

The language of the law: words of Latin origin

Some Legal Words and Phrases

a fortiori: all the more so, with stronger reason

ab initio: from the beginning

actus reus: the act or state of affairs as described in the crime charged which is prohibited by the criminal law (contrast *mens rea*)

ad hoc: for this purpose

ad idem: of the same mind, agreed upon

audi alteram partem: hear the other side (no one is to be judged without being heard)

autrefois acquit: a defence in a criminal case, that the accused has already been tried and acquitted for the same offence

curia advisari vult: the court wishes to be advised – that is, judgment was not given straight away, the court took time to consider

cur adv vult: abbreviation of the above

de facto: in fact

de jure: in law

ejusdem generis: of the same kind

et sequentes: and those following (*et seq*)

ex officio: by virtue of an office/position

ex parte: an application to a court by someone in the absence of another or by an interested person who is not a party to the matter

ex post facto: retrospectively, by a subsequent act

in esse: in being, existing

inter alia: among other things

ipso facto: by the mere fact

mens rea: guilty mind, the mental state which must be proved against an accused in a criminal case (see *actus reus*)

non sequitur: it does not follow

obiter dictum: an observation by a judge, something said by the wayside, not binding as precedent (compare *ratio decidendi*)

onus of proof: the burden of proving what you allege

parol: verbal or oral

per totam curiam: by the whole court

per se: taken alone, by itself

plaintiff: the party who initiates litigation in a civil case

ratio decidendi: the reason for a judicial decision, the principle of law for which a case stands and which is applied in future cases

respondent: person against whom a petition is presented, a summons issued or an appeal brought

stare decisis: precedents are authoritative and binding

Further reading: *Law as Culture*. Kathy Laster. The Federation Press, Sydney. 2001.