = hand / **TENERE** = to support / **CURIA** = in the old rome city was an hall for meetings or the Senate, having judiciary functions.

MAJOR DISPUTE

litigation having a superior ranking or importance among other type of disputes (eg : class actions against the pollution provoked by a factory). From latin **MAIOR** = bigger than / **DIS** = adverb meaning something going in different directions / **PUTARE** = to think, to deem. In figurative sense, the source of a dispute are two parts whit a different way to think about a matter, in which the law concerning a matter is deemed operating in different ways.

MALADMINISTRATION

dealing of a public interest or matter in a wrong way. From latin **MALUS** = bad / **AD** = according to / **MINISTRARE** = to give a service. So, give a service to the community according to a wrong way.

MALFEASANCE

conduct forbidden by law, usually because pepretated by a public officer that is abusing of his authority , ore using his authority in improper way. From latin **MALUS** = bad / **FACERE** = to do.

MALICE AFORETHOUGHT

aggravating circumstance indicating a preventive, premeditated and willfull intention to commit an offence. From latin **MALUS** = bad / **LICET** = even if . Therefore , a conduct that , even if is bad, has been perpetrated.

MALICIOUS PROSECUTION

misuse of power perpetrated by a prosecutor that , without adequate proofs, begins a criminal trial , with a intent purely defamatory or injurious against the defendant. From latin **MALUS** = bad / **LICET** = even if / **PERSECUTIO** = judiciary action . Therefore , a judiciary action begun by a prosecutor , even if he knows as bad . Therefore even if the prosecutor knows that the defendant is innocent. But the term " prosecution " could be also another meaning : from latin **PRO** = in favour of / **SECUTUS SUM** = followed, persecuted. In the figurative sense , the defendant is persecuted by the prosecutor in favour of the State, because the State has an interest to catch the law offenders.

MANAGEMENT OF A PUBLIC BODY

direction of public body , head office of a public body. From latin **MANUS** = hand / **AGERE** = to use. In figurative sense, to use the hand to control the steer of the public entity.

MANDAMUS

extraordinary writ or order issued by an high Court , aimed to compel a performance or duty not postponable or not exceptionable . From latin **MANDARE** = to order.

MANDATORY PROVISION

instruction issued by a Public Body , compelling the execution of a performance that must be executed literally and requiring an exact obedience and compliance. From latin **MANDATUM** = ordered, compelled.

MANIFEST NECESSITY DOCTRINE

doctrine, thinking advocating a situation in which is a Court when there is an impossibility to decide the dispute by means of equity. From latin **MANIFESTUS** = evident , clear / **NE** = not / **CESSARE** = stop to exist , to end. Therefore the impossibility for the Court to decide a case by means of equity must be clearly not ended. In latin language the word **NECESSITAS** means " need ").

MANIPULATION OF SECURITIES

artificial control securities price by several and continued purchases and sells , aimed to provoke a sense of unsecurity in the market. From latin **MANIPULARIS** = simple soldiers managed and controlled by an higher officer (so the english term "manipulation" is indicating something or somebody handled or managaed). The term is composed by two words : **MANUS** = hand / **EPULARI** = to eat. In old roman empire, in the military camps , the soldiers ate with own hands, without forks and spoons .

MANUMISSION

in the old roman empire, was a type of emancipation of a person in a slavery condition (with the consent of the so called " master ") . From latin **MANUS** = hand / **MISSUS** = to be on leave, let go. Therefore in figurative sense , the proprietor of a slave, formerly keeping him caught in his hand, now release him , therefore let go him in freedom.

MANUSCRIPT

hand written document before printing or publication. From latin **MANUS** = hand / **SCRIBERE** = to write .

MARITAL FISCAL DEDUCTION

income tax deduction available only to a married couple. From latin **MARITALIS** = about a marriage / **FISCUS** = basket in which there is the treasure of a prince / **DEDUCTIO** = subtraction. In figurative sense, the prince is representing the State's taxation power, his treasure is representing the income of the State made by the money collected from the taxes imposed. Therefore, with a tax relief for the married couple, the sum of money that would be collected by State, is taken off (subtracted) from the treasury department.

MARITIME LAW

specific law concerning the matters involving the discipline of harbours, ships and maritime commerce. From latin **MARITIMUS** = about the ships, concerning the boats.

MARKETABLE TITLE

title which the ownership is transferable because free of encumbrances. From latin **MERCATUS** = trade / **HABILITAS** = to be able to.

MARKETABLE TITLE

title which the ownership is transferable because free of encumbrances. From latin **MERCATUS** = trade / **HABILITAS** = to be able to.

MARTIAL LAW

system of decrees issued by a military commander in time of war, due the state of emergency, with consequential suspence of normal constitutional provisions. Called also ARTICLES OF WAR. From latin **MARTIALIS** = warrior (in old roman empire, the god of war was named **MARTE**).

MARRIAGE CONTRACT

contract involving a legal relationship and particulars reciprocal duties between two persons (usually a man and a woman) that get the civil status of married couple, beginning husband and wife. From latin **MARITUS** = husband / **AGERE** = to take care of. In figurative sense, the wife has to take care of own's spouse.

MASTER AGREEMENT

settlement signed between a Labour Union and an employers or entrepreuners in a particular industrial sector. This settlement is intended as a model to be followed in the laying down of others labour contracts concerning the same industrial sector. From latin **MAGISTER** = chief, leader, head.

MATTER

the subject of a dispute, the ground of the right under a litigation, the object or item under dispute. From latin **MATERIA** = object therefore the object of a dispute).

MATURITY DATE

date in which a note or obligaiton is becoming payable or due. From latin **MATURATIO** = at due time period.

MEDIATION

intercession between two or more conflicting parties in a dispute, aimed to reach a reconciliation (when a dispute is yet begun) or avoid a possible and future dispute. From **MEDIUM** = in the middle / **ACTIO** = to move something. The mediator , in figurative sense , is between (in the middle) two litigants and is trying to move the parties from the opposite sites towards the middle (a reconciliation).

MELIORATION OF PROPERTY

process consisting in various activities aimed to get an increase of the property worth (eg : a farm melioration and consequentially the gain of its market value). From latin **MELIOR** = better .

MENACING CONDUCT

conduct consisting in a threat or intimidation. From latin **MENS**= mind / **ACER** = bitter, harshness. In figurative sense , a threaten is a conduct provoking (in the mind of the victim) a bitter feary sensation.

MENTAL ANGUISH

aggravating circumstance of some crimes consisting in an heavy mental sufference caused to a victim. From latin **MENTIS** = of the mind / **ANGERE** = to have a breathlessness.

MERCANTILE LAW

provisions set concerning the commercial law or trading statute. From latin **MERCANTILIS** = about the trade.

MERGER OF CORPORATIONS

amalgamation of two different corporations , in which a company is absorbed by another company. From latin **MERGERE** = to dip , to put something into a liquid with the aim to absorb the substance , the essence of the liquid. In figurative sense, the merger involving an immersion of a corporation into the business of another.

MERIT OF A CASE

essential issue of a dispute able to be determined. From latin **MERITUS** = deserved, due. Therefore, the

merit of the case is the good , the right or lien that the claimant is thinking due to himself, is thinking deserved to himself.

MINIMUM SENTENCE

the more soft sentence that a Court , in the respect of a law or statute, may impose to the defendant. From latin **MINIMUM** = very small , at least.

MINIMUM WAGE

lowest wage assured by provisions regulating the relationship between employees and employers. From latin **MINIMUM** = very small , at least.

MINISTER

head of a Cabinet Department. From latin **MINISTRARE** = to serve, to help. Here in figurative sense , the minister is helping the State's machine to run.

MINUTE BOOK

book containing the official record of a meeting having public relevance. From latin **MINUERE** = to make smaller. Here in the figurative sense to make smaller the content of a document , therefore to make a summary of a public activity.

MISAPPLICATION

improper funds or property use , diversion of public money to one's own interest or use. From latin **MIS** = badly, uncorrectly / **APPLICARE** = to stick something on a side (in figurative sense, to the opposite side as that regarding the law) .

MISAPPROPRIATION

illegal or improper use of money by a person entitled to manage his money for public utility. From latin **MIS** badly, unlawful / **AD** = as a, according to / **PROPRIETAS** = ownership. Therefore , in the misappropriation, a person that is not the owner , exercises on a good or estate the same power accorded by law to the legitime owner.

MISCARRIAGE OF JUSTICE

decision got by the Court in contradictions of the facts or rules of law, therefore a decision usually bringing a judicial error. From latin **MIS** = badly , uncorrectly / **CARRUS** = vehicle having four-wheels pulled by an horse, used in the old roman empire to carry ware. In the figurative sense, the vehicle is led by the judge and contains the elements of the trial (evidences, documents) . Therefore the judge doesn't give to the horse the right direction (the justice) but give him the wrong direction (opposite to the justice).

MISCONDUCT BY AN ATTORNEY

any violation of the rule of a Court or professional conduct perpetrated by an attorney or lawyer. From latin **MIS** = not, badly, uncorrectly / **CONDUCERE** = to be useful to. Here in the figurative sense, the attorney or lawyer has a behaviour badly useful to the client interest(eg: a secret agreement settled by own's lawyer with the lawyer of the opponent party).

MISCONDUCT IN OFFICE

any violation of law or statute perpetrated by a public officer in the exercise of his duty. From latin **MIS** = not , badly, uncorrectly / **CONDUCERE** = to be useful to . Here in the figurative sense, the officer has a behaviour not or badly useful to the public interest (eg: the diversion of public money, the destruction of a public document, the conduct made by a judge in favour of one of the parties in a trial is a misconduct in office , therefore a conduct against the principle of impartiality).

MISCREANT CONDUCT

any person having an immoral conduct . From latin **MIS** = not, badly , uncorrectly / from old italian **CREANZA** = well manner, respect.

MISDEMEANOR

violation of a secondary importance rule, infringement of law having consequences (and punishment) less heavy than a felony. From latin **MIS** = badly / **DE** = by / **MENAR** to drive the cattle. Therefore a cattle badly leaded by the owner . In old roman empire , the must spread activity was the sheeps breeding and grazing, therefore was usual that a breeder was leading own's cows beyond the border of own's land, but this action was not deemed a felony but only a light offence.

MISFEASANCE IN OFFICE

improper or outlaw powe exercise made by a public officer. From latin **MIS** = badly, unlawful / **FACERE** =

to do. Therefore to something wrong.

MISNOMER IN DOCUMENTS

material error consisting in a writing mistake about a name or surname of a party involved in a legal document as deed or mortgage. From latin **MIS** = badly , wrong / **NOMEN** = name . Therefore a name written in a wrong way.

MISPRISION

conduct perpetrated by a person that is concealing a crime (or a criminal) in which is not directly involved, or he is purely involved by his complicity or accessory task. From latin **MIS** = badly , unlawfully / **PRAESUM FUI** = protected . Here in a figurative sense, the offender is unlawfully protected by a person that, with his wrong conduct , is an hindrance against the police investigations.

MITIGATING CIRCUMSTANCES

facts, situations or circumstances external to the facts making a criminal conduct that lessen its gravity or degree of culpability. From latin **MITIGARE** = to make more mild.

MITTIMUS

type of writ issued by an highcourt to transfer a record from the office of a Court to the office of another Court. From latin **MITTERE** = to send, to delivery. In fact, also in the modern italian language the sender of a letter is named **MITTENTE** .

MOLESTATION

criminal conduct involving an undesidered sexual advances. From latin **MOLESTUS** = annoying, unlikeable.

MONITION ORDER

Court order imposing the accompliance of a party to the Court decision and warning the party about the legal measure that will be taken in case of disobedience. From latin **MONITUS** = warning.

MONOPOLY

exclusive control of a market by one company, that is able to decide the price level of goods in a specific trade sector. From old greek **MONOS** = one / **POLIS** = city. In old greek State there were the so named "city-state " in which sometime a tradesman had the exclusive right to sell an item.

MORAL TURPITUDE

adjective given to a crime in which the specific conduct involves a moral depravation. From latin **MORALIS** = ethical , about customs or people habit / **TURPITUDO** = obscenity, indecency.

MORATORIUM PERIOD

time period in which the debt payment , the obligation fulfilment or performance are suspended. From latin **MORA** = delay, pause. Also in the modern italian legal language, when a debtor is delaying on payment, the creditor sends him a letter named **MESSA IN MORA** = (literally) put in delay.

MORTGAGE

lien granted upon a property , aimed to secure a debt payment. This lien is removable only with the entire payment. From latin **MORTIS** = about death / from old french **GAGE'** = cage . Here in the figurative sense, a cage is represent the security and the estate under mortgage is as dead because is not able to be used by the proprietor (being inside a cage).

MOTION

type of application or petition made by a subject and directed to the Court examination. It is aimed to get a decision upon a matter. From latin **MOTUS** = movement. In figurative sense, a motion is (a claim) moved to the Court because the applicant tooks the initiative.

MOTIVE

mental process leading or inducing a person to do an action . From latin **MOTUS** = movement. In figurative sense, is the reason that pushed or was moving the offender's body to commit a crime.

MOVANT PARTY

suer party, suing party , party submitting a motion before the law court. From latin **MOVEO** = i move (in figurative sense : to move a legal action toward the law court)

MUNICIPAL LAW

law enforcerd specifically in a town . From latin **MUNUS** = task, honour, duty / **ACCIPERE** = to catch. In fact in the old roman empire, a city conquered or caught by roman army was entrusted to a magistrate or general that having the task to administrate the city. Also from latin **MUNICIPIUS** = town.

MUNIMENT PAPER

document kept to certify a right or to declare the validity of a right. From latin **MUNIMENTUM** = defence. In fact the muniment paper is used to defend the position of the owner of the entitled right.

MUTUAL MISTAKE

error made in a contract contents made by two or more parties having opposite interest. From latin **MUTUUS** = reciprocal (composed by **MEUS** = my / **TUUS** = your).

MUTUAL WILLS

separate wills made reciprocally by two parts, and containing provisions regarding each other. From latin **MUTUUS** = reciprocal (composed by **MEUS** = my / **TUUS** = your).

MUTUAL SAVINGS BANK

type of bank which the capital is owned by the depositors. From latin **MUTUUS** = reciprocal (composed by **MEUS** = my / **TUUS** = your) / **SALVUS** = kept . Therefore the money kept, the money that yet has not been spent.

MUTUALITY OF CONTRACT (DOCTRINE OF THE M.)

doctrine advocating the situation of two parties in a contract having reciprocal obligations to do a performance each in favour of the other. From latin **MUTUUS** = reciprocal (composed by **MEUS** = my / **TUUS** = your) . Therefore means that has been fulfilled mine and your performance.

NATION

term indicating a group of people having common history, customs, language and occupying the same territory for a long period. From latin **NATUS** = to be born. Therefore a group of people born in the same territory.

NATURALIZATION

process aimed to acquire the citizenship by a foreign citizen born in another Country. From latin **NATURALIS** = produced by birth (in figurative sense , a naturalized citizen is equal to another citizen birth in the naturalizer Country).

NATURAL OBJECT

in the law of intestacy, this term is indicating the natural (or artificial) person or entity that probably will be chosen by the testator as beneficiary or heir. From latin **NATURALIS** = spontaneous.

NATURAL PERSON

human being, human person (term used to distinguish from an artificial person as a corporation). From latin **NATURALIS** = produced by birth.

NATURAL RIGHTS

rights granted to all people as provided by fundamental constitutional provisions. From latin **NATURALIS** = produced by birth / **RECTE** = good , well.

NECESSARY AND PROPER CLAUSE

clause provided by a constitutional provisions, empowering the Congress to perform its basic duty and enumerating its basic general powers. From latin **NE** = unable / **CESSARE** = to end, to stop. Therfore, this clause is so important that is unable to be stopped (or avoided).

NECESSITY (STATE OF N.)

situtation in which a person committing a crime, has been compelled to do it by an sudden and imminent danger , therefore making a justifiable defence of his or other person. From latin **STATUS** = situation / **NE** = unable / **CESSARE** = to end. Therfore, a conduct that , in a particular situation , is strictly need , that is unable to be stopped (or avoided).

NEGATIVE COVENANT

provision usually present in an employment agreement, in which the employee states that, during the period

of employment relationship , he will not make an activity contrary to the employer interest. In Italy, it's named also **PATTO DI NON CONCORRENZA** = agreement of no competition. From latin **NEGARE** = to refuse / **ACTIVUS** = going in a direction / **CUM VENIRE** = to agree (about a matter) with someone. Therefore the employee makes an agreement in which he refuses to go in a direction (interest) contrary to the employer interests.

NEGATIVE EASEMENT

provision present in the agreements , in which the owner of a land or real estate , declare to the owner of a close land, to do not anything that could be an obstacle to the land enjoyment. Eg: negative easement to do not obstruct the passage to the user of a property situated near own land. From latin **NEGARE** = to refuse / **ACTIVUS** = going in a direction. Therefore a refusal to go in a direction contrary to the neighbour interests.

NEGLECT

failure to perform a due act or due action consisting in a recklessness, omission or refusal. From latin **NEGLECTUM** = omitted , careless. The term is composed by **NEMINE** = nothing / **LECTUS** = chosen. In figurative sense , the neglector doesn't choose to do any kind of action (omission to take a choose).

NEGLIGENCE

in the performance of one's duty, is called negligence a conduct made in a way under the standard level of reasonableness applied by any Courts or a conduct due from the so called common sense. From latin **NEGLIGENTIA** = carelessness. The term is composed by **NEGLECTUM** = omitted , careless / **AGERE** = to take care of.

NEGLIGENT HOMICIDE

death of another person caused by a subject without intent to kill, but as result of a negligent or careless conduct. From latin **NEGLIGENTIA** = carelessness / **HOMINIS** = of a man / **CAEDERE** = to kill. The term **NEGLIGENTIA** = is composed by **NEGLECTUS** = omitted, careless / **AGERE** = to take care of.

NEGOTIABLE LEGAL INSTRUMENT

commercial deed or document (as cheques, notes or bill of lading) able to be transferred by a owner to another by delivery , sell or endorsement. From latin **NEGOTIARI** = to buy, to purchase / **ABILIS** = to be able to be / **LEGALIS** = according to law / **INSTRUMENTUM** = tool , device.

NEGOTIABLE NOTE

unconditional promise to pay a specific amount of money at a specified time , issued by the maker to order or to bearer. From latin **NEGOTIARI** = to buy, to purchase / **ABILIS** = to be able to be .

NEGOTIATIONS

first steps run by contract parties to get an agreement or contract, preliminary figurative contract between parties able to be involved in an agreement. From latin **NEGOTIARI** = to trade / **ACTIONEM** = to move. Therefore an activity direct to move two or more parties to get an offical agreement.

NEPOTISM

conduct of favouritism in the appointment of a public employment, based on family relationship. From latin **NEPOS** = grandson, descendant.

NEUTRAL COUNTRY

Country not involved in a dispute among two or more Countries (eg: Portugal amd Spain in the second world war). From latin **NEUTRO** = neither in a direction, nor in other direction.

NIENT CULPABLE

statement declaring a person not guilty. From latin **NI** = if not / **CULPA** = fault, blame.

NOMINAL DEFENDANT

defendant in a trial not because directly involved in a crime, but only because representant an opposite side against the plaintiff interest. Eg : the chief executive officer is a nominal defendant , as legal representant, in case of claims against the company . From latin **NOMINARE** = to give a name to / **DEFENDERE** = to protect (therefore appointed to defend the company's interest in case).

NOMINAL DAMAGES

very little amount of money granted by the court to the wronged party as symbol of recognizance of a loss. From latin **NOMINARE** = to give a name to / **DAMNUM** = loss.

NOMINATION

designation for a position or office . From latin **NOMINARE** = to give a name to.

NONCONFORMING USE

term concerning a building or parcel of land used with infringement of zoning rules managing this land or area. Eg : a land allowed to be agricultural land, has been used as building area). From latin **NON** = not / **CUM** = with / **FORMA** = shape / **USARE** = to use. In figurative sense is a use of a building not according with the " shape " of the law.

NON CONTRIBUTORY PENSION

amount of money periodically payed to no working person, that during is life , didn't have a job , therefore did not pay the contributive figure for the pension , and the retirement wage is granted by the social security system. From latin **NON** = not / **TRIBUTUS** = shared.

NON FEASANCE

failure to perform an action or duty which is required by an agent or a public officer. From latin **NON** = not / **FACERE** = to do, to make. In fact the , to say " not made " , implicitly means omitted.

NON SUIT (ORDER)

order issued by judge stating the termination of process, due to the plaintiff failure to do the first step of a case or to prosecute the case diligently. From latin **NON** = not / **SUETUS** = to be in habit to. In figurative sense a legal suit is a proceeding that to the parties in a litigation is in habit to follow with the aim to reach the final result of a sentence.

NOTARY

public officer having the task of attending , attesting and recording the laydown and execution of legal deed or document. From latin **NOTUM** = public, publically known / **ARS** = job , task . In fact, the notary has the task to render a document publicly acknowledged.

NOTICE

document used by a lawyer aimed to inform a party or an officer that some proceeding is involving him. From latin **NOTUM** = public / **IACERE** = to spread. Indeed this document , in figurative sense, spreads the

acknowledgement about a matter or situation .

NOTORIOUS POSSESSION

possession of property that is so clear and publicly known that is deemed as proved. Eg : a farm is attended or occupied by a person (not being owner) and this conduct is publicly acknowledged. From latin **NOTUM** = public / **ARS** = conduct / **POSSESSUM** = occupied.

NOVATION

substitution of a new or revised agreement. Substitution of new debt or obligation for an existing one. From latin **NOVUM** = new / **ACTIONEM** = act made by . Or also from **NOVATUS** = renewed.

NUGATORY ACT

law lacking of effect, ineffectual law provision that is not able to be enforced as an act declared unconstitutional. From latin **NUGARI** = to be unimportant , to be irrelevant.

NUISANCE OF A DEED

act or continuing condition bringing a damage , inconvenience or harassment to a person. From latin **NOS** = to us / **IS** = that/ **ANCEPS** = dangerous. In figurative sense, a deed could be able to provoke an harassment or damage. Also from **NOCERE** = to hurt, to be harmful.

NULL AND VOID ACT

act or rule declared without legal effect. From latin **NULLUS** not any, nobody, nothing / **AVIUS** = without road, impassable road / **IDEO** = so. In fact an act declared null an void is without road in the figurative sense that it will be not brought anywhere.

(TO) NULLIFY A DOCUMENT

to make an act or any legal deed void or legally ineffective, therefore without legal consequence. From latin **NULLUS** = nothing, not any / from old greek **DOKEO** = to give information, to teach, to explain.

NUNCUPATIVE WILL

declaration concerning testamentary disposition made by a testator in the last moment of his life, being present a proper number of witnessess. From latin **ANNUNTIARE** = to give a notice, to tell / **CUPERE** = to wish. In fact by means of a will, a testator tells what he wish about his good and real estate.

NUPTIAL AGREEMENT

any agreement concerning a relationship between a marriaged couple. From latin **NUPTIAE** = marriage.

OBITER DICTA

part of judge's opinion concerning words not necessary to get his opinion, because only incidental words. From latin **OBITER** = incidentally, casually / **DICTUM** = said.

OBJECTION

statement by a lawyer aimed to raise an issue or introducing a demurrer during a trial. From latin **OBICIERE** = to opposite.

OBLIGATION TO PAY / O. TO PERFORM

promise to pay a determinate amount of money or perform a specific service. From latin **OBLIGARE** = to make responsible for, to involve, to bind. In figurative sense a debtor, as example, is legally binded to the creditor.

OBLITERATION OF A WILL

in the testamentary law is the act revoking a will by its physical destroying or writing over. From latin **OB** = against / **LITTERA** = letter, written document. In figurative sense, to make something against the document formerly written. Also from **OBLITERATIO** = cancellation.

OBLIVION GRANTING

measure adopted by lawcourt that is granting an amnesty or official pardon for a crime. From latin **OBLIVISCI** = to forget. In figurative sense, the Court forgets the crime made by offender.

OBSCENITY

language or conduct deemed indecent and improper by a community or in some circumstances. From latin **OBSCENUS** = dirty , foul.

OBSOLENCE OF A GOOD

gradual and continuing loss of economic worth and utility of an item, machine or asset. From latin **OB** = against / **SOLITUS** = consuetudinary. Therefore an obsolet item is one not used in the present time period.

OBSTRUCTION OF JUSTICE

interference in the police or prosecutor activity, by means of threaten , influence or tampering with jurors or witnesses or supply untrue informations to the police. All these activity has to be aimed to get a wrongful influence to the lawcourt. From latin **OB** = against / **STRUCTUS** = built, disposed. In figurative sense, a conduct against a rule that has been disposed or " built " by the law.

OCCUPANCY

action involving a possession or control over a thing , item or parcel of land. From latin **OCCUPARE** = to occupy.

OCCURENCE EVENT

in insurance law , an unforeseen and unexpected event, as accident impossible to be anticipated and involving a rising claim by injured party. From latin **OCCURSUS** = happened.

OECONOMICUS

an executor of a will. From old greek **OIKONOS** = home. In figurative sense, the manager of the decedent's home and goods.

OFFENCE

any crime or law violation, any outlaw act requiring a due punishment. From latin **OFFENDERE** = to injury, to strike

OFFER

any manifestation or intent to reach a bargain under proposed conditions. From latin **OFFERRE** = to do a proposal, to offer.

OFFER OF COMPROMISE

propose aimed to get a settlement by means of an alternative dispute resolution, therefore without recourse to a litigation. From latin **OFFERRE** = to do a proposal / **CUM** = with / **PROMISSUS** = assured, engagement, committment. Therefore a proposal made by the parties , before trial , with the themself committment to do reciprocal performances .

OFFICE

duty performed for a public or corporate purpose, assignment of work having nature of duty. From latin **OFFICIUM** = sense of duty, task to be done.

OMISSION

failure to perform a duty imposed by law, therefore the term is indicating a neglected duty. From latin **OMISSUS** = not done, not performed.

OMOLOGATION

statement issued by public authority having the function to declare that a private deed (it's content and shape) is according to law provisions. From old greek **OMOS** = same, equal / **LOGOS** = speech, way to speak. In figurative sense, the deed written by private parties is speaking the same language used by law.

ONEROUS

term indicating anything imposing a reasonable burden (not to be baffled with the term **VEXATORIOUS** , that is an excessive onerousness brought by a provision present in a contract which the burden imposed by a party is exceeding the benefits for this party). From latin **ONEROSUS** = heavy .

ONOMASTIC DOCUMENT

document subscribed by a person different than the one who wrote it, but having the same name and surname. From old greek **OINE** = one / **NOMASTIKOS** = named.

OPERATION OF LAW

by law, by law provision , as result of a law application. From latin **OPERARI** = to create . In latin language is called **OPE LEGIS** = (literally) made by law.

OPERATIVE WORDS

words contained in a part of a legal document that are making this recognizable as legal document (eg : the part of a contract in which is described the transaction or transfer of a title or right) . From latin **OPERARI** = to create. In case of a contract , there is a creation of rule (enforceable only between the involved parties) .

OPINION OF A COURT

written explanation of a decision or judgement in a case. From latin **OPINARI** = to deem / **ONUS** = commitment. Therefore the opinion is that a Court deems about a case (because this one among others Courts commitments)

OPINION (LAWYER'S O. LETTER)

document prepared by a lawyer for his client with a specific analysis of legal problem, containing also a personal interpretation and explanation of the law applied to the legal problem. From latin **OPINARI** = to deem / **ONUS** = commitment. There fore a client gives to the lawyer the commitment to writ that he deems about a matter.

OPINION (ACCOUNTANT'S O.)

formal statement issued by an accountant and concerning the result of his audit and the examination of client's book and other record concerning the client's businesses. From latin **OPINARI** to deem / **ONUS** = commitment.

OPPOSITION

taking of adverse position in a litigation, legal motion or appeal by means of submission of papers stating arguments contrary to those submitted by the other party. From latin **OB** = against / **SITUS** = placed. Therefore, in figurative sense, the party are placed against each other.

OPPRESSIVE CLAUSE

rule imposed in violation of another's right, usually executed perpetrated by a public officer with

disproportionate strictness . In contract law is also indicating a quality of some conditions defined " oppressive postnote " that are making an inequality position in the reciprocal performance (eg : in a contract , is forbidden for one party to bring an action to LawCourt until the expiry date of the contract). From latin **OB** = against / **PRESSUM** = pushed. In figurative sense , this kind of contract's clause is pushing somebody to do something against own's will.

OPTION PRIVILEGE

privilege granting to a party to choose the right to be used in discretionary way (eg : in the insurance law, is the right of insured party to choose the preferred way for payment of benefits accruing under a policy). From latin **OPTARE** = to choose.

ORAL CONTRACT

type of agreement which is either fully or partly expressed in spoken words. From latin **ORARE** = to speak.

(TO) ORDAIN A LAW ENFORCEMENT

to enact a law, to enforce a law , to issue a law decree. From latin **ORDINARI** = to put in order.

ORDER

rule or statement issued by a lawcourt and concerning a range of situation as the ceasing of a conduct or the compelling to present a document (eg : a cease and desist order). From latin **ORDO** = disposition, classification, rating.

ORDINANCE

rule established and issued by a municipal authority, therefore having only a local application. From latin **ORDINARI** = to put in order.

ORDINARY CARE

generical degree of care requested in particular place or particular moment or situation concerning a particular business or activity. From latin **ORDINARIUS** = regular, usually made.

ORGANIC LAW

term indicating the State's Constitution, the law of the laws, the underlying system of laws adopted in a State. From latin **ORGANICUS** = mechanical engine. In figurative sense, the constitution is the " mechanical engine " , pushing ahead the further and future laws.

ORIGINAL WORK

intellectual work protected by a copyright title. From latin **ORIGO** = source, beginning. In the figurative sense, the inventor (owner's copyright) is the source of the intellectual work.

ORIGINAL INTENT THEORY

theory held by a conservative and literal interpretation of the constitutional provisions that pay attention only to the written words of constitutional document avoiding to examine the judicial interpretation or enlargement of the borders in which the provision are operating. From latin **ORIGO** = source, beginning / **INTENTUM** = aimed, direct towards. In figurative sense, the theory gives importance to the target to whom the legal source is aimed.

ORIGINATION CLAUSE

clause of the american constitution providing that all revenue bills must be originated by will of the House of representatives. From latin **ORIGO** = source .

OSTENSIBLE AGENCY

agency in which one party induces another to believe that a third party is his agent even if , actually, nobody agency is existing. From latin **OSTENDERE** = to show.

OSTENSIBLE OWNERSHIP

pure appearance of an ownership, kept by an ostensible owner, having title inducing a convincement to the title's reader, because this document is using particular words or the apparent owner is following a particular conduct. Therefore this title is creating a convincement that he is it's actual and real owner. From latin **OSTENDERE** = to show.

OUSTER OF POSSESSION

wrongful removal of a person from an office , wrongful dispossession from a property or tenancy. From latin **OB** = against / **STARE** = to stay. In figurative sense , to stay in a position or have a position against the right

of another.

OVERT ACT

public act , notorious act , private or public act get publicly exposed . Even the term is representing a series of undisputed action aimed to a result. From old french **OUVRIR** = to open.

OWELTY AMOUNT

during negotiations (aimed to partition of matrimonial assets) is the sum of money paid or secured by one party to another for a fair equalization concerning the assets' value in case of an impractical or difficult equal division. From latin **OPES** = resources / **AEQUALITER** = equally. In figurative sense , are resources equally distributed.

PACTA SERVANDA SUNT

latin saying or sentence (in old italian called " brocardo " = essential) indicating the seriousness of an agreement and the duty to fulfil the performances. From latin **PACTA** = agreements / **SUNT** = are / **SERVIRI** = to conform (therefore to conform own's behaviour to the agreements).

PALIMONY ORDER

order issued by a lawcourt and awarding the payment of a sum of money to a person having with the compelled party an intimate relationship, though not marital. From latin **PATER** = father / **ALIMENTUM** = means of maintenance. Once upon a time, usually was the father to give monthly, a sum of money for the sustainance of his former wife and children.

PANDECTS

documents written in the old roman empire by law schools students. From old greek **PAN** = all, entire / from latin **DICTUM** = told. In fact, this old documents were a summary of all the theory about law, told by the jurists at the epoch.

PANDERING CONDUCT

outlaw conduct consisting to induce a person in prostitution. From latin **PANDERE** = to manifest, to show. In figurative sense, to show one's body.

PARALEGAL WORKS

set of activity made by assistants in a lawyer's chambers as for example to answer to the calls, to create a contact between the barrister and his clients , the recording or filing about legal papers in a computer. From old greek **PARA** = closely related to / **LEGALIS** = concerning the law.

PARAMOUNT TITLE

in the real property law, is indicating a superior rating of a title among other several titles in the same parcel. From latin **PAR** = equal / **MONTIS** = of a mountain. In figurative sense, means a title so higher than others that is so high as a mountain over the flats.

PARCEL OF LAND

plot of land, subdivision of land or farm. From latin **PAR** = equal / **CELLA** = little room. In fact , in the old roman empire, the homes were divided into a lot of little rooms having the same wideness.

PARCENARY OWNERSHIP

joint ownership of a land's parcel by heirs before land division by shares. From latin **PAR** = equal / **CAENUM** = melt of mud. In figurative sense, the mud is made by a lot of sand's piece joined each other , therefore is meaning that the property is one block , is not yet shared in parcels.

PARDON

to excuse a crime or offence by means of a sentence remittance. From latin **PER** = for, in quality of, as a / **DONATUM** = gift . In figurative sense, the remittance of the sentence is intended as a gift made by the Court, that " forgives " (for - gift) the defendant (the gift is, in figurative sense, the sentence remittance).

PAROLE EVIDENCE RULE

rule excluding or limiting an evidence, as for examples documents concerning the record of preventive negotiations of an agreement, because this last is easy to be proved. From latin **PARABILIS** = easily had , ready / **EX** = to / **VIDERE** = to watch, to observe . In figurative sense, is a kind of evidence easily to be examined, because not complicated.

PARTIAL LOSS

in the insurance law, is a loss of some share of property covered by insurance. From latin **PARTIS** = a part of

something, share.

PARTICIPATION TO A CRIME

to be a party into a crime, to be joined in a commission of a crime, complicity in a crime. From latin **PARTIS** = a part of something / **ACCIPERE** = to hold, to contain (**CAPTUM** = contained). In figurative sense , the partial criminal conduct perpetrated by a joiner in a crime , is contained in the full criminal conduct making, therefore in the conduct making " entirely " the crime.

PARTISAN IN A TRIAL

person favouring one party in a litigation as opposed to another party. From latin **PARTIS** = of one party.

PARTITION PETITION

petition presented to the Court by a party , by two or all owners of a different parcels of real estate or land. This petition is aimed to get a juridical definition over the reciprocal boundaries. From latin **PARTIS** = of one party , of one piece , of one parcel / **PETITUM** = asked.

PARTNER (GENERAL P.)

person participating with a partnership in a management of a company and having an unlimited liability for its debt. From latin **PARTIS** = of a party (a party of the business).

PARTY

person of one side of agreement, contract , proceeding, transaction . Also person involved as a litigant in a judicial proceeding or law suit. From latin **PARTIS** = of a party, at a side.

PASSION (HEAT OF P.)

term used in the criminal law , representing a mitigating circumstance concerning a liability of a person that committed a crime in a mental status of anger or intense feeling of hate. From latin **PASSUS** = suffered.

PASSIVE INVESTMENT

rule provided by the american internal revenue code, concerning an investment in an company in which a

taxpayer does not actively participates , as in a limited partnership. From latin **PASSUS SUM** = allowed, let to do, let to manage. In figurative sense, the company's partner lets to manage the firm by an other partner (called " active partners ").

PATENT

legal instrument issued by the central government granting to a inventor the exclusive right to sell and take profit from his new product or invention. From latin **PATERE** = to render something allowed (in this sense, to render an invention allowed to be used by the people).

PATENT AMBIGUITY

ambiguity which is apparent result of inspection of document in which there are two of several meaning about the used word. From latin **PATERE** = to give an appearance of / **AMBIGUITAS** = uncertainty.

PATERNITY SUIT

legal action brought to the lawcourt, aimed to determine if an appointed person is the father of a child born out of wedding lock (in case of positive response, the person has a duty to support or maintenance) . From latin **PATER** = father / **SUITUS** = to be in habit to (therefore the Court is ascertaining if a person has a duty to be in habit have a beahviour as a father).

PATRIMONY

the sum of money representing the worth of all rights , privileges, assets and liabilities which , put together, is constituting the economic status of a physical or artificial person. From latin **PATER** = father / **MONERE** = to be remembered (in figurative sense , the patrimony remembers how many material substancies a person has inherited by own's father).

PAUPER LITIGANT

person involved in a litigation , that has not the financial means to support the litigation costs, therefore is needing public aid for his legal assistance. From latin **PAUPER** = poor.

PECULATION

theft or embezzelment of public fund by public officer appointed to manage their. From latin **PECUNIA** = money / **LATERE** = to hide a thing after a theft. Also from **PECUS** = sheep . In the old roman empire, the

prevalent job activity was the breeding of sheeps ,of cattle , and there was not the money as coin, but only the barter and therefore the means to pay were usually the sheeps, the cattle. Therefore was usual the theft of sheeps.

PECUNIARY BEQUEST

bequest of money . From latin **PECUNIA** = money . Also from latin **PECUS** = sheep. In old roman empire , the prevalent job activity was the sheeps breeding and there was not the money as coin, but the barter. Therefore the means to pay were usually the sheeps. Therefore was usual to consign a number of sheeps as consideration or performance of a contract.

PECUNIARY LOSS

loss of money or thing that is easily and reasonably valued in money. From latin **PECUNIA** = money. Also from **PECUS** = sheep. In old roman empire, the prevalent job activity was the breeding of sheeps ,and there was not the money as coin, but the barter and the means to pay were usually the sheeps. Therefore to suffer the theft of a sheep was a pecuniary loss.

PENAL CODE

law code relating the punishments due to violation of penal or criminal law. The code contains the offence title, the explanation of conduct occuring the offence and the consequential punishment. From latin **POENA** = punishment.

PENALTY

fine to pay imposed by the law , consequential to a violation (criminal penalty) or a lack of duty performance (civil penalty). From latin **POENA** = punishment.

PENDENTE LITE

latin term indicating a lawsuit that is yet lasting, as beginning or yet under the Court examination or is waiting the conclusion or sentence. From latin **PENDERE** = to hang down. In figurative sense , the lawsuit is pending when is not yet fallen down , therefore ended or decided. Indeed a legal maxim used in the old roman empire says **DUM PENDET RENDET** = until the trial is **PENDENTE** is an earning for the lawyer.

PENDENT JURISDICTION

in case of uncertainty about the competence of a first instance Court to decide a case, the term is indicating the time period before the decision, taken by a federal Court, to give to a lower Court (or another) the authority to decide a case. From latin **PENDERE** = to hang down. In figurative sense, the decision is not yet issued by the federal Court , so the decision is pending because is not yet fallen down therefore not ended, not decided.

PENITENTIARY

prison, House of Correction. From latin **POENA** = punishment / **TENERE** = to keep / **ARS** = thing able to do a task. In figurative sense, a prison is a place able to keep the convicts (person under punishment).

PENOLOGY

term indicating a branch of the criminology relating to the prisoners treatment and prisons administration. From latin **POENA** = punishment / from old greek **LOGOS** = to speak about , speech about.

PENSION

deferred money compensation for a long period performance of work or service . From latin **PENDERE** = to hang down. In figurative sense, the right to have a retirement wage, is pending because the work relationship is not yet ended.

PEREMPTORY INSTRUCTION

order imposed by trialing judge without dispute or contradiction . From latin **PEREMPTOR** = killer. In figurative sense, a peremptory order is so heavy and strong as able to kill any dispute / **STRUCTUM** = disposed.

PEREMPTORY CHALLENGE

arbitrary elimination of a juror without explanation or without cause . From latin **PEREMPTOR** = killer. In a figurative sense, a peremptory order is so heavy and strong as able to kill any dispute.

PERIL

in the insurance law, is the event or contingency which is insured against by the police as for example a car insured against arson peril and theft. From latin **PERICULUM** = danger

PERISHABLE GOOD

good or item able to be spoiled . From latin **PERIRE** = to die, to be ruined.

PERJURY

false swearing , false declaration made by witness after an oath. From latin **PERVERSE** = in false way / **IURARE** = to make an oath . Or also from **PERIURARE** = to tell an untrue thing.

PERMISSIVE JOINDER

joinder in an action brought by a lot of parties sharing common facts or advocating common law issues. From latin **PERMISSUS** = allowed.

PERMIT DOCUMENT

a document granting an authorization to exercise or conduct an activity (eg: trading permit is a document authorizating a shopkeeper to exercise a trade activity) . From latin **PERMISSUS** = allowed.

PERPETRATION OF A CRIME

commitment of a criminal conduct. From latin **PERPETRARE** = to perform, to commit (composed by **PERPETUUM** = without rest / **TRAHERE** = to pull) . In figurative sense, to pull restless the criminal conduct .

PERPETUAL INJUNCTION

injunction having permanent validity. From latin **PERPETUUM** = for ever , continually / **INGESTUM** = imposed.

PERPETUAL SUCCESSION

continuing and not interrupted management and administration of a company even after change of members of board of directors. From latin **PERPETUUM** = for ever / **SUCCESSIO** = heirness.

PERPETUITY (RULES AGAINST P.)

provision imposed by law concerning the ban of having interest or estate in property that is absolute from

any condition or last. From latin **PERPETUUM** = for ever.

PERQUISITE RIGHTS

privilege or benefits exceeding the ordinary wage as for example travel allowance, company cars. From latin **PER** = during / **QUAESITUS** = asked. In figurative sense, the perquisite rights are privilege claimed by labourers during the work relationship.

PERSECUTORY CONDUCT

conduct made by a person against another consisting in a several and repeated behaviour against this person , as for example an harassment , nuisance or stalking. From latin **PER** through , because / **SECUTOR** = follower .

PERSONAL PROPERTY

property pertaining to a person, therefore not including items attached to real estate or land. From latin **PERSONA** = person

PERSONAL JURISDICTION

power of a court to issue an order affecty only a party among others parties involved in a trial. From latin **PERSONA** = person / **JURIS** = of the right / **DICERE** = to say .

PERSUASION (BURDEN OF P.)

onus required by law , consisting in a duty that have a party in trial to convince the jury that the facts or circumstances presents in alleged documents are true. From latin **PRO** = aimed to / **SUADERE** = to recommend, to advice .

PETITION

formal request contained in a formal document submitted to a Court or public administrative body, aimed to get a resolution of a problem or legal hindrance or also a complaint commencing a legal action. From latin **PETERE** = to ask, to request .

PETITORY ACTION

term usually used in admiralty law to indicate a legal action aimed to establish the ownership of title relating a ship or vessel . From latin **PETERE** = to ask, to request .

PILLAGE

outlaw conduct consisting in the plundering, in the sacking of property belonging to another person . From latin **PILLATUM** = loot / **AGERE** = to act . Therefore, in figurative sense, means to act with the aim to get a loot.

PLACITUM

latin term indicating a judicial decision or sometime an opinion or maxim stated by a law court. From latin **PLACITUM** = pleased, resolved

PLAGIARISM

unlawful usurpation or taking the merit of a creative work made by another , expecially concerning the works protected by copyright. From latin **PLAGIARIUS** = thief (in the figurative sense, the thief of an idea or invention)

PLAINTIFF

party who initiates a lawsuit by filing a complaint. From latin **PLANCTUM** = cry , lament. So a lament due to the wrong action undergone.

PLEA

term indicating different situations. In civil case, is the first response submitted by the defendant, stating the fact representing the ground of his defence against the plaintiff's claims. In criminal law, is the immediate response of the accused against the charges against him as for example the plea of not guilty. From latin **PLACERE** = to make a proposal.

PLEA IN BARGAINING

agreement made between prosecutor and defendant in advance of a plea, in which there is an admittance of guilt by the accused in exchange of a favour treatment about the punishment. In italian procedural criminal code is called **PATTEGGIAMENTO** , because indicating a " pact " between prosecutor and defendendant. From latin **PLACERE** = to make a proposal

PLEADING

formal statement or declaration submitted by a party in a litigation containing his claims, allegation, defences and consequential denials of the facts alleged by opposite party. From latin **PLACERE** = to make a proposal .

PLEBISCITE

popular votation concerning fondamental issues as nationhood or adoption of a constitution . From latin **PLEBS** = people / **SCITUM** = decree. Therefore a decree issued directly by the people. In the old roman empire, sometime , for important matters having a public interest, the people was meeting in a big square. Or also from **PLEBS** = people / **SCITATUS SUM** = asked. Therefore, a question asked to the people with the aim to know its will or opinion.

PLENARY PROCEEDING

proceeding aimed to try and determine all the issues among opposite parties. From latin **PLENUS** = full .

PLENARY POWERS

full power assigned to a person with the aim to carry out a due task concerning an assignment. From latin **PLENUS** = full .

PLURALITY OPINION

opinion stated by a Court trial and appellated because reflecting a decision of a plurality of judges but not of the majority. From latin **PLURES** = more , a lot of.

POLICY

set of guidelines or principles directed to instruct how to take future decisions. From old greek **POLIS** = in ancient Greek was a city-state.

POLITY

constitution of a set of rules or body of several laws concerning the formation of State or government. From latin **POLITICUS** = relating the government formation.

POSSESSION RIGHT

right to exercise control or dominion over a property or item , involving the exclusion of all others to enjoy this right. From latin **POSSIDERE** = to have the control of , to get the ownership of. Also, from latin **POSSUS** = i can / **ASSUMERE** = to take, to carry something as mine.

POSSESSORY ACTION

legal action aimed to recover the possession of property, as distinguished from a petitory action , aimed to confirm a title. From latin **POSSIDERE** = to have the control of , to take the possession of / **ACTIO** = action , take the initiative.

PRAECIPE ORDER

order issued by judge aimed to compel a person to do some activity or refrain to do an activit yet begun. From latin **PRAE** = in advance / **ACCIPERE** = to know . In figurative sense , the judge , knowing and foretelling the existence of an illegal activity or behaviour, issues a preventive order to avoid further illegal consequences.

PRAYER FOR RELIEF

portion of the complaint in any civil action in which there is the definition of the damages or relief claimed. From latin **PRECARI** = to pray / **RELEVARE** = to alleviate . In figurative sense , the claimant prays to be alleviated from the loss due to damage suffered.

PREAMBLE (STATEMENT OF P.)

in a legal document, is an introductory statement anticipating the matter of a followed rule or provision. From latin **PRAE** = before / **AMBULARE** = to walk, to go across a path. In figurative sense is the anticipatory walk before to go inside the substance of document.

PRECATORY WORDS

word usually present in a will or testamentary disposition , aimed to exhort the reader to have an accompliance of that said by means of these word. Eg : i hope that the property of this farm will be granted to my son. From latin **PRECARI** = to exhort, to pray.

PRECEDENT DECISION

decision issued by a court having a function to be an example or a guidelines to follow by the other courts in cases having a same or similar facts , therefore required the application of the same principles of law. From latin **PRAE** = formerly / **CADERE** = to happen.

PRECEPT

Court order direct to a subject, aimed to get a performance of that established by the court. From latin **PRAECEPTUM** = order , commandment . Also from latin **PRAE** = before , in sense of supremacy / **CAPTUM** = obtained. In figurative sense, by means of this kind of order, obtains a compelled performance.

PRECLUSION ORDER

order issued by a court and forbidding to a party the move the trial commencement or the participation in a trial. Eg : a party suffering a preclusion to bring an action because the case has been already decided. From latin **PRAE** = before / **CLUSUM** = finished. In figurative sense, the legal proceeding is finished before the beginning.

PREDATORY PRACTICE

in a commercial law , unfair practice consisting to sell a good with a price inferior to its production cost, with the aim to eliminate the competition. From latin **PRAEDA** = loot , prey, booty / **ORIRI** = to have as source. In the figurative sense, the loot is the customers of other companies in competition.

PREEMPTION DOCTRINE

doctrine advocating the supremacy of constitutional or federal law over the law of singular States. Therefore in some issues or matter, there is the exclusion of State competence. Eg : in case of emergency due to natural disaster, is enforced the federal emergency legislation, also if there is a contrast with municipal rule. From latin **PRAE** = before / **EMPTUS** = purchased. In the figurative sense, in particular situations the state competence before to be used, has been purchased by the federal competence and absorbed inside it.

PREEMPTIVE RIGHT

right of first refusal. Eg : in case of land selling, the owner of the neighbouring land has a right to be consulted before all the others owners or people. From latin **PRAE** = before / **EMPTUS** purchased / **IUVARE** = to like , to be useful to. Therefore in figurative sense , the right of the neighbouring owner to have to choose if purchase (before the others) something that would be useful to him. Or in other sense, the right

to be informed, before others , if likes or doesn't like to purchase the selling land or if this land would be useful to him.

PREFERENTIAL PAYMENT

the right of a creditor to get the prior payment of a debt , as for example in bankruptcy law where representing the payment made by the debtor to the creditor within 90 days before the filing of the bankruptcy petition. From latin **PRAE** = before / **FERRE** = to bring. In figurative sense, the money for payment have been brought before to a creditor than anothers.

PREFERRED STOCK

is a class of corporate stock which has priority over other classes in distribution of the corporate equity and dividends, usually over a common stock. From latin **PRAE** = before / **FERRE** = to bring. In figurative sense , the money sourced by distribution of dividends , must be brought to a determinate owner before the others.

PREJUDICIAL ERROR

heavy error made by a lawcourt, in a pre-trial phase. Consequentially, this error will bring a reversal of a trial and sometime also a new trial. From latin **PRAE** = before / **IUDICARE** = to judge / **ERRARE** = to make a mistake.

PRELIMINARY HEARING

first hearing of a trial, deemed the real commencement of a process, in which there is the first appearance of the defendant , and the judge does a first examination of the case. From latin **PRAE** = before / **LIMINE** = threshold.

PREMEDITATED MURDER

murder planned and deliberated in advance. Is constituting an aggravating circumstance . From latin **PRAE** = before / **MEDITATUM** = thought.

PREMISES OF A DEED

introductory part of a deed concerning a conveyance . Usually it is placed before the habendum clause and containing a summary description of the real estate or land. From latin **PRAE** = before / **MISSUS** = put

(contained in).

PREMIUM

in insurance law, it is a sum of money paid to an insurance company for its insurance coverage. From **PRAE** = before / **EMERERE** = to deserve, to get a favour made by. In figurative sense , is a payment made to the insurance company (and deserved by it) before to get , in case of accident , the money amount (as insurance coverage).

PRENUPTIAL AGREEMENT

settlement made between two persons in view of a future marriage and concerning dispositions about their respective properties. From latin **PRAE** = before / **NUPTIALIS** = of marriage / **AGGREGARE** = to join . In figurative sense, is the joining of will between a future married couple.

PREPONDERANCE OF AN EVIDENCE

term indicating the major worth of an evidence than another evidence, because its major reliability. From latin **PRAE** = first of all / **PONDERARE** = to consider , to give a weight (in fact the unity used to give a weight to an item is called " pound ").

PREROGATIVE RIGHT

special right or privilege granted to a particular category of people, as for example the immunity from the arrest granted to the members of the Congress. From latin **PRAE** = before / **ROGARE** = to require. Therefore , to enjoy this special right , is required to belong to a particular category. To be allowed to the special right or immunity is before required a certain kind of title.

PRESCRIPTION

term having two different meanings. First, the establishment of a rule or code of conduct; second , the bar to a further claim or action affecting the person entitled for the lackness of the right use. Eg : prescriptive easement . From latin **PRAE** = before / **SCRIPTUS** = written (in fact a rule is something written before by competent authority)

PRESENTMENT OF ACCUSATION

formal accusation issued by a gran jury on own's initiative (distinguished from the indictment that is issued

by prosecutor). From latin **PRAE** = before / **SENTIRE** = to feel . Therefore , to feel in advance the certainty that the defendant is guilty.

PRESIDENT

person appointed or elected by a group of peolpe and having, usually, the function to lead an assemby works. From latin **PRAE** = before, over / **ASSIDERE** = to sit down. In figurative sense, the president , the president sits down before and overo the others assembly members because is major importance.

PRESUMED INNOCENT

term indicating the defendant that is presumed being not guilty until the issue of the sentence . From latin **PRAE** = before / **SUMERE** = to think as true / **IN** = not / **NOCERE** = to be dangerous .

PRETERMISSION

term indicating the omission of a son , daughter of other heir from a testator's will . From **PRAETER** = beyond / **MISSUS** = sent . In figurative sense, the task to manage the heirness has been sent beyond a son's or daughter's interest. Also in another figurative sense, the heir (son or daughter) has been sent beyond "the border" of the patrimony. Or also from **PRAETERMITTERE** = to pass over , to neglect.

PRETEXTUAL ARREST

arrest of a person based on superficial grounds but having the real intent to investigate about more serious crime in which can be probably involved. From latin **PRAE** = before / **TEXTUM** = composed , prepared. In figurative sense , the arrest has been made for a light offence but before this, there is another more heavy offence, prepared (composed) with a set of light offences. Usually a light offence is figuratively only a “ brick “ of a set of others offences tied to the more spread activity of a big criminal organization.

PREVENTIVE DETENTION ORDER

order issued by a Court trial regarding a criminal offender , consisting in a restraint of his freedom before the trial commencement, or during the trial. This order is aimed to avoid a possible lawful conduct that can be perpetrated by the offender against the plaintiff , the jurors or the judges. From latin **PRAE** = before / **VENIRE** = to come / **DE** = by / **TENTUM** = caught. Therefore is an order issued by the Court by means of which a potential law offender is caught before the commencement of a trial.

PRIMARY BENEFICIARY

in insurance law is indicating person that , in the event of death of insured person , will be the first entitled to enjoy the proceeds. From latin **PRIMUS** = first of all / **BENE** = in favour of / **FACERE** = to do.

PRIME MINISTER

term indicating the head of government. From latin **PRIMUS** = first of all / **MINISTRARE** = to serve. In figurative sense, is the first person having the duty to serve his country , managing the public power.

PRIMOGENITURE RIGHT

exclusive right of inheritance belonging to the first born son or daughter. From latin **PRIMUS** = first of all / **GENITUS** = born.

PRINCIPAL OF THE OBLIGATION

term used to distinguish the obligation from the interest on the obligation . From latin **PRINCIPALIS** = first in importance.

PRINCIPAL IN THE CRIME

person having in the crime an important role, therefore distinguished from an ancillary or secondary role in the criminal conduct. From latin **PRINCIPALIS** = first in importance.

PRIOR ADJUDICATION

previous litigation in which the matter in dispute between the parties has been almost determined (eg : prior adjudication on the merit is precluding a further and subsequent action between the same parties on the same issues . From latin **PRIOR** = first in time).

PRIOR RESTRAINT

government action aimed to forbid in advance a speech before its expression or publication . From latin **PRIOR** = first in time / **RESTRICTUM** = limited.

PRIOR STATEMENT

statement made by a witness (out of Court) before his giving of testimony in an trial. From latin **PRIOR** =

first in time .

PRIORITY RIGHT

right allowing a person to enjoy of a legal position superior among the others, as for example in the bankruptcy code , the creditors enjoing of claims with priority have the right to be satisfied before other creditors. From latin **PRIOR** = first in place, first in importance.

PRIVACY RIGHT

the right to have a freedom from intrusion by the others in one's private life. From latin **PRIVATUS** = personal.

PRIVATE (TO GO P.)

term indicating the process by which a corporation buys back and retires its stocks publicly held. From latin **PRIVATUS** = personal. In figurative sense, the stock that formerly was publicly held, has been retired and gets again a company's property.

PRIVATIZATION

act of conversion issued by government, involving the conversion of an enterprise from a public ownership into a private ownership. From latin **PRIVATUS** = personal / **ACTIONEM** = to be done . Therefore a company that formerly was a State's ownership, now is got property of a citizen or group of citizens.

PRIVILEGE

lien involving a special condition , involving a right or immunity reserved for a particular category of people with consequential exclusion of the others. From latin **PRIVUS** = personal / **LEGERE** = to choose (in figurative sense , the owner of a privilege is somebody chosen among others). Also from **PRIVUS** = personal / **LEGIS** = about a law . In figurative sense , to speak about a privilege is as to speak about a personal law, therefore a law valid only for a person or a restricted group of persons.

PRIVITY RELATIONSHIP

relationship between the two original parties in a contract or agreement, as for example the relationship between the assignor and assignee , the testator and the executor. From latin **PRIVUS** = personal .

PROBABLE CAUSE

reasonable and justifiable basis of a matter that are pushing a jury to believe in certain facts or circumstances that would be the source of this matter. From latin **PROBARE** = to test. Therefore, a cause able to be tested.

PROBATE (TESTAMENTARY P.)

procedure by which a will is submitted and proven before the Court, aimed to get an examination of will validity and accordance to the law. From latin **PROBARE** = to test.

PROBATION PERIOD

period concerning the release of a convicted criminal from prison , under the supervision of a probation officer. This release is aimed to give to the criminal an opportunity to demonstrate that he is social behaviour is changed in a more good way. From latin **PROBARE** = to test. Therefore , a time period useful to test the mending of one's way.

PROBATIVE PROOF

any kind of evidence aimed to help the judge to get a reasonable conclusion or convincement relating to the circumstances. From latin **PROBARE** = to test.

PROCEDURAL DUE PROCESS

term indicating the constitutional requirement about the need to conduct all judicial or administrative proceedings in fair and proper way. Eg : the warranty given to the defendant to be heard by the judge after the arrest. From latin **PROCEDERE** = to progress (in figurative sense , the process goes ahead steps by steps).

PROCEDURAL LAW

law dealing with the conduct of civil , criminal or administrative trial and the administration of the law court. Term used to distinguish from substantive law which is dealing with definition of legal rights or duties. From latin **PROCEDERE** = to progress (in figurative sense , is a law ruling the course of the trial.

PROCEEDING

term having different meanings as for example a set of steps in the conduct of litigation or the application before the court. From latin **PROCEDERE** = to progress (in figurative sense , the process goes ahead steps

by steps).

PROCEEDS

sum of money or assets resulting from commercial transaction (eg : a sale of building) , or amount of money representing the reimbursement of a loss , granted by insurance contract. From latin **PRO** = in favour of / **CEDERE** = to renounce. In figurative sense , to renounce to a sum of money due to get the property of another thing.

PROCESS

term indicating all the steps in a legal proceeding. From latin **PROCEDERE** = to go ahead.

PROCLAMATION

public announcement of an action requiring a public acknowledgement, issued usually as a governamental document concerning a general and important matter. From latin **PRO** = for the / **CLAMARE** = to call with loud voice . In figurative sense , to call someone with a loud voice with the aim to get the acknowledgement by the people.

PROCURATION

kind of proxy consisting in a power of an attorney to authorize one person to act as agent or as attorney in fact for another person . From latin **PRO** = in favour of / **CURARE** = to take care of . In figurative sense, the attorney takes care of the legal problems of the client.

PROCUREMENT

inducement of a person to perform an act. As example , a sell and buy contract of a building, in which the broker is a procurer of the bargain. From latin **PRO** = in favour of / **CURARE** = to take care of . Therefore, to take care of a business in favour of the buyer or seller interest.

PROFANE LANGUAGE

term indicating in a crime consisting in the use of obscene language during a radio broadcast. From latin **PROFANARE** = to violate the boundaries of a temple. In figurative sense the boundaries are the borders of the decency.

PROFESSIONAL RESPONSIBILITY

term concerning the liability (criminal o civil liability) of a subject in the exercise of his profession as for example legal or medical profession. From latin **PRO** = in favour of / **FERRE** = to bring / **RESPONSUM** = answer . In figurative sense , a profession is made by a set of skills that have been brought from a person to another person (the learners). The responsum is the figurative answer that the liable person has to give to the court with the aim to justify own's conduct.

PROFITEERING

illegal conduct perpetrated by a subject that is taking an unfair advantage from a period of emergency or crisis, by means of rise up of commodities price or other goods of first necessity. From latin **PRO** = in favour of / **FACERE** = to make something so that. In figurative sense ,to make something so that an advantage will be in own's favour.

PRO FORMA DOCUMENT

document issued as pure formality, according to a pure formal provision. From latin **PRO** = in favour of / **FORMA** = shape, model, condition.

PROGRESSIVE TAX

tax imposing to an income an increasing higher rates as the taxpayer's income is increasing . From latin **PRO** = ahead, forward / **GRESSUS** = walking. Therefore , as the income goes ahead or rises up, the taxation rate is rising.

PROHIBITION

term indicating the act of forbidding the commission of an action , conduct or activity. Eg: the prohibition cigarettes sale to an underaged people, or the order issued by a superior court to a lower court not to assume the jurisdiction in a matter going beyond its competence. From latin **PRO** = with the aim to defend / **INHIBITUM** = forbidden. In figurative sense, a prohibition order is forbidding a conduct with the aim to defend the community.

PROMINENT LAWYER

lawyer highly rated. From latin **PROMINEO** = to lean out, to have a relevance.

PROMISSORY NOTE

document containing a written promise to pay a sum of money on a specified date (on demand or on sight) to a specified payee. From latin **PRO** = in favour of / **MISSUS** = sent / **NOTUM** = shown. In figurative sense, is a document send with the aim to promise a payment in favour of the creditor.

PROMULGATION OF THE LAW

act consisting in the phase further after the issue of a law, aimed to allow the public acknowledgement . From latin **PRO** = in favour of, permitting to / **MULGERE** = to milk. In figurative sense , the breast of a cow is the parliament , the milk is the law and the president of republic (having the promulgation duty) is the milker. Therefore, after the issue, the law is made, but to be known by people is need to be put out from the parliament , as the milk is inside the breast but to be drunk is need to be put out from the cow's breast. Therefore, squeezing the breast (the Parliament) with the aim to put out the milk (law) , this last will be acknowledged and the people will be allowed to know its content.

PROOF

document, item or witnessess establishing the existence of a facts, condition or circumstance in a dispute. From latin **PROFERRE** = to show, to express, to exhibite . Therefore from latin **PRO** = in favour of / **FERRE** = to bring . In figurative sense , the proof is something brought from the party to the Court , in favour of this one because is just the Court to have an easier task for the examination or evaluation of the matter undert trial.

PROPERTY RIGHT

ownership's right to dispose of a good or estate in absolute way, therefore a good exclusively owned. From latin **PROPRIUS** = belonging to one particular person.

PROPONENT

person advocating a cause or issue , and proposing an idea , as for example the proponent of a will, is a person offering the will for probate. From latin **PRO** = aimed to be / **PONERE** = to put. In figurative sense, to put an issue , in front of a Court, with the aim to be decided.

PROPOSAL OF LAW

act consisting in a introduction of a new rule or set of rule concerning a legislation. From latin **PRO** = aimed to be / **PONERE** = to put.

PROPRIETARY

term describing anything privately owned , managed used or traded under an exclusive legal right. From latin **PROPRIUS** = belonging to one particular person / **ARS** = conduct . In figurative sense , a conduct involving an ownership title.

PROPRIETARY FUNCTION

term describing the function of municipal government about the management of a municipal property as for example a municipal theatre, being a discretionary function and not a mandatory function. From latin **PROPRIUS** = belonging to one particular person / **ARS** = conduct. In figurative sense , a conduct involving an ownership title.

PROSCRIPTION

term indicating a conduct forbidden by a statute or law. From latin **PRO** = aimed to be / **SCRIBERE** = to write. In figurative sense, a document written with the aim to be known by the people and indicating what is a wrong or right conduct.

PROSECUTION

in the criminal law is a term indicating the beginning and mantaining of a legal action against a person (called " defendant ") charged with a crime commission. From latin **PERSECUTIO** = judiciary action. But the term " prosecution " could be also another meaning : from latin **PRO** = in favour of / **SECUTUS SUM** = followed, persecuted. In the figurative sense , the defendant is persecuted by a prosecutor that is helping the State's interest to catch the offenders.

PROSPECTIVE DAMAGES

damages awarded as compensation in favour of the plaintiff for the future consequences of a conduct made by a defendant. From latin **PRO** = ahead , after / **SPECTARI** = to look , to see . There fore, a damage looked after the conduct, as consequence of this last.

PROSPECTIVE LAW OR STATUTE

law having an enforcement only in a future time in case of future events or circumstances. This law will not have a retroactive effects. From latin **PRO** = ahead , after / **SPECTARI** = to look , to see .

PROSPECTUS

document containing the essential facts about a corporation management , included the operations. This document is aimed to give (to a potential purchaser of the company or potential share holders) a lot of information. From latin **PRO** = ahead , after / **SPECTARI** = to look , to see . Therefore, too see the company situation , after a determinate management period.

PROTECTION ORDER

order issued by a court in domestic violence or abuse case, aimed to avoid any contact between defendant and victim . From latin **PRO** = in favour of / **TECTUM** = roof . In figurative sense, is a measure aimed to grant a coverage against a domestic abuse or violence.

PROTECTIVE CUSTODY

term indicating a detention or sequestration of material that potentially will be used in criminal action. This detention is aimed to assure their safety from possible injury. From latin **PRO** = in favour of / **TECTUM** = roof . In figurative sense, is a measure aimed to grant a coverage against a domestic abuse or violence.

PROTESTED CHEQUE

term indicating a cheque, as negotiable instrument , that has been formally declared by a notary as a cheque presented for payment, but which payment has been refused. From latin **PRO** = in favour of / **TESTARI** = to testify. In figurative sense, to testify the lack of validity of a negotiable instrument.

PROTOCOL OFFICE

office charged to receive the first file concerning a administrative proceeding (eg : a complaint against a measure issued by public administrator, before the examination by competent authority, has to be filed at the protocol office) . From old greek **PROTOS** = first / **KOLLA** = glue. This because, in the old Greece, the protocol document was a sheet or a leaf stuck by means of glue to the first page of a document, and indicating summarily the matter or arguments contained in a document.

PROTONOTARY

term indicating the chief clerk of a law court, as having a primary importance among the others. From old greek **PROTOS** = first / from latin **NOTUM** = public / **ARS** = job. Therefore, the chief clerk has as the lien to be the first person having as a job duty , the publicing and handling of legal document

PROVINCE

territorial administrative division of a State or Region. From latin **PRO** = have a function to / **VINCERE** = to win , to dominate. In fact in the old roman empire, when the army was conquering a territory was in habit to institute this administrative share of territory with the aim to win the resistance of the defeated enemy army.

PROVISIONAL GOVERNMENT

government exercising a temporary authority , because the creation of new permanent government is yet pending. From latin **PROVISUS** = under examination / **GUBERNATOR** = the driver of a ship . In figurative sense, the ship is the State.

PROVISIONAL COMMITTE

kind of committee involving the grant, the concession of temporary power, limited by a time period. From latin **PROVISUS** = under examination / **CUM** = with / **MITTERE** = to send (to appoint as). Therefore a group of person sent with the aim to get a first and temporary examination of a matter.

PROVISIONAL REMEDY

judicial measure aimed to give to a party involved in a future and possible dispute, a protection against possible injury or loss while the legal action is pending or is not yet begun (eg: a temporary sequestration). From latin **PRO** = ahead, in the future / **VIDERE** = to look / **RE** = again / **MEDERI** = to heal. In figurative sense, the judge issues a measure aimed to heal a problem that , in the future and pending the trial, possibly could be occurr or to heal a legal situation , formerly legal , because he is foreseeing , in the future, a possible legal problem involving a party.

PROVISO

latin term indicating a clause in a contract or other legal deed , involving a condition on the use of a right or restriction to its use. From latin **PRO** = ahead, in the future / **VISUS** = seen.

PROVOCATION

in criminal law, the term is indicating a mitigating circumstance in a crime committment, because perpetrated in a moment of resentment or fury provoked just by the victim with his impolite or unlawful conduct . From latin **PRO** = aimed to / **VOCATIO** = calling. In figurative sense , the victim's behaviour has

called the offender's reaction.

PROXIMATE CAUSE

in the law of torts, this term is indicating the direct cause of an injury, due to a negligent act without which the injury would not have occurred and which is not interrupted by an intervention or contribution of another subject. From latin **PROXIMITAS** = nearness.

PROXY DOCUMENT

document containing the empower of the authority to act for another or for the care of another interests, as for example the proxy document given to a lawyer. From latin **PROMIXE** = very near. In figurative sense, the lawyer is near to his client, is taking care of him.

PRUDENCE (ORDINARY P.)

term used in the law of torts to indicate an act that never would be committed by a reasonable and prudent person. From latin **PRUDENTIA** = careful

PUBLIC

word oftenly used near a legal term , to indicate an interest concerning all the people (eg: public defender, public domain, public interest). From latin **PUBLICE** = officially.

PUBLISHMENT OF A WILL

term indicating that a will or testamentary provision has been declared open. From latin **PUBLICE** = officially.

PUNISHMENT

term indicating the imposition of a penalty in response of an offence. From latin **POENA** = punishment.

PUNITIVE MEASURE

measure issued to penalize an offence maker. From latin **POENA** = punishment .

PUNITIVE DAMAGES

kind of compensation, awarded to the plaintiff, consisting in a sum exceeding the real amount of damage, but having an exemplary function to discourage future and eventual outlaw conducts. From latin **POENA** = punishment.

PURGE OF GUILT

clearance of guilt , clearance of a charge or accusation . From latin **PURGARE** = to purify

PUTATIVE FATHER / P. MOTHER

term indicating the person commonly accepted as father (or mother) of a child. From latin **PUTATUM** = thought , considered.

PUTATIVE MARRIAGE

marriage entered into by both parties, without knowledge of an impediment (eg : the wife is yet married , but she doesn't know this situation) and commonly accepted as valid. From latin **PUTATUM** = thought , considered.

PYRAMIDAL SYSTEM OF HIERARCHY

term used to indicate a system of competence and authority inspired to a old egyptian building having a large squared basis (figuratively indicating the executive clerk of an office) and progressively retrenched to the head (figuratively indicating the leader, the head of an office). From old greek **PIRAMIS** = old egyptian building, above mentioned. (The name is derivated from old greek **PUR** = fire. In fact , the fire has a large basis and coming to the top , the flame is retrenched) . The english term " hierarchy " is coming from old greek **GHEROS** = old, expert / **ARCHE'** = power. Therefore, the power is given to the oldest and more expert person.

QUALIFICATION

defined skill required for the keeping of an office or job. From latin **QUALITAS** = characteristic , feature , condition / **OFFICIUM** = function, service. Therefore a characteristic , a needed skill requested to perform a service.

QUALIFIED ACCEPTANCE

conditioned acceptance of a contractual proposal. Term used in the law of contracts and indicating an acceptance of an offer conditioned to a change or a modification of the offer conditions. From latin **QUALITAS** = condition, characteristic / **FOEDUS** = agreed , settled / **CAEPTUS** = caught , allowed. In figurative sense , the contract is allowed only if it is settled with it's particular characteristic or condition.

QUARANTINE ORDER

order issued by public safety authority , aimed to isolate in a specified home or land , humans or animals suspected to have a contagious disease. From latin **QUADRAGINTA** = period of fourty days, commonly known as a minimum period to favour the dead of a virus.

QUASHING OF AN INDICTMENT (Q. OF A SUBPOENA)

order issued by a superior Court that involves an avoidance or annulment of an indictment (or also the anulment of a subpoena or sentence formerly issued by an inferior Court). As example in Italy, the supreme Court has a quashing power of a sentence issued by a lower Courts. From latin **QUASSUS** = demolished. In figurative sense, the validity of the order issued by an inferior Court is destroyed by the order issued by a superior Court.

QUASI JUDICIAL PROCEEDING

proceeding having all the elements of a trial , as the summon or the evidences submission , but conducted by an administrative agency and not by a law court therefore not by a judiciary authority. From latin **QUASI** = almost.

QUASI IN REM CLAIM

claim in which the plaintiff wish a recovery of damages by means of an attaching some (not all) of his property. From latin **QUASI** = almost / **REM** = item / **CLAMARE** = to ask.

QUASI CRIMINAL TRIAL

trial or proceeding having some elements common with judiciary trial but regarding violation less important , as for example a quasi criminal proceeding before the disciplinary committee of a law society. From latin **QUASI** = almost / **CRIMEN** = offence.

QUESTION

point of law or point of fact on which parties disagree , therefore is need to be submitted to a court for the resolution . From latin **QUAESTIO** = asked.

QUITE TITLE ACTION

legal action aimed to get a declaration of a full ownership of a good regarding a party. From latin **QUIETARE** = to rest. So , the party declared owner of a good, can rest , in the sense that can avoid to bring a legal action against someone.

QUORUM OF JUDGES

term indicating a minimum number of judges required to issue an order or a sentence. Eg: to issue a sentence, the quorum is the 70% of the voting judges. From latin **QUI** = who . In figurative sense, the group of judge required to approve a decision.

QUOTA (TAXATION Q.)

term indicating an assigned number concerning the percentage of tax due to pay. Eg: the income earned by ownership of a land, is under a taxation quota of 30 % of proceedings. From latin **QUOTA** = share.

QUO WARRANT PROCEEDINGS

in the law of corporation is a proceeding aimed to test a properly formation of a corporation , its valid existence and the regular power to claim or to act legally to care its interests. From latin **QUO** = who / from old italian **GARANTIRE** = to give a guarantee / from latin **PROCEDERE** = to go ahead. In figurative sense, this proceeding is aimed to understand what is the source giving the authority to go ahead in the enterprise management.

RANSOM MONEY

money asked in exchange for release of a prisoner orkidnapped person. From latin **RAPTUS** = theft / **SUMMA** = total. In figurative sense, is the total amount of money paid to get the freedom of the kidnapped person.

RASURE OF A LEGAL DOCUMENT

conduct consisting in a removal (deleting or scraping) of letters or words from a legal document , scratching the document's surface. From latin **RASUM** = cancelled (in fact the english verb "to erase" is meaning to

cancel).

RATABLE PROPERTY

in the law of property, is indicating an estate able to be appraised, assessed and compared with an estate of the same category. From latin **RATUS SUM** = valued, extimated.

RATE OF INTEREST

is the percentage of principal loaned amount of money loaned which is charged by a lender for the use of the money. From latin **RATUS SUM** = valued, extimated.

RATIFICATION OF A DOCUMENT

approval , confirmation or validation of a document made by private or public body. From latin **RATUS** = lasting, stable , sure / **FACERE** = to do. Therefore by means of ratification, a document which a validity was formerly doubtful, now is validated or confirmed by competent authority.

RATIO OF LAW

term indicating the reasons, principles and purposes aimed before the passing of a law. From latin **RATIO** = ground , reason.

REAFFIRMATION AGREEMENT

settlement between a debtor in bankruptcy and his creditors , reached usually before that the bankruptcy Court is declaring the business stop of the debtor's firm. From latin **RE** = again / **AD** = by / **FIRMARI** = to make firm, to establish. In figurative sense, by means of this kind of agreement, the debtor is avoiding the bankruptcy because has trust in the reestablishment of own's firm business.

REAL ESTATE

term indicating a land or real property . From latin **RES** = thing , item, good / **STATIO** = not movableness.

REAL COVENANT

term indicating an agreement concerning a land. From latin **RES** = thing, good, item / **CUM** = with /

VENIRE = to come. In fugurative sense, the will of a party comes together with the will of another party, to reach an agreement regarding a item buying-selling.

REALIZE

to convert property into currency. The term usually is indicating the proceeds of one's work or transaction. From latin **RES** = thing, good, item / **IUSSUS** = ordered.

REALTY

term indicating a real estate or property. From latin **RES** = thing, good, item.

REAPPORTION

before the electoral period, is a new distribution of the members of a legislative body (eg: Congress in U.S.A) due to a population change in a legislative district. From latin **RE** = again / **AD** = by / **PORTIO** = share. As example : the Utah State is represented in the Congress by 15 members, because is population is a little share of the entire U.S.A population, but as a growth the future members to be elected will be in a number of 20.

REASONABLE DOUBT (BEYOND A R.D.)

one of main important prerogative or ground regarding a conviction sentence, imposing to a jury to declare guilty a defendant only in case of surety of a criminal conduct and clear a reliability of evidences against him . From latin **RATIO** = reason, ground / **HABILIS** = to be able to . Therefore, a doubt able to be supported by a reason or ground.

REBATE OF PAYMENT

term indicating the refund of a sum of money paid by a taxpayer, in case this amount of money exceeded the due amount. From latin **RE** = again / **BATTUERE** = to beat , to knock. In figurative sense, the paid money amount knock again against the original taxpayer.

REBELLION (CRIME OF R.)

crime involving an armed attack or insurrection. From latin **RE** = against / **BELLUM** = war. Therefore , a civil war against the established government.

(TO) RECANT A STATEMENT

to withdraw a previous statement (eg : the declarations stated in a will). From latin **RE** = again / **CANTARE** = to tell singing.

RECAPTURE CLAUSE

in the contract law is a clause allowing a change in the payment term when is occurring a change in some circumstance which is unfair to one party. From latin **RE** = again / **CAPTIVUS** = inside a cage, captured. In figurative sense, the damaged party is recapturing the contract's conditions in his favour.

RECEIPT

written paper in which there is an acknowledgement by a party to take possession of an item purchased. From latin **RECIPERE** = to retain, to receive

RECEIVABLE DEBT

debt declared payable because , as example , occurred the expiry date for the payment. Therefore, the creditor has the right to claim the fulfilment of this obligation . From latin **RECIPERE** = to retain , to receive / **HABILIS** = able to be / **DEBITUM** = given.

RECEIVER (TAX R.)

term indicating an officer , appointed by the government , to whom is need to pay the taxes . From latin **RECIPERE** = toretain , to receive

RECESS

term indicating the break during the conduct of an hearing or trial, or the interruption in the regular conduct of business for rest of a party. From latin **RETRO** = back / **CAEDERE** = to go . In figurative sense, to go reversely to the decision formerly taken.

RECIDIVISM

term indicating the conduct consisting in a re-committing of the same crime formerly perpetrated , as result of an habitual-criminal conduct. From latin **RECIDERE** = to fall again. In figurative sense, the first offender is fallen in the wrong conduct , and the second time he is fallen again in the same wrong conduct.

RECIPROCAL PROMISE

promise given by one party of a contract in exchange for a promise by the other . From latin **RECIPROCARE** = to send both forwards and backwards . Therefore the performance has made by a party and made again by counterparty.

RECIPROCAL WILLS

kind of will in which two testators are naming each other as beneficiary, usually for a purpose of mutuality of treatment. From latin **RECIPROCARE** = to send both forwards and backwards. In fact, the goods or estate of a testator has been given to the person named, and this last person gives (by means of will) his goods or estate to the first testator, mutually.

RECITAL

term indicating the introductory words, in a legal deed, preceding an allegation or a formal claim, usually regarding the reason of the document. From latin **RE** = again / **CAETER** = remainder. In fact, the recital is repeating the remainder part of document.

RECLAMATION RIGHT

term indicating the right to claim the repossession of a chattel or property, formerly and mistakenly given to another person. From latin **RE** = again / **CLAMARE** = to call.

RECOGNIZANCE (PERSONAL R.)

record signed by a temporary released defendant and containing a promises of his reappearance before the Court at specified time, and usually under payment of a bail. From latin **RE** = again / **COGNOSCERE** = to know. In figurative sense, the defendant is promising to the court to appear in a further hearing to permit the acknowledgement of his case.

RECOLLECTION

term indicating the act of remembering an event, commonly used to indicate a present testimony given in so accurate way to reflect almost perfectly the fact occurred. From latin **RE** = again / **COLLECTUS** = picked up. Therefore, in figurative sense, some events or detail are picked up to be shown to the Court.

RECOMMENDATION BY A TESTATOR

term indicating an instruction or guidelines given by the testator to the will executor , aimed to do some act or legal action. In a wide meaning is an issue of favourable report about a person . From latin **RE** = again / **CUM** = with / **MANDARE** = to send . In figurative sense, to send again a message (in favour of someone) with the testamentary document.

RECONCILIATION (FAMILY R.)

term used in the law of domestic relationship and indicating the restoration of a former normal marital relationship between husband and wife, formerly broken, as a refresh of marital status. From latin **RE** = again / **CONCILIARE** = to bring together.

RECONSTRUCTION OF PATENT

term used in patent law to indicate the infringement of a patent by rebuilding or assembling of functional parts or elements. From latin **RE** = again / **CONSTRUERE** = to build.

RECORD

term indicating any writing or papers aimed to memorize , to store in a document a transaction or proceedings of a public body. From latin **RE** = again / **CORDIS** = of the mind. In figurative sense, to bring something again in the mind. Eg : an arrest record written by a police force, the act of recording a public document in the public registry is named recordation , the public officer that supervises the recordation of a public documents is named recorder.

RECOURSE RIGHT

right belonging to the holder of a negotiable instrument to claim the payment by a person acting by means of surety or other person as ancillary liable, after the default of payment by the prime debtor. From latin **RE** = again / **CURSUS** = direction, rigmarole. In fact, in case of default of prime , of early debtor , the creditor has to follow again the same legal rigmarole with the guarantor or person that is vouching for the early debtor.

RECOVERY (TO R.)

to get the payment of a debt or restoration of property . From latin **RE** = again / **CUPA** = barrel. In old roman empire, a lot of goods or item was keept inside a wooden barrel, therefore **RECUPERARE** is meaning to put an item again inside the barrel.

RECRIMINATION

term indicating an accusation responding to another accusation, as a charge given by retaliation . Eg : injurious word said each against other. From latin **RE** = reciprocal, mutual / **CRIMINARI** = to accuse.

RECTIFICATION OF DOCUMENT

correction of an error o mistake present in a document. From latin **RECTUS** = ruled / **FACTUM** = made / from old greek **DOKEO** = to teach. In fact a document is a paper teaching an idea inside espressed by writing.

RECUSATION

the process by which a judge , under motion actioned by a party , is not allowed to decide the case because conflict of interest or others reasons of opportunity. From latin **RE** = again, reciprocally / **ACCUSARE** = to blame , to accuse. Therefore,in case of recusation in a trial , the court is accusing the defendant, and this one is accusing the court to be impartial.

REDEMPTION

discharge of pledge by means of payment of a required sum, as for example happens in the recovery of property right after satisfaction of obligation or debt. Eg: full payment of sum loaned by bank, is clearing the mortage over an house and redeeming the right of property on the house. From latin **RE** = again / **EMPTUS** = purchased. Therefore, an item not more in possession of former owner, has been repurchased.

REDUNDANCY IN A LEGAL DOCUMENT

term indicating the superfluous repetition of an irrilevant concept or word in a legal document (as example : a concept that has been repeated without need or proper purpose). From latin **REDUNDANTIA** = overabundance , overloading.

REFERENCE OF A CASE

term indicating a submission of a case or matter , aimed to get a disposition about it , issued by a court . From latin **REFERRE** = to attribute (a case to the Court).

REFORMATION (R. OF ORDERS, R. OF SENTENCE, R. OF DOCUMENTS)

term indicating a process of amendment or correction concerning a document having, as content, an error or mistake in a disposition. Also, in the italian criminal procedure code, is forbidden to the Appeal Court to

reformate the sentence issued by a lower Court with another aggravated (called " ban of reformation in pejus "). From latin **RE** = again / **FORMA** = shape, kind.

REFUGEE STATUS

status of a person who, because persecution , has been forced to run away from his Country and usually is claiming the political international shelter. From latin **RE** = again / **FUGIRE** = run away (**REFUGIUS** = shelter, hideway).

REFUND OF PAYMENT

return of a share or entirety of a former performed payment (as example : the refund of money for overpaid taxes . In this case, the concerning order is issued by the taxing authority). From latin **RE** = again / **FUNDARE** = to establish , to consolidate. In figurative sense, to re-establish the situation formerly existing.

REGIME

system of rules and principles leading the governmental and parliamentary activity in a Country. From latin **REX** = king / **MENS** = mind, think. In figurative sense, a regime is that the king is thinking (is willing and successively his thing will be transformed in a rule or law)

REGION

territorial administrative area. From latin **REGIS** = of the king / **ONUS** = task, duty. In figurative sense a region is a share of national territory under the administration of the king (figuratively representing the State). Also from latin **REGIONIS** = of a border. Here , in figurative sense is indicating a border sharing the different areas of a State.

REGISTRY

term indicating a book, paper or other kind of written record , reciting a public fact as for example births , marriages , wills , patents. From latin **REGIS** = of the king / **TRACTUS** = carried , brought . In figurative sense, by means of registry document, this one known only by a private person , is brought to acknowledgement of public authority (represented by the king).

REGISTRAR

officer having the task to keep of public records. From latin **REGIS** = of the king / **TRAERE** = to bring. In

figurative sense, the officer brings a news of public interest from his acknowledgement to the acknowledgement of the king (the public authority).

REGISTRATION

term indicating the act of compiling a list officially and publically recognized or an act of entering or inscripting data or other kinds of information in a public register. From latin **REGIS** = of the king / **TRAERE** = to bring. Therefore, a private information is brought to the acknowledgement of the king (the State).

REGRESSIVE TAX

tax in which the rate of taxation is decreasing inversely with the level of income . Eg : for an yearly income of 40000 euro, the rate is 30%, for an income of 50000 the rate is 20 %. From latin **RETRO** = back / **GRESSUS** = way to go.

REGULATION (POWER OF R.)

term indicating the power, enforcing a public body ,to fix precise standard of conduct . Also is indicating a rule having the force of law. From latin **REGULA** = rule.

REHABILITATION OF INSOLVENT DEBTOR (R. OF WITNESS, R. OF CRIMINAL)

restoring something or situation to a former state, usually indicating a return to a position of good reputation. Eg: to restore the reliability of a debtor to a former state or to him former financial stability . From latin **RE** = again / **HABILIS** = to be able to / **IN** = not / **SOLVERE** = to untie , to dissolve (a contract).

REIMBURSEMENT RIGHT

term indicating the right of guarantor, of a person vouching for another, to have the payback of the money paid to satisfy the obligation of the principal debtor. From latin **RE** = back / **BURSA** = bag (therefore the money formerly paid, comes back in the bag)

REJECTION OF A (R. OF A RECOURSE , R. OF AN APPEAL)

refusal to accept a recourse or appeal, denying its allowance. From latin **RE** = back / **JACTARE** = to throw.

RELATED CLAIMS

claims originating from the same set of facts or circumstances , although based upon different principles of law. Eg: claim for personal injury due to car accident , are related to the material damage to the car. From latin **RE** = back / **LATUS** = brought (a fact brought back to the original matter of litigation).

RELATION BACK

term indicating an application or act taken with a retroactive effect, therefore deemed an act done , completed or delivered at an earlier date than actual date. Eg: a law enforced in the date of 1.1.2014 , in relation back , is affecting also the conduct against it perpetrated in the month of december 2013. From latin **RE** = back / **LATUS** = brought (therefore, the enforceability of a law is brought back in time as regards to the pass of the law).

RELATOR

term having two meanings. First : informer or teller of a criminal conduct made by the defendant (in modern italian called **RELATORE**) . Second : person having a sufficient standing to enable a State to bring a legal action in his name . Eg : Missouri State (ex relator A.Johnson) vs J. Roberts . From latin **RE** = again / **LATUS** = brought . In figurative sense , to bring again to the acknowledgement of the court , an information already brought to the acknowledgement of police office.

RELEASE (TO R.)

to discharge from an obligation , to relieve of a burden , to set free from restraint or servitude , to give up a claim or demand in exchange for a benefit. From latin **RE** = again / **LAXARE** = to loosen. In figurative sense, to loosen the chains so a limit to the freedom of the debtor.

RELEVANCE (R. OF A TESTIMONY , R. OF AN EVIDENCE)

term indicating the admission made by a court ,concerning a testimony or evidence , because able to prove or disprove a fact at issue or a circumstance. From latin **RE** = again / **LEVARE** = to lift. In the figurative sense, to lift a proof from the floor to show it to the Court.

RELICTION IN THE BOUNDARY LINE

modification or change in the boundary line between two parcels of land washed by the same body of water. From latin **RELICTUS** = left over, remained, abandoned (after a flood).

RELIEF

order issued by judge or court granting a legal remedy aimed to remove a burden or oppression . From latin **RETRO** = back / **LEVARE** = to lift (in figuative sense, a legal remedy is claimed with the aim to lift a burden or give a relief from a legal problem that the claimant is bringing over his back).

RELINQUISH (R. OF PROPERTY, R. OF CITIZENSHIP)

to give a property , to renounce to own's former citizenship made by an emigrant. From latin **RELICTUS** = renounced, abandoned.

REM IN TRUST

asset or property held in trust. From latin **REM** = item, good.

REMAINDER CASE

case or legal action left over (left behind because the Court's roll is too busy). From latin **REMANERE** = to left behind.

REMAND (ACT OF R.)

act by means of an appeal court send back a case to the trial court for a new hearing of a new trial, or also the act by means of an administrative court returns an administrative matter to an agency for a further review, re-examination and therefore re-determination . From latin **RETRO** = back, behind / **MANDARE** = to send.

REMEDY (LEGAL R.)

act ordered by a Court or administrative Agency to enforce a right or correct a wrong . Is also used to obtain a relief from a wrong or grievance and therefore aimed to secure or recover a right . From latin **RE** = against / **MEDERI** = to heal. In figurative sense, an action used against a legal problem with the aim to heal this one.

REMISE OF PROPERTY

term used in a deed to indicate a purpose to give up, to relinquish a property right. From latin **RE** = back / **MISSUS** = sent . Therefore, to send back the right of property formerly owned, therefore to refuse the enjoyment of a right.

REMISSION

release from a forfeiture or penalty , discharge from an obligation (by creditor statement) . From latin **RE** = back / **MISSUS** = sent (therefore refused).

REMITTANCE

term indicating three different meanings. First : payment of an obligation. Second : remittance of a case to a lower court aimed to get a better examination or reconsideration of a former judgement . Third : anulment of a penalty or fine . From latin **RE** = former / **MITTERE** = to send. In figurative , after the payment, the creditor is sending the debtor in the legal position formerly held.

REMITTITUR OF RECORD

order issued by an appeal court which remands tothe trial court a record or proceedings . The order obliges the trial court to follow the superior court instruction given. From latin **RE** = former / **MITTERE** = to send (therefore to send to a lower court for a better examination.

REMOTE CAUSE

in the law of evidence is a cause which , viewed by a sight point of normal experience, is not able or improbable to cause the event examined in the matter. From latin **RE** = again / **MOTUS** = moved away. In figurative sense, a cause not having a role in the event of a crime, therefore is need again to move away this cause from the facts examination.

REMOVAL OF AN ACTION

moving an action from one Court to another (eg : from a state court to a federal court when the case is involving a claim under constitutional disposition) From latin **RE** = again / **MOVERE** = to move

REMOVAL FROM OFFICE

dismissal , displacement or resignation of a public officer from his office. From latin **RE** = again / **MOVERE** = to move / **OFFICIUM** = task, duty.

RENDITION OF VERDICT

verdict issued by a Court after the reaching of an agreement upon a decision and therefore this verdict has been reported and furtherly announced in open court hearing . From latin **RETRO** = back / **DARE** = to deliver. In figurative sense, after the verdict issued by an agreemen, the Court gives back the matter to the party (also for an possible appeal).

RENEWAL OF A RIGHT

restoration of a right, starting again of a right or lien formerly lost (eg: to renew a judgement , to renew an objection at trial). From latin **RE** = again / **NOVUS** = new, just made.

RENUNCIATION OF A RIGHT

action direct to waive a legal right, to repudiate a will (therefore involving a giving up of right in favour of transaction). From latin **RETRO** = back / **NUNTIARE** = to tell. In figurative sense, to tell that own's will is to go back in the former situation as regards to the attainment of the right.

REORGANIZATION OF A COMPANY

in bankruptcy law, is the activity aimed to restructure the material or financial situation of an enterprise. From latin **RE** = again / **ORGANUM** = instrument, tool, system / **ACTIONEM** = operation made, action done. (the term " company " is coming from latin **CUM** = with, together / **PANIS** = bread. In old roman empire the simply fact to divide the lunch or dinner moment with another person, was symbolically meanings a joining of common interest and a common target to reach).

REPARATION ACT

act involving an amendment of damage suffered, done by a money or property compensation, for an injury or wrong. This act is aimed to restore the victim personal or material position. From latin **RE** = again / **PARATUS** = attrezzato .

REPATRATION ORDER

order issued by court or public authority, aimed to send back a foreign citizen. Also is the order aimed to send back an object of historical importance in the State of origin. From latin **RETRO** = back / **PATRIA** = nation

REPEAL ORDER

avoidance or revocation of an order (or licence) formerly issued, as for example the repeal of a trade licence. From latin **RETRO** = back / **PELLERE** = to push with strenght.

REPLENISHMENT OF A RIGHT

redressing a person with a right formerly lost. From latin **RE** = again / **PLENUM** = full . Here , in figurative sense, the bag of the right got empty , begins filled up. There fore to refill up the originary fullness of a legal situation formerly got empty.

REPLEVIN WRIT

order issued by a Court to an officer , aimed to recover and seize a property or goods illegally held . From latin **RETRO** = back / **PLUVIA** = rain. In old roman empire, the home had at the center , a courtyard with a swimming pool aimed to collect the rain's water . This swimming pool was called **IMPLUVIUM** (**IN** = inside / **PLUVIA** = rain) . Therefore , a replevin order, in figurative sense, is order aimed to full again the swimming pool (representing the property) by means of rain's water (representing the flow of money).

REPLICATION PLEADING

term indicating a pleading produced and interposed by the plaintiff , responding to the defendant's answer, as a replication to the defendant defending statement. From latin **RE** = again / **PLICATUS** = wrapped. In figurative sense, is a document wrapped again in a file (legal document), as responding to the defendant.

REPLY PLEADING

term indicating the response given by the plaintiff to the allegation produced by the defendant. From latin **RE** = again / **PLICATUS** =wrapped. In figurative sense, is a document wrapped again in a file (legal document) as responding to the defendant.

REPORT

term having two different meanings. First, the delivery of a judgement and consequential decision , from a law court to an administrative agency. Second : formal statement made by a person having a duty to write in a paperform what is the outcome of his examination or activity (eg : police report). From latin **RETRO** = back / **PORTARE** = to bring. Therefore , to bring a thing from a place to another place where was formerly.

REPOSE (STATUTE OF R.)

statute imposing a time limit to bring an action to the Court , regardless the date of the injury or offence. From latin **RE** = again / **PAUSARE** = to stop to do an activity. Therefore, the statute is advocating the necessity for the defendant to stop is processual activities for a not too long period.

REPOSSESSION ORDER

order issued by a court , usually aimed to authorize a land owner to take again the possession of his property in case the holder is defaulter in payment of rental fee. From latin **RETRO** = again / **POSSIDERE** = to hold.

REPRESENTATION

term indicating the substitution for a person or the activity in the place of another person, usually assuming the responsibility for another's affairs. Eg: the lawyers represents his client. From latin **RE** = again / **PRESENTIA** = staying in a place.

REPRESENTATION (FALSE R.)

in the law of torts is a statement which is known by the maker as false and inducing a detriment for the other party (eg : false representation of a property parcel in a cadastral map or registry). From latin **RE** = again / **PRESENTIA** = staying in a place.

REPRIEVE OF PUNISHMENT

term indicating the act to allow a convicted person to be allowed to a delay of the sentence serving , therefore putting off the execution of the sentence. From latin **RE** = again / **PRIVARE** = to do someone or something free from a charge, burden or duty.

REPRIMAND OF AN ATTORNEY

formal censure issued by a disciplinary committee for a violation of a disciplinary rule of article of code of conduct. From latin **RETRO** = back / **PREMERE** = to push . Therefore, in figurative sense, the disciplinary board of committee, is pushing back , as a reproach, a uncorrect behaviour perpetrated by an attorney.

REPUBLIC

political system of State government in which, formally, the last authority to decide the fate of a country is handled by the people represented by the legislature. From latin **RES** = thing / **PUBLICUS** = belonging to

all the people.

REPUDIATION OF AN OBLIGATION

in the law of contracts, is the refusal to perform an obligation agreed in a contract . This anticipatory refusal is claimed before the time in which the performance will be due. From latin **RETRO** = back / from old greek **PODI** = foot. In figurative sense, to kick someone by foot towards back , to move him away , because his had a wrongful conduct.

REPUGNANT STATEMENT

term indicating the statement , the provisions or law that are in contradictory situation each other, because for example a law disposition is contradicting another law disposition . From latin **RETRO** = back / **PUGNARE** = to fight, pushing with the aim to send far.

REQUEST FOR PRODUCTION

formal asking made by one party to another, to produce specified document aimed to permit an inspection of a venue. From latin **RE** = again / **QUAESTIO** = ask , question.

REQUIREMENTS CONTRACT

agreement under which one party is promising to deliver all the goods required by the other party for a fixed price and for a fixed period of time. Conversely, the other party agrees with him to purchase these goods, exclusively from this party. From latin **RE** = again / **QUAERERE** = to ask , to try to know

REQUISITION OF COMMODITIES

order issued by a military authority, involving a supply of goods and item of first necessity , required to civilians. From latin **RE** again / **QUAESITUS** = asked.

RESCIND (TO R.) A CONTRACT

to terminate a contract , to make a contract null and void , to stop the contract validity . From latin **RE** = again towards back / **SCINDERE** = to separate. In figurative sense , the rescissor is separating the tie , the link between himself and the other contract party, coming back before the contract stipulation.

RESCISSION OF CONTRACT

act avoiding or anulling a contract or a promise legally bounding . This act can be made also by the agreement between the parties and has the effect to make a contract null and void, since is inception time. From latin **RETRO** = back, before / **SCISSUS** = divided. Therefore, in figurative sense, a contractual relationship before stipulated, now becomes divided.

RESCRIPT ORDER

written order issued by a judge of an Appeal Court , and directed to give instructions to a lower Court, explaining the grounds of its decision and opinion about the case. From latin **RE** = again / **SCRIPTUS** = written

RESCUE ORDER

order issued by a Court involving the freedom from arrest or imprisonment . From latin **RE** = again / **EXCUSSUM** = shaked, chased away . In figurative sense, chased away from a problematic or dangerous situation.

RESCUE DOCTRINE

doctrine advocating the lack of contributory negligence of a rescuer, as matter of law (is only available as matter of morality) . From latin **RE** = again / **EXCUSSUM** = shaked, chased away . In figurative sense, chased away from a problematic or dangerous situation.

RESERVATION (STATEMENT OF R.)

provision present in a deed under which the grantor keeps for himself some right or interest that, at the moment of deed stipulation , did not exist, but will exist in a second moment. Eg : a grantor is conveying the ownership title over a land but is making a reservation for himself or his heirs of an easement right over this land, therefore there is an implicit exclusion of the grantee from this right . From latin **RETRO** = behind / **SERVARE** = to keep. In figurative sense, to keep a right behind his back and use this, in the future, at the proper moment.

RESERVATION OF A COURT

act of a Court, in withholding on application or motion , until a later time, as a delay of decision because a better examination of the application. From latin **RETRO** = behind / **SERVARE** = to keep. In figurative sense, to keep a decision behind his back and use this, at the proper moment, only after a better and deeper

examination.

RES FUNGIBLES

things or kind of object of such a nature that one can be replaced by another of an essential similarity, therefore not involving any controversy. From latin **RES** = thing / **FUNGERE** = to perform. Therefore, a thing able to do the same performance of another thing.

RESIDENCE OF A COMPANY

the place in which a company has it main office. From latin **RES** = thing , object / **ASSIDERE** = to sit down, to sit down near to. There fore the object (company) sitsdown in a determinated place.

RESIDUARY BEQUEST

in the testamentary law, is a bequest of that part of an estate which is left over after the payment of debts , various expenses and legacy made. The condition used for this aim, is called residuary clause. From latin **RETRO** = behind / **SEDERE** = to stay stopped. Therefore, this amount of money, left over,left behind and therefore staying stopped, now has an utility.

RESIGNATION AS

abandonment of a duty , job or task which a subject has been legally appointed. From latin **RESIGNARE** = to give back.

RESOLUTION

as a legal term, is the formal expression of the will or opinion of a legilative on a specific matter , as the steps before the law promulgation . From latin **RE** = again / **SOLVERE** = to untie (to solve a problem).

RESPONDENT

the party required to respond to the petition filed before the Court. From latin **RE** = again / **SPONDERE** = to commit oneself to be doing something, to vouch for. Therefore, to commit oneself to answer to the questions made by the court.

RESPONSIBLE

legally accountable , liable for , answerable for, able to discharge an obligation . From latin **RE** = again / **SPONDERE** = to commit oneself to be doing something, to vouch for / **HABILIS** = to be able to.

RESPONSIBILITY

the state of being liable for a debt , judgement, accounting , due to make a restitution for a injury, the capacity to know a right or wrong conduct. From latin **RE** = again / **SPONDERE** = to commit oneself to doing something, to vouch for / **HABILIS** = to be able to.

RESPONSIVE PLEADING

pleading responding on the merit (opposite to a pleading about a procedural hindrance). From latin **RE** = again / **SPONDERE** = to commit oneself to do something, to vouch for / **HABILIS** = to be able to / **PLACERE** = to make a proposal.

RESTITUTION ACT

legal act aimed to return an items to the rightful owner or to restore a situation or position unlawfully compromised. From latin **RETRO** = back, former / **TUITIO** = custody. In figurative sense, to give back something to the person that formerly was having the custody of this thing.

RESTORATION OF DOCUMENT

renewal of a document, formerly lost, replacing it with a new one. The term becomes from latin **RE** = again / **INSTAURARE** = to repair . But also from **RES** = thing / **TAURUS** = bull. In figurative sense, the bull is symbol of strenght and vigorousness or stability. In fact, to restore a damaged or lost document , is figuratively meaning to renew the document increasing his strenght, his validity.

RESTORATION OF A PARTY TO THE STATUS QUO ANTE

legal situtation imposed by means of court order, which restore the plaintiff in the position held before the unlawful lost of his formerly situation or before entering into the contract. The term becomes from latin **RE** = again / **INSTAURARE** = to repair . But also from **RES** = thing / **TAURUS** = bull. In figurative sense, the bull is symbol of strenght and vigorousness or stability. In fact, to restore a damaged or lost document , is figuratively meaning to renew the document increasing his strenght, his validity. The latin words **QUO ANTE** = that was before.

RESTRAINT ORDER

order issued by a lawcourt with the aim to forbide (usually temporarely) to the respondent to committ some wrongful act or harassing conduct until the court will arrive to a decision upon this matter (eg: restraint order to an husband , aimed to impede harassements his wife untile the disposition about the children custody). From latin **RE** = again / **STRINGERE** = to bind, to put limitations.

RESTRICTION OF PROPERTY RIGHT

limitation to the property right or control upon its use imposed by a court. Usually is regarding a limitation (sometime agreed by the parties) to the enjoyment of land's parcel . This kind of limitation imposed by a clause, is called restrictive clause. From latin **RE** = again / **STRINGERE** = to bind, to put limitations.

RESULTING OF LEGAL SUIT

term indicating the final decision , the conclusive judgement (not appellate), therefore the outcome of the entire procedural activity. From latin **RETRO** = back, before / **SALTARE** = to jump. In figurative sense, a decision issued by the Court is jumping back towards the plaintiff and the defendant (to allow them an acknowldegement of decision and unprobable appeal of decison to the superior court).

RETAINED FOR THE LEGAL SERVICE

term regarding the sum of money retained by a lawyer as consideration for his service , for his performance. Usually is present in terms as retaining lien or attorney's lien, to indicate the right of a lawyer to hold and keep all the papers or other kind of client's good , until this last will pay the due fee to the lawyer for his performance. From latin **RE** = again / **TENERE** = to keep. Therefore, to keep the documents until the client will pay the fee.

RETALIATORY EVICTION

action moved by a land lord, aimed to remove a land tenant , because moved a complaint or took an action against the landlord. From latin **RE** = again / **TALIO** = old kind of punishment consisting by means of perpetration , against the offender, of the same offence suffered by victim.

RETALIATORY STATUTE

law enforced in a State and imposing to the citizens of a foreign State some burdens or other kind of restrictions as has been imposed to own's citizens in this foreign State. Eg: Italy imposes penalty for United Kingdom citizens trading in Italy who has not trade licence, and as retaliation, United Kingdom imposes penalty for italian citizens. From latin **RE** = again, to repeat / **TALIO** = old kind of punishment consisting in the conduct made by the victim or his parents that makes (therefore repeats) the same offence (undergone

by victim) against the offender / **ARS** = activity.

RETRACTION OF AN OFFER

in the law of contracts is negation or withdrawal of an offer, formerly proposed, before the offer has been accepted by the offeree. From latin **RE** = back / **TRAHERE** = to bring, to carry

RETRAXIT OF A CLAIM

voluntary dismissal or withdrawal of a claim by the plaintiff , because probably will bring a loss of the claim. From latin **RETRO** = back / **TRAXI** = i pulled.

RETREAT (DUTY TO R.)

in the U.S.A. military penal code is indicating the conduct made by a soldier aimed to withdraw, to retire oneself from danger or risk. From latin **RETRO** = back / **TRAHERE** = to pull.

RETRIBUTIVE PRINCIPLE

principle advocated in the criminal law , to indicate the function of the punishment , as a retaliation for an outlaw conduct. From latin **RETRO** = back / **TRIBUERE** = to give. In figurative sense, to give to the people, offended by the criminal conduct, the proper compensation, by mean of offender punishment.

RETROACTIVE LAW

term indicating a present law that is affecting not only the present and future conduct or right but also created or existing in the past, therefore before the promulgation of this law. Is also called " retrospective law ". From latin **RETRO** = back / **ACTIO** = operation / **SPECTARE** = to look (in modern italian language , the word "specchio " is meaning mirror).

RETURN STATEMENT

formal statement of income , relating the general situation of taxpayer about allowance or deduction eventually required. From latin **RETRO** = back / **TORNARE** = to turn / **STATUS** = situation

RETURN OF SERVICE

proof of service, proof of notice of summon or subpoena. From latin **RETRO** = back / **TORNARE** = to turn.

REVENUE

return on investment , gross or total proceeds from an income source. From latin **RE** = back / **VENIRE** = to come . In figurative sense, the money invested comes back in the home of payers.

REVIEW OF RECORD

judicial re-examination of statute legality or its accordance to the constitutional provisions , judicial new examination of the record of a trial or proceeding before a lower court or agency. From latin **RE** = again / **VIDERE** = to see, to look / **RE** = again / **CORDIS** = of the mind, of the soul. In figurative sense, to see again a document and keep it again minded.

REVISED STATUTE

set of outstanding statutes or judgement after a reapparaisal , after a new examination aimed to eliminate the errors or superfluous words or rules. From latin **RE** = again / **VISUS** = sight. Therefore, a new and deeper sight and examination of the statute.

REVIVAL OF RIGHT

restoration of a right or condition which have been unapplicable or dormant. Eg: a contract got unforceable by a former law now not more enforced. From latin : **RE** = again / **VIVERE** = to live.

REVOCATION OF A CONTRACT

annulment or avoidance of an offer or oftenly of a contract effects , applied by lawyer. From latin **RETRO** = back / **VOCARE** = to call. Therefore to call back the former contract effects.

REVOLT

rise up against a government , riot again the established power. From latin **RE** = again / **VOLTUS** = to turn. In figurative sense , to turn again the political system established.

RIPARIAN RIGHT

right to use the water streaming in a river, for a lawful and reasonable purpose (eg: source of energy). From latin **RIPAE** = the banks of a rivers.

ROGATORY LETTER

formal request issued by a Court in one jurisdiction to a Court in another jurisdiction (usually foreign) to do a processual activity that must be made by a judge belonging to asking court. Eg: an italian appeal Court asks to appeal to a canadian appeal court to can examine a witness involved in crime made in Italy. From latin **ROGARE** = to ask, to make question.

ROYALTY RIGHT

compensation due to the owner of a property for the use of his property (eg : oil well) or his trademark. From example, a retailer have to pay the royalty to the owner of a chain of supermarke having a famous trademark. From old french **ROLE'** = law. (in the figurative sense, the royal family has the duty to make laws, as decision making power).

RULE

standard or guidelines for action or conduct , usually given by a law or other kind of authoritative provision. Eg : a sentence can give a rule about a conduct to do or undo. From latin **REGULA** = law.

RULING DECISION

any official decision , determination or interpreatation given by a court to an issue of law. From latin **REGULA** = law / **DECESSUM** = ended. In figurative sense, a decision is the end, the final step of a trial. Another more possible etymological derivation is from latin **DE** = by / **CESSUS** = result, outcome. In figurative sense, the decision is the output of a process, represented by judge's statement. Again another from latin **DE** = from / **CESUS** = cut , something that has been cut or solved. In fact, in figurative sense, a decision is something that has been cut from the trial, and now is the output coming from a former problem or matter .

SACRILEGE (CRIME OF S.)

outlaw conduct consisting to theft or destroy any item considered sacred in a particular place. From latin **SACER** = holy / **LEGERE** = to pick up.

SALARY

payment for service given performed . From latin **SALARIUS** = derived from salt. In the old roman empire, the salt was a kind of wage.

SALVAGE MONEY

in maritime law, amount of money given to a rescuer of a ship, as award for his act of saving of ship or its cargo. From latin **SALVUS** = safe.

SANCTION

penalty or fine imposed for violation of statute or regulation ; to give effect to a law, to give the approval of a law. Eg: a conduct sanctioned as wrongful according the law disposition n.3 . From latin **SANCTIO** = punishment.

SANITARY REGULATIONS

set of rules imposed by public authority aimed to protect the public health. From latin **SANARE** = to heal / **ARS** = job, skill , competence.

SANITY OF THE DEFENDANT

term used in criminal trial to indicate the liability of a person making a wrongful conduct. From this mental ability of the defendant, depends the possibility to distinguish a conduct as wrong or right. From latin **SANUS** = having a good mind.

SATISFACTION OF DEBT

payment of debt or other kind of financial obligation, conforming to stipulated requirements, therefore is the meeting of an obligation also by means of substitute of original agreed performance. The concerning document is often called satisfaction document. From latin **SATIS** = enough / **FACERE** = to do.

SAVING CLAUSE

contract clause providing the enforcement of a contract's clause, even if one or others more clauses is declared null and void. From latin **SE** = himself / **AVECTUS** = brought away. In figurative sense, the clause has been saved because brought away with himself, therefore not left or abandoned to the avoidance as the other clauses.

SCANDAL (PUBLIC S.)

adjective given to an offence against the common morality or conscience ruling in a place or time period. From old greek **SKANDALEO** = to make an offence.

SCHEDULE

written statement containing a list or an inventory , usually attached to another legal document as for example statement if bankruptcy. Here, the schedule is a set of lists filled by the debtor , containing several informations about assets and creditors. From latin **SCHEDULA** = leaf of paper.

SCIENTER OF CRIME

term indicating an equivalent of criminal intent, used oftenly to indicate the wilful conduct in a crime as fraud. From latin **SCIENTIA** = acknowledgement.

SCINTILLA OF EVIDENCE

kind of evidence being purely conjectural, without the normal substance of an evidence. From latin **SCINTILLARE** = to sparkle. In figurative sense, the fire is a strong evidence, clearly able to be watched, instead a simple sparkle is not a strong evidence, has not the brightness of the fire, but is meaning the possible fire presence (in the near future). So an evidence not having a certainty (a sparkle) can be inducing to the presence of a more incisive evidence (the fire).

SCRIP

short writing or document entitling the holder to receive a fractional share or stock dividend. From latin **SCRIBERE** = to write.

SCRUTINY

judicial examination of a statute or regulation , aimed to determine if it is according to constitutional provisions. From latin **SCRUTARE** = to look something carefully .

SCUTAGE

in the middle age was a tax paid to a soldier to have the performance of military service. From latin **SCUTUM** = sheld.

SEALED DOCUMENT

document having an attached emblem aimed to certify or authenticate the document as lawful. From latin **SIGILLUM** = seal.

SEARCHING

examination of a public record, inspection over a person, item or premise. This activity is aimed to get some information or to determine if somebody o something is involved in a criminal conduct (eg : drug substance found during a car rummaging or searching). From latin **SEQUI** = to follow / **ARCESSITUS** = wanted. In figurative sense, a searching as also a rummaging is meaning to follow a track with the aim to find something wanted.

SEASONABLE TIME

term used oftenly in the U.S. commercial code to indicate the proper time limit to fulfil an obligation, when the date has been not agreed. From latin **SECTUS** divided / **SONARE** = to celebrate / **HABILIS** = to be able to = to be appropriate, to be proper. Therefore a divided time period that is proper to celebrate (to perform) the obligation fulfilment .

SECESSION FROM A STATE

act of State or Province involving a oneself removal (separation) from a central Government . Eg: the Quebec or Texas will of secession from the central State. From latin **SE** = oneself / **CAESUS** = cut, divided, separated. Therefore a land divided by oneself from the central State.

SECOND DEGREE MURDER

murder perpetrated with intent to kill but without premeditation . From latin **SECUNDUS** = following / **DE** = of / **GRADUS** = step, degree. Therefore a murder of a degree following the first.

SECOND MORTGAGE

lien on real property , in a subordinate position relating the first mortagage. From latin **SECUNDUS** = following (following the first).

SECRET BALLOT

individual , undisclosed and not visible vote given by somebody. From latin **SECTUS** = cut / **CRETUS** = born. In figurative sense, the vote , just born (made) has been cut off from the public acknowledgement.

SECRET HEARING

hearing closed to the public, but allowing only the attendance of the interested parties. From latin **SECTUS** = cut / **CRETUS** = born. In figurative sense, to secret a news is meaning to cut, to stop the divulgation just it is born.

SECURED PARTY

party receiving an assurance coverage for the payment of a debt or the performance of some act of obligation , by means of mortage or pledge. From latin **SI** = every time that / **CURA** = task. In fact, every time the assured person has to pay an obligation, the insurance company has the task to perform in place of the assured.

SECURITY DEPOSIT

is a deposit of money or securities made by a tenant to the landlord to assure payment of rent or give a protection of possible damage to the leased land. From latin **SI** = every time that / **CURA** = due , task. In fact the landlord has the right or the task to keep the amount of money paid as guarantee deposit, everytime he knows his land has been damaged. (The word deposit is coming from latin **DE** = by / **POSITIO** = put in a place . In this case, the amount of money put by tenant in a place (figuratively the landlord's house).

SECURITIES

legal instrument involving an investment or interest in a commercial enterprise, giving to the owner the right to participate to the enterprise profits. From latin **SI** = every time that / **CURA** = due, engagement. In fact, everytime there an enterprise takes a profit, has the engagement to give to the owner's share the amount that is due.

SEDITION

criminal conduct involving an inducement or incitement of a group of people against the established or lawful authority. The inducement must be able to provoke a situation (also localized) of public disorder. From latin " From latin **SEQUOR** = to follow / **DICERE** = to tell. In figurative sense, the riot's group is following that the leader is telling. Also from latin **SEDITIO** = riot / **ACTIO** = behaviour

SEDUCTION

term having more meanings : conduct able to cause disobedience to the lawful authority , conduct able to defraud a person , inducement of somebody to have sexual intercourse (usually relating outlaw sexual intercourse). From latin **SEQUOR** = to follow / **DUCTOR** = leader of a conduct. In figurative sense, to follow that the leader (also illegally) is saying. Also from latin **SEDUCTUS** = to brought far away (in figurative sense : a person brought far away from the law rules)

SEGREGATION (RACIAL S.)

policy advocating the separation, of a ethnic or religious group from the general population, by means of a set of limitation. Eg : in past time, in some u.s.a. state , there was a limitation to access to some schools for black race people. From latin **SECTUS** = divided / **AGGREGARE** = to join. In figurative sense, to divide a group of people from the other group of joined people.

SENATOR

member of U.S. upper chamber of the Congress, called " Senate " . From latin **SENEX** = old person, having more experience than a young person.

SENIOR MORTGAGE

mortgage on real property having a priority over all the others mortgages . Is also called " mortgage of first rate ". From latin **SENIOR** = older.

SENTENCE

in the criminal law, is the judgement issued by a Court, after the evidence assumption closing and verdict announcement. The sentence is the outcome of all the procedural activities (hearing of witness, examination of document) and usually is motivated . From latin **SENTENTIA** = opinion (composed by **SENEX** = old aged person (symbol of wisdom) / **TENSUS** = directed to. Therefore an opinion issued by old person and directed to the others, to the people. In old roman empire, the law court was composed by old aged persons, because having a bigger experience than the young,

SEPARABLE CONTRACT

contract divided in more constituent parts . Each part has a duty to do a defined performance and ,in eventuality , a defined remedy , because each contractual position or clause is able to be separately interpreted and enforced without reference to any other part. From latin **SECTUS** = divided / **PAR** =

share / **HABILIS** = to be able to. Therefore a contract (figuratively) able to be divided in shares.

SEQUESTRATION (WRIT OF S.)

judicial order issued by a Court and authorizing a Court's officer to seize the asset of a party involved in a criminal or civil trial. This order is aimed to protect an asset against a possible dissipation, modification or removal. The term has different origin. First , from latin **SEQUESTRARE** = to deposit something . This term is a composed abbrevation of **SECUM** = with him / **EQUESTER** = society of cavalry, army having a fleet of horses. In old roman empire, the horse was the only mean to use to move the army in the wars. Therefore, a defaulter debtor, was punished by mean of the seizure of own's horse that was consigned to the cavalry, to the army. Also, from latin **SECARE** = to divide / **EQUUS** = horse / **TRACTUS** = pulled. In old roman empire, the horses were a spread means of transport used also to work, and if a person was involved in a crime, the law court seized (figuratively "pulled away ") the horse owned by defendant to (figuratively) cut the relation between the animal and the owner. As today, in case a person is involved in a car accident in which is possible his liability, the law court can issue an order of sequestration of the car (in old roman empire replaced by the horse).

SERIAL BOND

bond issued in series by a municipal public body or corporation and payable and redeemable at agreed or stated time period . From latin **SERIES** = succession during a time period.

SERVANT

clerk, job involving a position purely executive , involving clerical duty but not managerial skills. From latin **SERVIRE** = to be useful to another.

SERVICE OF SUMMONS OR SUBPOENA

act of delivering a summons, subpoena or other legal document to the person affected. Usually is involving a prescription made by law, by court or other party . From latin **SERVIRE** = to be useful to another / **SUMMA** = ultimate, last / **MONITUS** = warning.

SERVIENT TENEMENT

term indicating a parcel of land which is subject to an easement in favour of another parcel of land. From latin **SERVIRE** = to be useful to another.

SERVITUDE BURDEN

obligation of the owner of a land's parcel to allow the use of his property by another for a lien or benefit. From latin **SERVIRE** = to be useful to another.

SESSION

series of meeting of a law court or legislature. From latin **SESSIO** = a meeting purposed to discuss about a matter.

SETTLEMENT OF DISPUTE

resolution of a dispute , arrangement reached between debtor and creditor , conclusion of a law suit by agreement signed by the parties , meeting of a bill, payment of an obligation. The settlement is aimed to avoind the ordinary trial. From latin **SECTUS** = divided / **TOLLERARE** = to tolerate. In figurative sense, by means of settlement, the parties involved in a future dispute and divided about their legal position, become tolerating each other.

SEVERABLE CONTRACT

term indicating a contract able to be divided in a set of reciprocal right, duty or obligations (the other opposite kind of contract is called "entire" contract). Therefore each set of duty enjoys a separation in case of enforcement, without reference to the others. From latin **SECTUS** = divided / **VARIARE** = to change / **HABILITAS** = possibility to do something. Therefore, in figurative sense, this kind of contract is able to be changed because the several performances involved can be divided from the others and the unfulfilment of one performance is not invalidated the entire contractual agreement.

SEVERABLE CLAUSE

condition present in a contract or statute, involving a possible declaration of avoidance or nullity of one condition without referencewith the other clauses or entire contract . From latin **SECTUS** = divided / **VARIARE** = to change / **HABILITAS** = possibility to do something. In figurative sense , the performance of one contractual clause is not necessarily involving the performance of the others clauses or entire contract. Therefore this kind of clause has the possibility to be divided from the contract in which is contained and to change the contractual aim. This happens usually when is changing some circumstances or facts regarding the contract performance.

SEVERALLY LIABLE

in the law of obligation, is indicating a legal position of person who is liable separately and individually from others debtors. From latin **SECTUS** = divided, cut / **VARIARE** = to be different. In figurative sense, the legal position of a person is different from the other because the liability is not joined but divided.

SEVERANCE PAY

amount of money paid to a worker as compensation for the end of work relationship. First , from latin **ASSEVERARE** = to confirm (in the sense of the end of a work relationship confirmation) . Second, from latin **SECTUS** divided, cut / **VARIATIO** = change. In figurative sense, with the worker retirement, there is a change because the work relationship , the " rope " binding the employee and the employer, has been cut.

SEVERANCE TAX

tax affecting the property of anything extracted from the soil (eg: extracted steel). From latin **SECTUS** = divided / **VARIATIO** = differently. In figurative sense, the material extracted (sectus) from the soil, is differentiate from the soil.

SHAREHOLDER

stockholder in a corporation , legally entitled to join of a lien of a portion of company, business or property. From latin **SCINDERE** = to separate

SIC

term used to indicate a word or phrase in a legal document, exactly reproduced verbatim (literally) from another document. From latin **SIC** = in this way, exactly in this way.

SIGNATURE CRIME

term used in criminology matter to indicate a similarity among others crimes , because perpetrated using the same weapon , or against victim belonging to a certain category or race. From latin **SIC** = in this way / **COGNOSCERE** = to know. In figurativse sense, as the crime has been perpetrated in a specific way, is easy the acknowledgement of the offender.

SILENT CONGRESS

term indicating a situation which the U.S. Congress is silent or dormant on an issue, therefore the singular States are allowed to legislate on this issue. From latin **SIC** = in this way / **LENTUS** = cold. In figurative

sense, the cold is representing the lack of energy, of activity , of movement.

SILENT PARTNER

person participating in a partnership, sharing in the business proceeds because his investment , but not disclosed this partnership to the public acknowledge. From latin **SIC** = in this way / **LENTUS** = cold. In figurative sense, the cold is representing the lack of energy , of activity , of movement.

SIMPLE DOCUMENT

document being not recorded or under any public body seal . From latin **SINE** = without / **IMPLEX** = complications . Also from latin **SIMPLEX** = sincere.

SIMPLE CRIME

criminal conduct not having aggravating circumstances (eg : simple battery). From latin **SINE** = without / **IMPLEX** = complications .

SIMULATED DOCUMENT

term indicating a counterfeited document, looking to the third person as real and valid document . The term is also indicating an agreement between parties but not expressing the true and real intent aimed by the parties, because the true intent is deceiving. As example : a document representing , apparently , a transfer of property, is deceiving because between the same parties, secretly has been stipulated another contract involving only a leasing but not a property transfer. From latin **SIMILIS** = equal / **EMULARE** = to copy.

SINGLE PUBLICATION RULE

in the law of libel, is a rule limiting the plaintiff to bring one cause of action , even if the publications of libellous papers are multiples. From latin **SINGULI** = one / **PUBLICUS** = of the people / **ACTIONEM** = operation , action.

SINGLE ENTRY BOOKKEEPING

symple system of bookkeeping in which each transaction is recorded only once time. From latin **SINGULI** = one.

SITUS OF REAL PROPERTY

location of a real estate (is a criteria used to determine the territorial competent Court in case of litigation concerning this real estate). From latin **SITUS** = geographical position.

SLANDER

in the law of tort, is describing oral or written defamatory statement, that can be due to a negligent or intentional conduct. From latin **SEQUOR** = to follow / from old greek **SKANDALEO** = to make an offence.

SOCIAL HOST

person serving liquors to underaged people, without legal permit to do so. From latin **SOCIARE** = to join together a lot of people / **HOSTILIS** = enemy. In figurative sense, a seller of liquors representing an enemy for all the people (the people is a lot of persons joined together).

SOCIAL SECURITY SYSTEM

system of insurance provided by the Government aimed to assure a minimum welfare state level. (Eg: pension providing or any cash benefit granted to the workers upon their retirement) . From latin **SOCIARE** = to join together / **SECURITAS** = tranquillity. In figurative sense the system gives the tranquillity to the people (persons joined together) when is need.

SOCIETY (LAW S.)

association of lawyers having common interest and purpose, and usually having disciplinary powers to his members. From latin **SOCIETAS** = group of people having common interest.

SOCIETY (LOSS OF S.)

term used to indicate a damage suffered by a family's survivors after the death of one of his member, and therefore is allowed a compensation . From latin **SOCIETAS** = group of people having common interest.

SOLE CUSTODY

custody order issued by court and entrusting the custody of a child exclusively to one person . From latin **SOLUS** = alone, lonely / **CUM** = with / **STUDIOSE** = diligence .

SOLE COMPANY

individual company , company owned and conducted by one person who has liability for all company's obligations. From latin **SOLUS** = alone, lonely / **CUM** = with / **PANIS** = bread. (In old roman empire the simply fact to divide the lunch or dinner moment with another person, was symbolically meanings a joining of common interest and target to reach). Also from latin **COMPAGES** = structure, connexion, joining among persons. In fact, a company is firm made by a lot of persons joined with the aim to product and sell goods.

SOLICITATION

term having differents meanings. First of all, requesting or pleading with the aim to get a right or licence , pushing of someone to purchase an article or to do a business transaction , to incite someone to commit a crime . From latin **SOLLICITARE** = to encourage , to take care of (in the sense to take care of a legal or administrative problem). The term is also composed by **SUUS** = own / **LICERE** = to offer a piece of something . Eg: in a committment of a robbery , the solicitation maker , is offering to the executor a sum of money as reward .

SOLICITOR

title empowering its holder in two different ways between U.S.A and U.K. In the U.S. the solicitor is the head of municipal legal department. In the U.K. is the lawyer not appearing in a Court but performing service as advising or consulting. From latin **SOLLICITARE** = to encourage . In figurative sense, is encouraging the continuation of investigation, or case examination by a Court. The latin verb **SOLLICITARE** is meaning also to take care of. In this sense the solicitor is a clerk taking care of a legal problem.

SOLITARY CONFINEMENT MEASURE

measure involving the isolation of one or more prisoners from the others. From latin **SOLUS** = alone / **CUM** = with / **FINITUM** = delimited in a place.

SOLVENCY

ability of a person or company to meet all his debt or obligations, because having sufficient resources or assets. From latin **SOLVERE** = to perform, to untie a knot. In figurative sense, an obligation is rope's knot (a lump) binding two parties, and the performed obligation is loosening up this knot.

SOURCE OF THE LAW

various kind of documents containing several matter as laws, statutes , constitutional provisions. In the common law Countries, also the a judicial decision is able to produce a rule to be followed and enforced. From latin **SURGERE** = to rise up, to get up.

SOVEREIGN NATION

term indicating a nation being indipendent from others nations , therefore having the sole power to issue laws, rules and regulate the taxation. From latin **SUPRA** = over / **REGNUM** = absolute power. Therefore absolute power over the people. Also from **SUPRA** = over / **REX** = king / **AGNITIO** = recognisance. Therefore the sovereign is a person recognised as king (with a pover that is over the people).

SOVEREIGN IMMUNITY PRINCIPLE

doctrine advocating the impossibility to sue a nation in it's own Court , unless there is the nation's consent. From latin **SUPRA** = over / **REGNUM** = absolute power. Therefore absolute power over the people. Also from **SUPRA** = over / **REX** = king / **AGNITIO** = recognisance (in fact, a sovereign is a person recognised as king over the people) . The term immunity is coming from **IN** = not / **MUNUS** = duty . Therfore, the king, recognised as a man over the people, doesn't have the duty to answer for own's actions.

SPECIAL ADMINISTRATOR

person appointed, usually temporarily, as administrator to serving a Court or for a specific purpose . Eg : an administrator of a deceased person's estate, waiting the appointment of the will executor, administrator of company in bankruptcy, receiver. From latin **SPECIALIS** = particular / **AD** = by / **MINISTRARE** = to serve. In figurative sense, the minister is a server , a performer of a task , as the minister is a server of his nation.

SPECIAL APPEARANCE

appearance by a party to an action only for the purpose to challenge the court's jurisdiction. From latin **SPECIALIS** = particular / **APPARERE** = to appear (in a lawcourt).

SPECIALTY PRACTICE

legal matter in which is specialized a lawyer in his activity. Eg: lawyer specialized in the law ot torts. From latin **SPECIALIS** = particular / from old greek **PRAGMA** = matter, reality.

SPECIFIC

term used in the law contest to indicate that a thing, a person , a law is applied or is belonging to a specific category or branch. Eg : specific law dealing the f.b.i clerks. Or also : the specific intent concerning a conduct perpetrated by a person and aimed to provoke a particular offence , well knowing the consequences of his conduct. Other example : specific lien, specific performance, specific legacy . From latin **SPECIALIS** = particular / **FACERE** = to do.

SPECULATIVE BUSINESS

business in which a person is entered without certainty of a good and sure outcome , but based only on an hope . From latin **SPES** = hope / **OCULUM** = sight. Therefore a person is entering on a business having only seeing the hope that will be useful.

SPECULATIVE JUDGEMENT

judgement issued by a jury , based purely on basis of questionable evidences or doubtful documents, therefore having a characteristic of uncertainty. From latin **SPES** = hope / **OCULUM** = sight. Therefore this judgement has a temporarely effectiveness and the defendat's sight there is the hope that the Court will be change the jury's decision.

SPECULATIVE COMPENSATION

amount of money awarded on an uncertainty determination of the effective loss. From latin **SPES** = hope / **OCULUM** = sight. Therefore , the injured person has only a sight of the amount awarded with the hope that it will be the due amount.

SPENDING REVIEW

term used in politics matter to indicate a retrenchement in the public erogation of money, to support all the public activty (eg : financial support to the public schools, to the army). From latin **EXPENDERE** = to pay out.

SPENDTHRIFT TRUST

trust created with specific purpose to impede to a possible imprudent beneficiary , the asset waste. In fact the assets under a spendthrift trust can not be reached or put under attachment or seizure by a beneficiary's creditor to satisfy a debt. From latin **EXPENDERE** = to pay out / **TROPHEUM** = prize given with the aim to give a kind of reward for a good thing or good activity done. Therefore the award given to the beneficiary is only allowed if he will pay out (without waste of money) the creditors. In modern italian language the **TROFEO** = is a symbolic prize , a reward given to a racing winner.

SPOLIATION

alteration or destruction of a contract, of a document , of an evidence, of a will. In italian legal system, this term is used in the civil code to indicate the dispossession of an owner of the own's property in case of seizure or usucaption. From latin **SPOLIARE** = to strip, to undress. In figurative sense, the owner of a document is undressed of the right contained in this paperform.

SPONSOR

person who supports the performance, the activity or the work of an author. Eg: an editorship company is the sponsor of a book, publishing it. From latin **SPONSUM** = guaranteed. In figurative sense, the expences for a work or for advertisement concerning the work or performance, are guaranteed by the sponsor.

SPONTANEOUS DECLARATION

statement made under impulse , made on one's own free will , therefore in absence of external pressure or influence. From latin **SPONTE** = will, willfulness

SPURIOUS DOCUMENT

false document , illegitime paperfor, document counterfeited but appearing true. In the italian civil code the term is used to indicate a child born out of a marriage relationship (spurious son, spurious daughter). From latin **SPURIUS** = illegitimate child, son of a unknown father.

STAKEHOLDER

person entrusted to hold temporarily a property claimed by more person, until this property right will be entitled to a specific person. In case of property right claimed on land's parcel , is also need to wait the act of boundaries determination over this parcel , made by surveyour appointed by the Court. From old italian **STECCATUS** = a lot of poles put inside the land as a line and aimed to delimite its boundaries.

STARE DECISIS

principle used by the british and american legal system and indicating a decision issued by a superior Court that, when a case in the future will have the same element of matter and issue, the Court of equal or inferior level must follow the opinion of superior Court. Summarily the stare decisis is the rule pushing the lower court to issue a judgement in adherence to a judicial precedent. From latin **STARE** = to stand / **DECISUM** = settled , established.

STATE

existing condition attributed to a person or a thing, political entity occupying a defined territory and made by a group of people being under the same public authority. From latin **STATUS** = position, situation.

STATE AGENCY

public entity or official department of a State for the purpose to carry out the executive public function . From latin **STATUERE** = to establish / **AGERE** = to take care of . Therefore, an agency is an institution taking care of the established power represented by the State's power.

STATE'S EVIDENCE TURNED

term indicating a person who was participating in a crime or usually in a criminal organized association that , on exchange of the immunity or lessening of punishment, is accepting to testify for the State in criminal prosecution. From latin **STATUERE** = to establish / **EVIDENTIA** = clarity, clearness / from old italian **TORNARE** = to come back, to become. In figurative sense, a person becomes a thing that is clearing the ideas (about the crimes perpetrated) in favour of the State's interest (the established power).

STATEMENT

written or oral declaration or assertion , financial record . From latin **STATUERE** = to establish.

STATEMENT (FINANCIAL S.)

statement showing at a given date, the financial condition and the entire course of activities of company and his relative businesses. From latin **STATUERE** = to establish .

STATUS

legal condition or position regarding a physical or artificial person as determined by law (eg : civil status, refugee status). From latin **STATUS** = position.

STATUTE LAW

law enacted by a legislature or any public body having a legislative function (eg : board of a department, public commission) as granted by constitutional or parliamentary provision. From latin **STATUERE** = to

establish. Therefore established by a legislative power (**LEGISLATURE** = from latin **LEGIS** = of a law / **LATOR** = bringer. Therefore, in figurative law, the legislator is a man bringer a law proposal towards the legal system).

STATUTE OF LIMITATIONS

set of laws imposing a time limit for the commencement of a prosecution, an action , an appeal. Eg : in criminal law, the time limit for begin the prosecutional act is accruing since the date in which the crime has been committed. From latin **STATUERE** = to establish / **LIMITIS** = boundaries.

STATUTORY ACTION

action created, regulated or enacted by a statute, therefore by the legislature and not by the jurisprudence (as usually in the common law countries). Eg : a statutory foreclosure is a proceeding for impound the interest of a mortgagor without a formal judicial proceeding. From latin **STATUERE** = to establish.

STAY ORDER

executive order issued by a Court and involving a temporary suspension of some act , activity , proceedings or sometime involving a restraint. Eg : automatic stay against all creditors , imposed by a Court , upon the filing of a petition in bankruptcy. From latin **STARE** = to stand.

STET

abbreviation of the term **STET PROCESSUS** . Order issued by lawcourt and involving a stay of all proceedings in action. Sometime is indicating the voluntary abandon of legal action by a plaintiff. From latin **STETI** = stopped (past tense of the verb **SISTERE**).

STIPEND

fixed sum of money periodically paid as compensation for the service given (usually indicating a continuous service). From latin **STIPENDIUM** = wage , or also from **STIPS** = a small amount of money.

STIPULATION

entering into an agreement , making concession or reaching agreements upon conditions or terms, usually by means of a proposal specifications. From latin **STIPULATUS SUM** = due, duty.

STIPULATION OF FACTS

agreement reached between the parties as some facts bearing on the issue, therefore without need to give evidence for this facts. From latin **STIPULATIO** = verbal agreement .

STRICT CONSTRUCTION OF A LAW

judicial interpretation of a law or legal document, following literally the reading of the words used in the draft of the document. From latin **STRICTUM** = bound, severity / **CUM** = with / **STRUCTUM** = disposed, prepared. In figurative sense, the range of a law activity is disposed by the judge with severity.

STRICT FORECLOSURE ORDER

judicial order involving the estinguishment of a mortagagor's right . From latin **STRICTUM** = bound / **CLAUSUS** = closed place. In figurative sense, a good charged with a mortgage is keept in a closed place therefore in custody untile the fulfilment of the performance.

STRICT LIABILITY PRINCIPLE

principle present in the law of torts who is imposing a liability also in absence of a direct fault or negligence. Eg : a strict liability is imposed to a person that was not able to avoid a damage caused by own's cattle. From latin **STRICTUM** = bound.

STRICT SCRUTINY

term indicating a deep examination of a law before to be enacted, particularly when the law's matter is affecting fundamental rights of the citizens. From latin **STRICTUM** = bound / **SCRUTARI** = to examine.

SUBCONTRACT

contract stipulated between one of two parties and a third party . The former party has an agreement with the third , usually after a notification to the second original party. Eg : in leasing contract upon a land, the tenant , with the consent of the owner, make a stipulation with a third party who is engaged to do some improvement to this land. From latin **SUB** = under / **CONTRAHERE** = to join. In figurative sense , to join the opposite interest of two parties, under the joined interest of the principal contractors.

SUBDIVISION OF A LAND

sharing of a land in some parcel , usually aimed to construct a several building over this land. From latin

SUB = under / **DIVIDERE** = to share.

SUBJECT OF AN INQUIRY

person or things under control or examination made by prosecutor's office. From latin **SUB** = under / **JACTUM** = examined. Therefore , under examination.

SUBJECT MATTER JURISDICTION

term indicating the power of a particular Court to decide a litigation concerning a specific matter , regardless for its territorial or worth competence of litigation. Eg : a bankruptcy court has a limited competence regarding the matters dealed by bankruptcy code, regardless the value of the debtor's asset. From latin **SUB** = under / **JACTUM** = examined / **MATERIA** = argument, matter.

SUB JUDICE

under the authority of a Court. From latin **SUB** = under / **JUDICE** = judge.

SUBMISSION OF (S. OF MATTER, S. OF DOCUMENT)

to present a matter, an issue or a document to a Court, consenting its jurisdiction and allowing it to reach a decision. From latin **SUB** = under / **MISSUS** = task. Therefore the task is to send the document under examination of the Court.

SUB MODO

latin sentence concernig the enjoiment of every kind of lien subject to a condition or qualification . From latin **SUB** = under / **MODUS** = way.

SUBORDINATION OF PAYMENT

putting off the satisfaction of one debt until another debt will be paid, delaying an obligation performance because another obligation has a priority to be satisfied. From latin **SUB** = under / **ORDO** = condition.

SUBORNATION

inducement of someone, in secrecy, to commit an unlawful act usually with a promise of unlawful advantage

(eg : subornation of perjury). From latin **SUB** = under / **ORNATUM** = prepared. In figurative sense, under the content of a witness deposition is prepared an unlawful commitment.

SUBPOENA

document compelling a witness to attend the process and purposed to give a testimony . Also, is a document compelling a party to product an evidence. From latin **SUB** = under / **POENA** = punishment. In old roman empire , a person called to serve a testimony and not attending it, was subject to a penalty.

SUBROGATION OF A CREDITOR

substitution of one creditor with another. Eg: in presence of two parties, an obligor and an obligee, a third party who has a credit right to be claimed against the obligee, makes a removal (in figurative sense) of the obligee and substitutes the obligee with himself. Therefore the obligor will fulfil his performance in favour of the third party (the new creditor , as substituded of the original creditor). From latin **SUB** = under / **ROGATUS** = ask. Therefore, under (after) the inactivity of the principal creditor, takes his place and ask to the debtor the performance.

SUBSCRIPTION

signature put at the bottom or at the side of each page of a document, aimed to indicate one's assent , acceptance or approval of the document contents . Also is indicating the approval to participate, by means of payment in money or in kind, for the creation of a corporation's stock. From latin **SUB** = under / **SCRIBERE** = to write (to put own's signature on a document).

SUBSEQUENT CONDITION

in the contract law, is indicating any future and probable event or contingency which, by present agreement of the parties , will discharge from a duty the party who will be vested. Eg : a resolutory condition of a contract stating that both the parties has to perform own's duty in a certain date. From latin **SUB** = under / **SEQUI** = to follow. In figurative sense, the condition will be enforced but only following the event happening.

SUBSIDIARY COMPANY

company (called " daughter company ") having a stock who is partially or entirely controlled by another greather company (called "parent company"). From latin **SUB** = under / **ASSIDUITAS** = surveillance. In figurative sense, the daughter company is under the surveillance of the mother company.

SUBSIDY

amount of money granted usually by the government and aimed to promote the development of a company newly created. From latin **SUB** = under / **ASSIDUITAS** = surveillance. Therefore under the government surveillance.

SUBSTANCE OF CONTRACT

essential part of a claim or right. Term used to distinguish it from the form of contract. Eg : a contract defective in form, can be enforced if it has an adequate substance. From latin **SUB** = under / **STARE** = to stand . In figurative sense, the basis or the ground of contract.

SUBSTANTIATE EVIDENCE

evidence having a persuasive strenght , reliable evidence supported by grounds. From latin **SUB** = under / **STARE** = to stand. Therefore an evidence having a ground standing under itself.

SUBSTANTIVE DUE PROCESS

limitation imposed by U.S. constitution. According to it, every singular State has to adopt the due process clause of 14 th amendment , a set of procedural rules and steps conducting to the law issue. This clause must be every followed in every law or statute adopted. Therefore, the substance of every law must have a certain compliance to the 14 th amendment of Constitution. From latin **SUB** = under / **STARE** = to stand.

SUBSTANTIVE LAW

term indicating a law that defines what is a right , an obligation or rule, differently from a procedural law , that gives instruction about the process to be followed to enforce a substantive law. Eg : criminal code is a set of law explaining the forbidden conducts and their relative punishment, instead the procedural criminal code is containing a set of rule giving instructions regarding the due course of a trial that is need to be followed. From latin **SUB** = under / **STARE** = to stand. There fore the rule standing under the law provision.

SUBSTITUTED ADMINISTRATOR

company administrator appointed to replace another (usually after dismissal or resignation). The term "substituted " is also used to indicate any right or person used in place of something or somebody. Eg : substitute beneficiary, sustituted party in a process. From latin **SUB** = after / **INSTITUTUM** = nominated. Therefore an administrator appointed after the removal or resignation .

SUBSTITUTED SERVICE

notification service made leaving a summons document to a different person that the named party of trial (eg : the mother of the respondent). From latin **SUB** = after / **INSTITUTUM** = nominated.

SUBTERFUGE

conduct consisting in an avoidance of responsibility due to one's action. Eg : in a complicity in a crime made both by an adult and a child, to charge with the crime perpetrated only the underaged child , because the law allow a reduction of liability and consequentially of punishment for the underaged criminals. From latin **SUBTERFUGIRE** = to avoid (the punishment).

SUBVERSIVE ASSOCIATION

association having as target the attack and consequential destruction of the institutional power of a country as for example the governmenet, by means of the murder of a minister. From latin **SUB** = down / **VERSARE** = to push. In figurative sense, to push down the government formerly and legally established.

SUCCESSION

acquirement of property or interest from a decedent , by will orintestacy. The acquirement usually is involving the payment of the succession tax; The term is also indicating to come into a title or office, after the resignation or dismissal of the former keeper ; From latin **SUB** = after / **CEDERE** = to abandon. In figurative sense, the decedent is abandoning own's goods and property after his death.

SUCCESSIVE INDICTMENT

series of indictment following the main indictment of the same defendant for the same crime, that usually will be separated by an order of a new trial. From latin **SUB** = after / **CEDERE** = to pass to.

SUDDEN EMERGENCY DOCTRINE

doctrine advocating the existence of mitigating circumstance when the defendant has been compelled to do a wrongful act or have a conduct regardlessly for a rule, in case of emergency. Eg : the sudden crash between two ships and the careless had for the rescue of the ship. From latin **SUBITUS** = immediately / **ADDITUS** = added. Therefore, a fact happened and added immediately after another fact.

SUFFERANCE (TENANCY AT S.)

land tenancy continuing over the expiry date of a lease contract , when the land owner is failing to take an eviction legal action against the tenant. From latin **SUFFERRE** = to tolerate.

SUFFICIENT CONVEYANCE DEED

deed conveying exactly the title specified inside it and required by the contract of sale, therefore all the terms and conditions needed to reach this kind of contract. From latin **SUFFICIERE** = to be enough.

SUFFICIENT EVIDENCE

evidence adequate to support a verdict issued by a jury or a fact examined by it. From latin **SUFFICIERE** = to be enough

SUFFICIENT SURETIES

sureties on a bail bond with enough resources to satisfy the condition of the bond. From latin **SUFFICIERE** = to be enough / **SECURITAS** = tranquillity.

SUFFRAGE RIGHT

right to vote in an election , exercise of active electoral right . From latin **SUFFRAGARI** = to support.

SUGGESTIVE QUESTION

term used in trial to indicate a question made by lawyer to a witness, with intent to stimulate a particular answer. Eg: a lawyer asking to the witness question as " you had the acknowledgement of the fraudulent conduct because a lot of time ago you was a gambling player , isn't true? ". From latin **SUB** = under / **GESTUS** = sign, signals / **QUAESTIO** = ask . Therefore, under the question there is a signals meaning something.

SUICIDE CLAUSE

in a life insurance policy is a provision limiting the insurance company liability to the payment of sum agreed in policy, in case of suicide by the assured . From latin **SUI** = himself / **CAEDERE** = to kill.

SUITOR

party to a law suit .From latin **SUI** = him self / **IUTUM** = useful to (from the verb **IUVARE**). In figurative sense, a party in a law suit is trying to expose all the evidence that could be useful to him.

SUMMARY PROCEEDING

proceeding conducted without the usual formalities, without jury and aimed to get suddenly a disposition or a sentence. Sometimes this term has a negative meaning. From latin **SUMMA** = in total, on the whole.

SUMMATION

conclusory statement or closing speech made by a lawyer after the evidences examination having argument favorable to his client. From latin **SUMMA** = ultimate, in the peak / **ACTIO** = operation, action. In fact , in a trial, the closing speech is the last act made by lawyer before the issuing of decision by the Court.

SUMMONS

written notice advicing a party to a civil action (some time also a witness) to appear in court and respond to the notice within a specified (usually also short) time period. From latin **SUMMA** = last / **MONITUS** = warning. In fact the summoning is the last warning made by a party before the commencement of a trial.

SUPERIOR COURT

law Court having an higher rank, a more important position , a major authority. From latin **SUPRA** = above, over (the others inferior Courts).

SUPERIOR LIEN

lien having authority over others liens, lien having a priority among the other liens. From latin **SUPRA** = above, over (the others lien having a inferior rate) / **ALIENATIO** = to transfer a property . In fact , for example, the mortgage is a temporary virtual transfer of ownership right.

SUPERIOREM NON RECOGNOSCENS

latin phrase indicating the rule of the absolute power of a State over his citizens and the indipendence from others nation. From latin **SUPRA** = above / **REM** = thing / **NON** = not / **COGNOSCERE** = to know. Therefore an institution (the State) that doesn't know another institution with a power positioned above him. Some exception to this rule , are in some limitations of sovereignity which can be tolerated (eg : the Italy is an

indipendence State but, according the Union European agreements it has to tolerate the ingerence of this last institution regarding some matters as public debt maximum rate or building regulations).

SUPERSEDEAS ORDER

order commanding a stay of proceeding or execution of another order, as for example is the order issued by an appellate Court about an order issued by a lower Court, until the end of the appealing trial. From latin **SUPRA** = above, over / **ASSIDERE** = to sit.

SUPERVISING OFFICER

person authorized to take a deposition , acting as an inspector and controller of others' activity. From latin **SUPRA** = above , over / **VISIO** = sight / **OFFICIUM** = due, duty, task , compulsory task.

SUPERVISING JURISDICTION

jurisdiction which is empowered an appellate court and concerning the judges of lower court . In fact an appellate court has the power to regulate the activity of the inferior courts,also about the disciplinary measure. From latin **SUPRA** = above , over / **VISIO** = sight.

SUPPLEMENTAL PLEADING

pleading of new matter , attached to the main or original complaint and following it, as an integration or expansion. From latin **SUPPLERE** = to fill up / **MENTIO** = proposal / **PLACERE** = to make a proposal.

SUPPLICANT PARTY

a party claiming a judicial relief or remedy. From latin **SUPPLICARE** = to pray with intensity. Term composed by **SUPRA** = above / **PLICATUS** = stuck. In old roman empire the document containing a claim direct to the examination of a magistrate , had as first page, over the entire file, a stuck leaf with the main question or remedy claimed.

SUPPORT ORDER

order issued by a Court and aimed to provide a support by means of livelyhood for a divorced person or children of divorced couple. From latin **SUB** = under / **PORTATUS** = brought. In figurative sense, a mean used to give an economic sustainance to a family (sustainance : SUB = under / **TENERE** = to keep. Therefore to keep a family from the basis).

SUPPRESSION OF AN EVIDENCE BY A PROSECUTOR

exoneration for the defendant to disclose an evidence favourable to him , because deemed as already proved by the prosecutor. From latin **SUPPRIMERE** = to press down, to eliminate.

SUPPRESSION (LAW OF S.)

law imposing the cancellation of a former law from legal system. Eg: in Italy, a law cancelling the existence of the small claims Courts called **PRETURE** and instituting the so called " peace judge's office ". From latin **SUPPRIMERE** = to press down , to eliminate.

SUPREMACY CLAUSE

provision (in the U.S.A) declaring the Constitution as supreme law , and giving to a Federal law the priority of importance over the laws issued by the singular States. From latin **SUPRA** = above / **ACTIO** = operation.

SUPREMACY OF LAW

term indicating the priority of the rule of law ,that must be respected by every citizen, agency or authority. From latin **SUPRA** = above / **EMERERE** = to carry out a task. In fact the law has a duty to carry out a task of an higher importance than the others sources of right (eg : regulations or consuetudinary sources).

SUPREME COURT

State Court having the higher and ultimate authority in the U.S. legal system (this is the highest Court, and in case of issue of Federal law , is called United States Supreme Federal Court). From latin **SUPRA** = above / **EMERERE** = to perform a task , to fulfil a duty. In fact, the Supreme Court is carrying out a task of an higher importance than the others inferior Court.

SURCHARGE

charge of a penalty imposed to a fiduciary or trustee as negative compensation for his failure (negligence or lack of duty performance). From latin **SUPRA** = above / **CARRUS** = a four wheeled vehicle brought by horses , used in the old roman empire. In figurative sense, the goods are loaded above this vehicle that is representing a duty , a loaded burden, and the penalty is meaning a weight raising of the loaded goods.

SURETY

in the U.S. commercial code is a term indicating a person becoming responsible for debts, obligations, default or breach of contract made by another (the principal debtor). From latin **SECURITAS** = tranquillity.

SURPLUS (EARNED SURPLUS)

result outcoming from the operations of business , deducted loss and earning distribution to the stockholders. From latin **SUPRA** = above, over, beyond / **PLUS** = more. Therefore more money remained beyond the distribution.

SURPLUS PROCEEDS

amount of money remaining (after a real estate sale auction under mortgage) in case the proceeds is over the worth of mortgage. Eg : the worth of mortgage is 40.000 $ but the amount earning from the sale of relative real estate is 50000 $. The surplus proceeds is 10.000 $. From latin **SUPRA** = above, beyond / **PLUS** = more. Therefore more money remained beyond the sale.

SURPRISING WITNESS

witness that, during a testimony, is speaking about new and unexpected facts or circumstances , astonishing the parties and the lawyers that know this matter for the first time. From latin **SUPREMUS** = almost at the end, almost completed / **APPREHENSUM**= understood. In figurative sense, the witness is telling about matter understood almost at the end of the trial, when the trial is almost completed.

SURRENDERING

delivering of a prisoner into custody (eg : surrendering of a prisoner) . The term is also indicating the abandonement of a claim regarding a right (eg : debt claim surrended) or the delivery to the police (eg : concerning a wanted criminal). From latin **SUUS** = own (keeping a right of property) / **REDDERE** = to give back. In figurative sense, is meaning the back giving of a formerly claimed right or the backgiving of a person which the State wants the “property” with the aim to subject this person to a trial.

SURROGATE DEBTOR

juridical title regarding a person that, in case the principal debtor is in default, is appointed (usually just by the principal debtor) to fulfil the performance. From latin **SUBROGATUS** = substituted (term composed by **SUB** = after / **ROGATUS** = asked). In figurative sense , the claimant can ask the performance fulfilment to the surrogate debtor, only after to have asked to the principal debtor.

SURVIVAL ACTION

action brought by the personal representant or heir of the decedent (originally being the party) aimed to recover damages or losses suffered by the decedent (as consequence of an injury). From latin **SUPRA** = over / **VIVERE** = to live. Therefore legal action or claim living over the decedent's death.

SURVIVORSHIP RIGHT OF TENEMENT

right of a new tenant who has been entitled of the tenant's right, after the death of former tenant. From latin **SUPRA** = above / **VIVERE** = to live . Therefore , to survive above the others right.

SUSPECT PERSON

person usually under police or magistrate custody of surveillance, because believed to have committed a crime. From latin **SUPRA** = above / **PECTUM** = soul, mind. In figurative sense, a suspected is a person which the guilt is not proved but kept in mind, in soul.

SUSPEND AN OFFICER (TO S.)

to put a ban against an officer for a time period, therefore consisting in a temporary prohibition of attendance of office or performance of his normal duty or function . From latin **SUPRA** = above / **APPENDERE** = hang up . In figurative sense, the uniform of an officer is taken off and hang up to the wall for a time period.

SUSPENDED SENTENCE

in criminal law is a sentence which execution has been temporarily suspended because personal circumstances is suggesting this decision (eg : a case which the convicted defendant is a woman in pregnancy state) . From latin **SUPRA** = above / **PENDERE** = hang up . In figurative sense, the sentence is a dress and the convicted is not vested with the burden to serve a sentence (the dress) for a time period.

SUSTAIN ORDER

order issued by an appellate Court in supporting the decision issued by a lower court, act of a judge in approving an objection to testimony or evidence. From latin **SUB** = under / **TENERE** = to keep. Therefore, to support a decision, to keep from the basis the decision.

SYLLABUS

document which is describing the contents of a study course or other course offered by a school or university. In Italy is called " piano di studi " : literrally " plane of study ". Eg: first year exams of law school are : constitutional law, sources of law, criminal law or alternatively the student can choose civil law, commercial law. From latin **SULCARE** = to track , to indicate the path / **LABOS** = work , task. In fact the syllabus is , figuratively, the path (the road) of the studies (student task) tracked and followed by the students. Or also from latin **SUPRA** = above / **LABIUM** = lips (a lot of word representing the intention of the student).

SYMBOLIC DELIVERY

term indicating , in a buysell contract or conveyance contract , the delivery of an object representing a symbol of the whole property. Eg: a person buys an house, and the seller gives to him the key of the entrance door. From latin **SYMBOLUS** = sign , mark.

SYNDIC

public officer having duty or function similar to a magistrate of a lower court, legal representative of a business enterprise. In Italy, the mayor is called **SINDACO** or **PRIMO CITTADINO** (first citizen). From old greek **SYN** = with / **DIKE** = justice. In the old greece , the syndikos was a kind of legal assistant , therefore a person acting with justice.

SYNDICATE

group of person organized to manage a business enterprise. In Italy instead, the **SINDACATO** is a trade union organization of labourers or employee. From old greek **SYN** = with / **DIKE** = justice. In the old greece , the syndikos was a kind of legal assistant , therefore a person acting with justice.

TACIT ADMISSION

admission of a fact done without being said, implied admission of a situation. Eg : in a contract in which a person buy an house, is implied that the entrance door is included in the selling price. From latin **TACERE** = to be silent / **AD** = by / **MISSUS** = sent . Therefore, a fact sent to be known but silently.

TAMPERING WITH A WITNESS

subornation of a witness , improper influence of a witness . From latin **TAM** = in this way / **PERIURARE** = to make a false swearing.

TANGIBLE PROPERTY

property having a physical form , a corporeal shape. Therefore every property possible to be possessed physically (a car, an house) and able to be distinguished from the intangible property as a patent right. From latin **TANGERE** = to touch.

TAX (PROPERTY T.)

tax levied on the value of real or personal property. From latin **TAXATUM** = ordered payment (past tense of the verb **TASSARE**).

TAXATION

taxes imposition issued by a government (eg : income tax, excise tax) or other organization to own's member (eg : university enrolment fee). From latin **TAXATUM** = ordered payment (past tense of the verb **TASSARE**).

TEMPERANCE ACT

act involving the control of the alcohol consumption, issued in the 30's years in U.S. From latin **TAM** = in this way / **IMPERARE** = to impose, to establish. But also from **TEMPERARE** = to put a moderation against the excess . (In fact, also now in modern italian language the pencil sharpener is called "temperamatite").

TEMPORARY ADMINISTRATOR

administrator appointed to serve an office duty until the definitive administrator will be appointed. From latin **TEMPUS** = time / **ARS** = capacity. Therefore, a person capable to administrate an office for a time period.

TEMPORARY ORDER

order having a short-time enforcement, order or disposition lasting for a limited time . Eg : temporary alimony, temporary appointment , temporary custody. From latin **TEMPUS** = time / **ARS** = capacity. Therefore an order having the capacity to rule a matter for a time period.

TEMPTATED CRIME

unfinished crime, criminal conduct not fully realized, offence not entirely perpetrated. From latin **TEMPTAMENTUM** = test, try.

TENANCY RIGHT

holding a possession of land or property of another person with the consent (tacit or expressed) of this person and usually including the obligation to pay rental fee and mantain in a good state tis property. There are more kind of tenancy as for example tenancy in common, tenancy in entirety. From latin **TENERE** = to hold.

TENDER STATEMENT

in contract law, is a formal statement involving a will to perform an obligation or observe a contract condition. From latin **TENDERE** = to address to , to turn to. In figurative sense, to address to the other contractual party.

TENDER OF DELIVERY

notice given by the seller to the buyer and giving instructions to him about the time and mode to perform the delivery of the item purchased. From latin **TENDERE** = to address to. In figurative sense, to address to the buyer.

TENURE ACT

act of holding a property , a title , an office (most of all the modes, terms or conditions which the title is held). From latin **TENERE** = to hold.

TERM

word having many meanings as for example the session of a Court, essential elements of an agreement , contract, will or other kind of deed, the time limit indicated for the duration of a contract . From latin **TERMINUS** = boundary.

TERMINATION OF EMPLOYMENT

end of work relationship due to resignation, dismissal, performance of task. From latin **TERMINARE** = to bound.

TERRITORIAL JURISDICTION

defined geographical area indicating the space or imaginary boundary limit which a Court or officer can exercise own's jurisdiction . Eg : in italian criminal procedure code, is followed the principle called **LOCUS COMMISSI DELICTI** (" place where the crime has been perpetrated"). Following this principle, if a robbery has been perpetrated in Rome but the offender has been arrested in Florence , the jurisdiction is of the court of Rome, therefore the territory or place where the robbery has been perpetrated. From latin **TERRA** = land, region.

TERRORISM

criminal conduct against a nation or a people , involving a violence act. From latin **TERRERE** = to terrify.

TEST CASE

case brought to test the applicability or constitutionality of a law or statute ; this kind of case are depending upon facts which are raising legal issues common to a group of cases, when all the parties (or one among these cases) agrees to be bound by the former test decision, therefore agrees to take this case test as representative. From latin **TESTARI** = to give evidence.

TESTAMENT

document written by a decedent and providing dispositions about personal or real property after his death. From latin **TESTARI** = to give evidence. In this case, to give an evidence of the testator's will.

TESTAMENTARY CAPACITY

state of mind representing the capacity of a testator to understand the consequences of his will upon his real estate or goods after his death. Is also indicating the capacity to recognize the person who really he wishes will be his heirs. From latin **TESTAMENTUM** = alliance. In fact, a testamentary provision is a demonstration of alliance between testator and heir.

(TO) TESTIFY

to give testimony under oath in a trial, judicial proceeding, administrative proceeding. From latin **TESTARI** = to give evidence / **FACERE** = to do.

TESTIMONY

oral or written statement made by a witness , under oath during a trial . From latin **TESTARI** = to give

evidence / **MONERE** = to warn. In fact, the testimony is served after a warning direct to the witness.

THREAT

offence consisting in the simple menace of a future injury. Is a kind of oral or written declaration involving an intent to harass or frighten a person with a prospect of a future injury. From latin **THEATRUM** = scene. In fact, figuratively , a person menacing another is representing in the mind of the victim the future and possible crime scene.

TITLE OF PROPERTY

degree of an ownership of real or personal property. From latin **TITULUS** = inscription (in the public registers).

TITLE (CLEAR TITLE)

title free from encumbrances , lien or other rights claims by another person. From latin **TITULUS** = inscription (in the public registers) / **CLARIS** = transparence , stainless.

TITLE (RECORD TITLE)

term indicating a document . From latin **TITULUS** = inscription (in the public registers) / **RE** = again / **CORDIS** = in the mind. Therefore the inscription of this title in the public register is useful because is reporting again it's content in the mind of the public body.

TITLE (GOOD TITLE)

title recognized in fact and law as valid and which a consenting buyer is accepting from a consenting seller. From latin **TITULUS** = inscription (in the public registers).

(TO) TOLL A STATUTE OF LIMITATIONS

to stop or suspend the enforceability of a limitation formerly imposed by a statute (usually for a determinate and temporary time period). From latin **TOLLERE** = to take off (the enforceability).

TORT

wrongful act or conduct consisting in a violation of law or legal duty and involving a rising of a tort claim. All this because this conduct provoked an injury or damages to another person. The maker of this wrongful action is called " tort feasor " and the act involving a tort is called " tortious act ". From latin **TORTUS** = twisted. In figurative sense, a tort is the result of a conduct that is twisted, not going directly and rightly towards the law.

TORTURE AND CRUELTY (TO USE T. AND C.)

in italian criminal code, term indicating the use of torture devices during the perpetration of a murder (as aggravating circumstance). From latin **TORQUERE** = to twist (the victim's body). In fact, in the Spain of the renaissance , one of the chief judges of the holy catholic inquisition Tribunal was named Miguel De Torquemada.

TOTAL LOSS

loss suffered by the assured person involving the entire current worth of the insured asset. From latin **TOTUS** = the whole.

TOTALITARISM

political ideology advocating the control made by the government over all the entire aspects of the citizen's life. Eg : in Italy, during the period of totalitarian regime named " fascismo" (called " nazismo " in Germany) the people had to follow strict rules about dressing in a certain way, practice of sports, participation to parades and other demonstration wanted by the Government. From latin **TOTUS** = the entire , the whole / **ARS** = activity , handling. Therefore, a government handling entirerly the citizen's life.

TRADE AGREEMENT

commercial settlement, settlement containing disposition concerning the commerce . From old greek **TRA** = from a place to another place / **DUCTARE** = to lead. In fact in figurative sense, to trade is meaning to lead an item from a place (the place of the seller) to another place (the place of the buyer).

TRADITIONAL LAW OR RULE

law or rule accepted and enforced as valid (even if not present in a statute) , as an habit because transferred from a generation to another generation (eg : common law , some rule dealing the functioning of an assembly, in Italy called " regolamenti parlamentari " (parliamentary rules). From old greek **TRA** = from a time period to another time period / **DICTUS** = said, told.

TRAITOR OF A TRUST

person who doesn't perform the duty which has been appointed as trustee (eg : the trustee is making a plot against the truster interest). From latin **TRA** = from a place to another place / **DICTUS** = said. In figurative sense, a traitor is bringing a promise made to a person from a place (the trust) to another place (the lacking of the trusteeship).

TRANSACTION

act involving two or more parties, therefore a stipulation among them, in a dealing of negotiations, contract , property transfer and other legal deed and any act having a legal effect between two or more subject. From old greek **TRA** = from a place to another place / **ACTIO** = activity, action , operation.

TRANSACTIONAL IMMUNITY

kind of immunity granted by a prosecutor in favour of an accused that will give a testimony against others person charged with the same crime. Usually is concerning crimes as mafia type organization , eversive organization involved in activity of conspiracy. From old greek **TRA** = from a place to another place / from latin **SITUS** = place / **ACTIO** = activity, action , operation / **IN** = not / **MUNUS** = duty. Therefore a lack of duty for the accused that sees the prosecutor action from his legal position.

TRANSCRIPTION OF A TRIAL

document containing a record of a trial prepared by a Court recorder or stenographer and concerning the summary reproduction of testimony or other instructions given by judge or lawyers during the trial. From old greek **TRA** = from a place to another place / from latin **SCRIBERE** = to write.

TRANSFER OF TITLE

to convey a title from one person to another person, as for example by means of sale or gift. From old greek **TRA** = from a place to another place / from latin **FERRE** = to bring.

TRANSFER OF JURISDICTION

is the movement of a case from a state Court to another state Court or federal Court when the circumstances , the rules or the agreement between the party is requiring this transfer . From old greek **TRA** = from a place to another place / from latin **FERRE** = to bring .

TRANSFER AGENCY CONTRACT

contract which give to an institution (usually a bank) the power to record and manage the transfer of shares for a company publicly held. From old greek **TRA** = from a place to another place / from latin **FERRE** = to bring .

TRANSFERRED INTENT DOCTRINE

in the criminal and tort law this doctrine is advocating the theory that an offender or tortfeasor is liable not only for the act or tort perpetrated but also for all others consequences developed from this wrong behaviour , also if not wanted by him. (Eg : a battery against a person. After this crime, the person is driving a car but as astonished he provokes a car accident). From old greek **TRA** = from a place to another place, from a time to another tme / from latin **FERRE** = to bring / **INTENTUS** = aimed, directed. Therefore, the first action is aimed to bash a person, but the effects of the first action are brought from the first moment to another further moment as secondary consequence coming from the former criminal conduct.

TRANSGRESS

violation of a command or order , trespassing (using concerning a violation of property right), wrongful conduct. From old greek **TRA** = moved from a place to another place / from latin **GRESSUS** = a way to walk, conduct . In figurative sense, to make an action moved from a right way (lawful way) to a wrong way (unlawful way).

TRANSITORY ACTION

action or litigation that can be brought in other place or other Court where the defendant can be found . Eg : an action with a competent Court sit in Italy, can be brought in Canada because the defendant is abiding there. From old greek **TRA** = moved from a place to another place / from latin **SITUS** = place.

TRANSMISSION OF PAYMENT

sending of money from a place to another place . From old greek **TRA** = moved from a place to another place / from latin **MITTERE** = to send, delivery.

TRANSMITTANCE LETTER

letter accompanying the delivery or execution of a document attached to it, as a cover letter. From old greek **TRA** = moved from a place to another place / from latin **MITTERE** = to send.

(TO) TRAVERSE AN ALLEGATION

to deny an allegation in a complaint , or indictment , pleading, prosecution. Is also a denial of an allegation. From old greek **TRA** = to move from a place to another place / from latin **VERSARE** = to have a position.

TREASON AGAINST ONE'S COUNTRY

attempt to overthrow of one's Country , by means of disloyalty or conspiracy against one's country or by means of aiding or abetting an enemy state. From latin **TRADERE** = to transmit. In figurative sense, a transmission of information or secrets known to the enemy State. Also from old greek **TRA** = to move from a place to another place .

TREASURE TROVE

wealthy object found by chance or at random. The finder has the duty to delivery the object to the legitime owner and the right to have an amount of money awarded as a prize. From latin **THESAURUS** = store house full of goods / from old italian **TROVARE** = to find.

TREASURY BILL OR TREASURY NOTE

note or obligation issued by the treasury and constitutes legal tender. Usually this bill is concerning the public funds. From latin **THESAURUS** = store house full of goods.

TREATISE ON THE LAW

comprehensive review and large dissertation of a particular area of the law (eg : treatise on the law of contracts). From latin **TRACTATIO** = exposition.

TREATY

agreement among two or more nations, negotiated and ratified by representants of those nations and after adopted. From latin **TRACTARE** = to handle, to manage. In figurative sense, to handle the relationship among two or more nations.

TRESPASS OF PROPERTY

unlawful or unauthorized entrance inside the property or the land of another person. From latin **TRANS** =

beyond / from old italian **PASSARE** = to go across (to go beyond the limit of another's property) .

TRESPASS OF BONIS ASPORTATIS

title of action used by the plaintiff due to the unlawful taking of chattels perpetrated by the defendant. From latin **TRANS** = beyond / from old italian **PASSARE** = to go across / **BONA** = goods, items / **AD** = from / **PORTATUS** = brought. Therefore the stolen items have been taken away by the defendant out of the owner's courtyard.

TRESPASS ON THE CASE

title of action for damage and loss suffered by the plaintiff for the defendant's negligence. From latin **TRANS** = beyond / from old italian **PASSARE** = to go across. In figurative sense, to go across or beyond the rules of the trial.

TRESPASS QUARE CLAUSUM FREIGHT

title of action for damages suffered by a plaintiff for the illegal entry of a defendant inside his property. From latin **TRANS** = beyond / from old italian **PASSARE** = to go across / **QUAERERE** = to procure to oneself / **CLAUSUS** = protected. Therefore an illegal entry inside another's property , aimed to procure to oneself an advantage (a good, an item) protected or closed inside this property.

TRESPASS VIS ET ARMIS

title of action for damages to the plaintiff for the use of violence by the defendant upon him. From latin **TRANS** = beyond / from old italian **PASSARE** = to go across / **VIS** = strenght / **ARMA** = weapons.

TRIBUNAL

Court of justice empowered to hear and determine a dispute, a litigation. From latin **TRIS** = three / **BONUS** = honest, full of skills In old roman empire, the litigation court was composed by three person deemed honest and capable.

TRUST

institute of common law , managing a lot of juridical relationship as for example the management and protection of a real estate or the joining of more enterprises. From latin **TUTORATUS SUM** = protected by, managed by.

TURPITUDE (MORAL T.)

conduct felt as unacceptable by the majority of the people, intrinsically immoral , wrong or full of depravation. From latin **TURPIS** = dirty / **APTUS** = able to provoke. Therefore a conduct able to provoke a sense of dirty , a disgusting feeling.

TUTELAGE DUTY

guardianship duty aimed to give a protection or support to another (usually a child). From latin **TUTARI** = to protect.

TYRANNY

set of rules imposed by a dictators or restricted group of people over the majority. From latin **TYRANNUS** = usurpator of a public power, absolute king.

ULTIMATE FACT

is a fact necessary to get a determination of an issue, fact needed to get a justifiable and properly supported decision. From latin **ULTIMUS** = the extreme.

ULTIMATUM

declaration of a final proposal during a negotiations (usually before a conflict or war). Sometime the term is indicating the ultimate proposal before the beginning of a strike. From latin **ULTIMUS** = extreme, ultimate / **ACTUTUM** = immediately . Therefore the ultimate warning that, in a lack of acceptance, is immediately involving a reaction.

ULTRA VIRES ACT

act performed , by a public body , without authority or going beyond the authority conferred. Eg : a mayor issues an order without competence because this matter his belonging to the competence of a prosecutor. From latin **ULTERIOR** = beyond / **VIRES** = strenghts (here in sense of skills, ability to do something) / **ACTIO** = operation.

UMBRELLA POLICY

in insurance law is a policy allowing a coverage against loss in excess of the coverage granted by the average of other policies, therefore are assured kind of losses usually not covered from other policies. From latin **UMBRACULUM** = shelter. In figurative sense, is an insurance policy giving a shelter against all kind of losses.

UMPIRE

third party, usually an arbitrator, appointed to hear and resolve a labor dispute. From latin **IN** = not / **PAR** = similar. Therefore a third person having neither a similar position with one of the parties (neither claimant, neither defendant).

UNANIMOUS DECISION

decision taken by all the judges of a court that are all concurring to get the same opinion. From latin **UNUS** = one / **ANIMUS** = soul / **DECISUM** = conclusive.

UNCONDITIONAL RIGHT

full right , right without limit , without condition or burden. From latin **IN** = not / **CUM** = with / **DICTUM** = said. Therefore a right with no limit said or added to it. Also from **IN** = not / **CONDITIONE** = burden, limit, borders.

UNCONDITIONAL DISCHARGE

release of a prisoner from custody without such conditions as for example discharge on parole, on probation or subordinate to work in a community service. From latin **IN** = not / **CUM** = with / **DICTUM** = told. Therefore a document issuing a simple release of the prisoner without other clauses or terms told (or added).

UNCONSCIONABLE CONTRACT

contract which performances, duties or rights is clearly unfair or unequale for one of the parties. Therefore this agreement is involving a performance that will be not able to be enforced. From latin **IN** = not / **CONSCIOUS** = consciousness, something living in own's soul. Therefore, the lack of consciuosness of one of the party that doesn't know well the real contents regarding the contract's stipulation.

UNCONSTITUTIONAL LAW

law declared by the supreme Court as against the constitutional provisions. It can be amended (or otherwise interpreted) by the supreme Court. From latin **IN** = against / **CONSTITUTUS** = decided, adopted. Therefore a law against the adopted Constitution.

UNDERINSURED PROPERTY

property having less insurance than needed to cover the value of the property, therefore the insurance coverage is not proper to pay the damages probably suffered in the future. From latin **DEREPTUS** = pulled down / **SECURUS** = sure , safe.

UNIFORM STATUTES

statutes being similar in all essential parts, issued with the aim to give a uniformity in definition, interpretation and application of the law (eg : the U.S.A uniform commercial code that gives a uniformity of definition among the singular states codes). From latin **UNUS** = one / **FORMA** = shape.

UNILATERAL CONTRACT

contract requiring the act of one party, the promise made by only one party and the performance required to one party. Eg : a gift is an unilateral contract because the performance to delivery or transfer the property of a thing is required only to one of two parties involved in the agreement . The other party has not a duty to perform , but only the possibility to accept or not accept the gift or the proposal. From latin **UNUS** = one / **LATOR** = bringer. In figurative sense, a contract bringing a duty of performance only for a party.

UNINSURED LOSS

kind of loss not covered by insurance policy . Eg : a car is covered against theft but not against the damages provoked by natural disaster. From latin **IN** = not / **INSUERE** = to sew with the aim to join. In figurative sense, the damage is represented by a cut or ripped fabric and the insurance company has the duty to sew the fabric, to repair it.

UNION CONTRACT

under trade union's matter, is a collective contract stipulated between the trade union associations and the employers. This agreement is dealing some matters as wages, working conditions, renunciation to a rights . From latin **UNUS** = one / **CUM** = with, together / **TRAHERE** = to pull. In figurative sense, the contractual term is pulling together all the workers of the same sector in the same (one) direction.

UNIT (BARGAINING U.)

labor union or employee organization appointed to deal with the employer association during the negotiations of collective labour contract. This unit is representing the workers' interest. From latin **UNUS** = one .

UNIVERSAL AGENT

in business law is an agent appointed by the principal and acting for him in all transaction regarding the principal. From latin **UNUS** = only one / **VERSARI** = to push / **AGERE** = to represent. In fact, an universal agent is a person appointed by the principal with the task to represent him and figuratively to push the principal's interest in one exact direction.

UNIVERSAL PARTNERSHIP

kind of partnership to which each partner has committed all his property and assets. From latin **UNUS** = only / **VERSARE** = to push. In figurative sense, each partner push his property or money towards the company.

UNJUST ENRICHMENT

outlaw retention of money , goods or property belonging to another person. Eg: for a mistake, a debtor pays a sum of money not to the creditor, but to the brother of the creditors, and the latter retains the money. From latin **IN** = not / **IUSTITIA** = right , justice.

UNREASONABLE SEARCHES / UNREASONABLE SEIZURE

arbitrary and unjustified rummaging , because not authorized or not made in case of emergency . The unreasonable seizure is an unlawful distraint because not adequate to the debtor failure. Eg: a debtor has not performed a tax payment for 1000 $ and the Income Revenue Agency orders a seizure of his car having a worth of 5000 $. From latin **IN** = not / **RATIONABILIS** = reasonable.

UNSECURED DEBT OR OBLIGATION

obligation not protected by any guarantee , mortgage or good pledged . From latin **IN** = not / **SECURE** = without fear.

USUCAPTION

the acquisition of property title (usually concerning a land) due to continued possession of it. Consequentially there is a prescription of property right upon the owner. From latin **USUS** = employed, exercised / **CAPTIVE** = taken. Therefore, a property title taken by means of the land use or the employment of the land and improvement of its worth.

USUFRUCT RIGHT

right to enjoy lawfully the fruits and profits of property belonging to another person. Eg : a person has the right to collect and sell the natural fruits of a land belonging to another. From latin **USUS** = advantage / **FRUCTUS** = product. Therefore, to take an advantage from a product output by a land (natural fruits) or by house (civil fruits).

USURPATION OF RIGHT

to exercise a right without lawful authority or without legal appointment and by means of assumption of a duty or function belonging to someone else. From latin **USURPARE** = to take possession of.

USURY LAW

law imposing a set of rules concerning the proper rate of interest which can be charged on a loan. From latin **USURA** = enjoyment, interest.

VACANT OFFICE

office without legal holder or occupant , waiting the new appointed holder (usually because the former holder has given the resignation). Eg : sheriff vacant office . From latin **VACATUS** = to be empty (lackness of a clerk).

VACATE AN ORDER (TO V.)

order issued by an appellate Court aimed to render null and void an order or a judgement issued by a lower court , involving it avoidance and ineffectiveness. From latin **VACATUS** = to be empty (lackness of a worth).

VAGRANCY LAW

law (abolished in a lot of legal system) that was punishing a conduct of a person who was without fixed

home and wandering from place to place without a job. This law has been abolished because gave a punishment to a conduct without a precise definition and therefore was able to be arbitrarily interpreted. From latin **VAGE** = here and there, without aim. / **GRESSUS SUM** = gone.

VAGUENESS OF LAW

law lacking of a precise meaning , law punished a unprecised conduct. From latin **VAGUS** = generic.

VALIDATION OF A DOCUMENT

act aimed to support and give authority to a document, act aimed to give to a document a legal effects and enabling it to be enforced. Eg : validation of a will made by a notary by means of him seal. From latin **VALIDE** = strongly / **IDONEUS** = proper / **ACTIONEM** = action. Therefore an action that is properly aimed to get a stronger worth of a document. (Document : from old greek **DOKEO** = to teach, to give instructions. In fact the document ,usually is a paperform that teachs something to it's reader, teaching to it's reader something that before didn't know.)

VALUE (MARKET V.)

average price of a good or estate espressed in money or other goods of exchange, that a medium buyer would pay to a medium seller. From latin **VALERE** = to have a worth.

VANDALISM (ACTS OF V.)

conduct wilful aimed to destruct a good , an estate or property. From latin **VANDALI** = nncient barbarian people living in the area of the present Germany and Hungary that were coming to old roman empire , attacking and invading it , being in habit to destroy all the villages met during the invasions.

VARIABLE ANNUITY

annuity policy under which the funds are invested in stocks or other assets of indeterminate income, therefore giving to the beneficiary an uncertain, changeable and unfixed income. From latin **VARIARE** = to change.

VARIABLE INTEREST RATE

interest rate which is adjusted at fixed intervals according to a measure which changes over time, as for example **VARIARE** = to change.

VARIANCE AMONG DOCUMENTS

incompatibility or disagreement among two or more documents , among allegations , among pleading and proof. From latin **VARIARE** = to change.

VEHICULAR CRIME

crime committed in the operation of motor vehicle, crime causing an injury due to operation of a motorvehicle. From latin **VEHERE** = to drive.

VENALITY OF A CRIME

crime characterized by the willingness to involve someone in bribery or other kind of corrupt practices, concerning the unjustified taking of money. From latin **VENALIS** = on sale, saleable.

VEND (TO)

to dispose of an object or asset by sale (the seller is called " vendor ", the purchaser is called " vendee "). From latin **VENDERE** = to sell .

VENIRE MAN

citizen appointed as potential juror and possibly he will have to serve a trial as juror. From latin **VENIRE** = to come.

VENTURE CAPITAL

is money invested in a new start up company, usually indicating a financial operation involving risks or uncertain profits. From latin **VENTUS** = wind. In figurative sense, the wind is indicating a thing having more possible directions.

VENUE OF JURISDICTION

the place in which a case should be heard. Eg : in case of dispute concerning a house, the venue of jurisdiction usually is the judiciary district in which the house is placed or where the respondant has the residence. From latin **VENIRE** = to come in a place.

VERACITY OF AN EVIDENCE

adherence of an evidence to the true fact. From latin **VERAX** = sincere.

VERBAL ACT

act consisting in a spoken language which by itself is constituting a contract , a will, a transaction (eg : verbal will) or an offence (eg : verbal injury). Therefore is an act descriptive of words rather than action . From latin **VERBA** = word.

VERBATIM TRANSCRIPTION

activity of transcription word for word, therefore literally the record of testimony given by a witness. From latin **VERBA** = word / **ITEM** = in the same way.

VERDICT

the decision of a jury after hearing of a case , hearing witness , expert witness, examining of documents. From latin **VERUS** = true / **DICERE** = to say. In figurative sense, a jury says the truth about a matter.

VERDICT OF NON LICET

statement issued by a jury that is not reaching a verdict because of some doubt about the fact and document produced by the parties. From latin **VERUS** = true / **DICERE** = to say. In figurative sense, a jury says the truth about a matter.

VERIFICATION OF A DOCUMENT

stablishment the truth or the accuracy of a document and of the statement in it contained (usually this verification is made by oath). From latin **VERUM** = true / **FACERE** = to do / **ACTIONEM** = perfomance. In figurative sense, a performance direct to ascertain if the document contains matter really done.

VERTICAL AGREEMENT

agreement between buyer and seller about a particular commodity item, as for example a supply contract, which the seller is delivering the good directly to the buyer (without horizontal intermediation). From latin **VERTEX** = the head.

VERTICAL MERGER

is the merger of two different companies having a relationship as buyer and seller. Eg: a company having the property of a factory producing cars, buys a factory selling spare parts of the cars. From latin **VERTEX** = the head.

VESTED RIGHT OR LIEN

right or lien granted or transferred by a legitimate authority. Eg: in a litigation upon the property right of real estate, the Court is vesting the title of property in favour of the winning party. From latin **VESTIRE** = to dress. In figurative sense, a party has been dressed with a cloth (the right).

VETO (V. RESOLUTION)

in the U.S. is the resolution issued by legislative power (legislature) aimed to nullify or regulation issued by an administrative agency . From latin **VETARE** = to forbid.

VEXATIOUS CLAIM

claim or lawsuit brought with the only aim to harass , to hindrance or intimidate the opponent , therefore lacking of intent to get the adjudication of a legitimate right. From latin **VEXARE** = to torment.

VICARIOUS LIABILITY

liability imposed on a person for the wrongful conduct of another (eg : liability imposed upon an employer for the negligence or wrong fact made by the employee during the performance of working activity , as for example a doctor working in a private medical hospital). From latin **VICIS** = alternative / **ARS** = ability.

VICE PRINCIPAL

in many offices, as schools or Courts trial , is the person enabled to act for the principal when the latter is absent, busy or stopped by any kind of hindrance. From latin **VICIS** = alternative.

VICINAGE OF CRIME'S PLACE

neighborhood or area around the place in which the crime has been committed. From latin **VICINUS** = near.

VICTIMLESS CRIME

crime not injuring a person or a thing but , intrinsically , is against the common feeling or custom. Eg: illegal possession of drug substance or a conduct consisting simply in a shooting against a bottle as target in a game. From latin **VICTIMA** = animal killed for a sacrifice.

VIGILANCE BOARD / V. COMMITTEE

in the italian legal system is a group of people appointed by a governmental authority with the aim to control the activity of some people or professional groups. Eg : vigilance commission over the newspaper printing or video communications. From latin **VIGIL** = wakeful. In figurative sense, to look wakefully over the activity performend by a group of people.

VINDICATION OF A RIGHT

restoration of a right entitlement that has been formerly lost. From latin **VIS** = strenght / **INDICATUM** = demonstrated. In figurative sense , the person enjoy the right restoration , has demonstrated such strenght in the activity of recovery regarding this right.

VIOLATION OF LAW

infringment of law disposition by means of a committment of a wrong conduct or omission of a legal duty. From latin **VIS** = strenght / **LATOR** = bringer.

VIOLENT OFFENCES

term indicating all the crimes pepetrated using the force or violence (eg: murder, battery) . From latin **VIS** = strenght / **LENTUS** = enduring. In fact, the violence is an action involving an enduring use of the strenght .

VIRTUAL REPRESENTATION

in the class actions , is the principle advocating the representation of all members of a professional or social group by the plaintiff bringing the law suit. From latin **VIRTUS** = worth / **ALIQUIS** = somebody. In figurative sense, somebody , representing a social group, has the worth of defender regarding the group's interests.

VIRTUOUS CONDUCT OF PUBLIC BODY ACTIVITY

term indicatinc the conduct or activity of a public body or administrative agency conforming to the principle of right (therefore involving an appreciation on the merit). From latin **VIRTUS** = worth.

VISA STAMP

stamp put on the foreingner's passport endorsement and certifying the entrance of the foreign citizen in the country. From latin **VISERE** = to examine . Also from latin **VIS** = meaning . In fact the custom officer asks to the foreign citizen the meaning (the grounds or motive) of the visit.

VISITATION

act of a public agency having a supervisory authority over some institutions (eg: an hospital visited by a functionary of the general health department or a Court trial visited by functionaries of the general justice department). The visitation is aimed to control the compliance to the rule imposed by the public agency. From latin **VIDERE** = to look / **SITUS** = place / **ACTIONEM** = action, operation.

VITAL DATA

set of data collected by a public agency, also local as municipal office, about act or fact concerning the private life and civil status (birhts, marriages, adoption). From latin **VITA** = life.

VITIATE A CONTRACT

to cancel, to anul, to void , to invalidate a contract because affected by something unlawful. Eg : lack of signature in a contract, impossibility of a contract performance. From latin **VIS** = strenght / **OTIARE** = to stay inactive, to laze around, to be full of idleness. In figurative sense, the legal strenght or validity of a document becomes inactive provoking a following inactivity of a legal document.

VOID DOCUMENT ,VOID SENTENCE

legal document or sentence vitiated by something illegal and therefore legally ineffective so without legal consequences. When the document is legally ineffective since its inception is called **VOID AB INITIO** (void since the beginning). When instead the document or contract although is valid e legally existent, is possible to be avoided by the will or option of one of the parties. From latin **AVIUS** = without road, impassable road / **IDEO** = so. In fact an act or legal deed declared null and void is without road in the figurative sense that it will be not brought anywhere.

VOLUNTARY APPEARANCE

in a legal action is a not compelled appearancein a trial . From latin **VOLUNTAS** = will / **ARS** = skill, capacity . Therefore the volunteer appearing person has the capacity to express own's will to appear or participate to a process . Also, from latin **VOLERE** = to want / **UNCTUM** = greasy, sprinkled (**UNGERE** = to grease, to sprinkle) . In figurative sense, the appearance is not compelled or asked, but the volunteer appearing person want to grease himself (to mix himself) in the trial.

VOLUNTARY BANKRUPTCY PETITION

bankruptcy petition filed by the debtor on himself initiative (therefore not by initiative of his creditors) . From latin **VOLERE** = to want / **UNCTUM** = greasy, sprinkled (**UNGERE** = to sprinkle, to grease) / In figurative sense, the petition to stop the business activity is greasy by debtor's will.

VOLUNTEER DEBTOR

debtor paying a debt of someone . The volunteer has not legal obligation to perform this and the debtor never asked him to do this payment. From latin **VOLERE** = to want / **UNCTUM** = greasy , sprinkle (**UNGERE** = to sprinkle , to grease). In figurative sense, the payment of a debt of another is greasy by debtor's will.

VOTE RIGHT

right granted to the adult people to give or expose own's opinion in a election . From latin **VOTUM** = promised (**VOVERE** = to promise. In fact, the candidate asks a vote with a promise to do something).

VOUCH (TO V.)

to summon someone into law Court with the aim to defend the ownership of a title. From latin **VOCARE** = to call (to call the Court , with the aim to get the examination of a title ownership).

VOUCHER DOCUMENT

written document (usually containing data) attesting or proving the existence of a contract or transaction . From latin **VOCARE** = to call (to call to the memory).

WRIT OF CAPIAS

capture warranty direct to arrest an offender. From latin **VERITUS SUM** = respected / **CAPERE** = capture . In figurative sense, a writ of capias is a capture order due to be respected because issued by a judge.

WRIT OF CERTIORARI

order issued by a higher Court to an inferior Court , involving a request of information or news about a matter or a case. From latin **VERITUS SUM** = respected / from latin **CERTUS** = informed. In figurative sense, the order issued by judge , aimed to be informed , has to be respected.

WRIT OF EJECTMENT

order issued by judge and involving the eviction of a person from an home. From latin **VERITUS SUM** = respected / **IACTARE** = push out . In figurative sense , the order to push the tenant out of the home, has to be respected.

WRIT OF MANDAMUS

order issued by a superior Court to an inferior Court, involving the compulsory preparing of a trial. From latin **VERITUS SUM** = respected / **MANDATUS** = ordered.

WRIT OF NE EXEAT

order issued by a Court and involving the prohibition for the defendant , to leave the district in which will be celebrated the trial against him. From latin **VERITUS SUM** = respected / **EXIRE** = to run away

WRIT OF SCIRE FACIAS

order requiring to the defendant and aimed to have an explanation directed to the Court because an obligation has been contracted by him. From latin **VERITUS SUM** = respected / **SCIRE** = to know / **FACERE** = to do. Therefore, the Court wants that the defendant is permitting (to do known) the reason of a stipulated contract , so the Court will issue an order (that must be respected).