

Intro to Law Definitions Assignment

The purpose of the definitions assignment is to move students beyond mere familiarity with legal terminology, to understanding what the terms mean. There are two parts to the assignment:

First, students must give a definition or rule of law for each term. The definition need not be in a student's own words. Any reliable legal source may be used, such as *Black's Law Dictionary*, *Clancey's Outlaw*, commercial law outlines, etc. so long as the definition is correct, concise, and includes all necessary elements. We do not recommend Wikipedia, websites containing other law students' work, or similar sources, as the information may not be accurate.

Second, in their own words students must provide either: 1) a short hypothetical which shows understanding of the term by illustrating or providing an example of its usage; or 2) a further explanation of detailed information concerning the term. It is not sufficient to simply restate the rule provided in part one in one's own words — an illustration or additional information that demonstrates an understanding of the term or rule must be included.

1. **Law:** Law is comprised of a body of rules governing action or conduct prescribed by controlling authority with binding legal force. The law may be derived from constitutional, statutory, or case law sources. Administrative agencies may also promulgate regulations or orders which may have the force and effect of law. (*Clancey's Outlaw*)

Example: Contract law is governed by two bodies of rules: the common law and the Uniform Commercial Code.

2. **Statute:** A statute is a law passed by a legislative body. (*Black's Law Dictionary*)

Example: The California Penal Code contains statutes passed by the California Legislature governing crimes in California.

3. **Civil Law:** (1) Civil law is one of the two prominent legal systems of the Western World, originally administered in the Roman Empire and still influential in continental Europe, Latin America, Scotland, and Louisiana, among other parts of the world.

Example: China's legal system is a civil law system, which means that precedents from cases are generally not enforceable and legal matters are determined on the basis of statutes.

- (2) Civil law is the law of civil or private rights, as opposed to criminal law or administrative law.

Example: Torts is a civil law subject because plaintiffs sue to enforce their private rights by bringing a lawsuit against a defendant based upon a theory of tort law.

4. **Common Law:** Common law is the body of law derived from judicial decisions, rather than from statutes or constitutions.

Example: The right of a woman to have an abortion was determined by common law, derived from the case of *Roe v. Wade*.

5. **Case Law:** The collection of reported cases that form the body of law within a given jurisdiction. (*Black's Law Dictionary*)

Example: In California, the decisions of the California Supreme Court form the highest level of caselaw.

Terms to be Used for the Introduction to Law, Legal Analysis, and Legal Research Definitions Assignment:

1. law
2. statute
3. civil law
4. common law
5. case law
6. equity
7. merger of law and equity
8. jurisprudence
9. legal authorities
10. American Law Institute
11. Restatements of Law
12. Constitution of the United States
13. Supreme Court of the United States
14. Judicial Council of California
15. State Bar of California
16. bar examination
17. law school essay examination
18. Multistate Bar Examination
19. performance test
20. Multistate Professional Responsibility Examination
21. First-Year Law Students' Examination
22. moral character determination
23. primary source
24. secondary source
25. case reporters
26. unpublished case
27. Boolean search
28. natural language search
29. LexisNexis
30. Shepardize
31. case citation
32. case headnote
33. casebook
34. case brief
35. case heading
36. IRAC
37. legal analysis
38. legal fiction
39. supra
40. infra
41. practice of law
42. legal advice
43. alternative dispute resolution
44. arbitration
45. mediation
46. attorney
47. legal assistant
48. paralegal
49. legal document preparer
50. jury

51. judge
52. Article III judge
53. administrative law judge
54. magistrate
55. commissioner
56. plaintiff
57. defendant
58. witness
59. lawsuit
60. cause of action
61. complaint
62. charge (in a criminal case)
63. prosecute
64. allegation
65. prayer for relief
66. remedy
67. answer
68. affirmative defense
69. pleadings
70. summons
71. discovery
72. motion
73. plea
74. writ of certiorari
75. affirmative or mandatory writ
76. negative or prohibitory writ
77. question of fact
78. question of law
79. burden of proof
80. standard of proof
81. beyond a reasonable doubt
82. preponderance of the evidence
83. clear and convincing evidence
84. bench trial
85. jury trial
86. prima facie
87. amicus curiae
88. ex parte
89. role of judge and jury
90. per curiam
91. *ratio decidendi*
92. obiter dictum
93. sua sponte
94. legal precedent
95. stare decisis
96. sanction
97. affirm
98. remand
99. reverse
100. appeal