

Einführung in die Anglo-Amerikanische Rechtssprache = Introduction to
Anglo-American Law & Language : Band I

von
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Terminology

Number after term indicates Unit and Chapter in which term originally appeared and was explained, e.g. (I.1) = Unit I, Chapter 1.

The terminology appearing in this book is defined *in the context* in which it appears in the texts. Some terms have more than one usage and the meaning depends on the context. You may therefore not treat this Glossary as an exhaustive dictionary. If you have a German legal term within a text you would like to translate into English, you should first look in a German-English dictionary of legal terms for the possible English equivalents. The quality of legal dictionaries varies considerably. You will find a recommendation of the better ones at the end of Chapter 1, Unit I. Once you have the English equivalents, you should check them in an English-English legal dictionary to find out their exact meaning within an Anglo-American legal system. In addition, it is helpful to cross-check the English terms by looking them up in the English-German part of the same legal dictionary you used to find the English equivalents originally. Most likely you will find several German terms indicated for one of the English terms. That should help you understand the possible contexts within which the terms may be used, particularly when translated into another language and another legal system. If you have an English term within a text you would like to translate into German, you probably will not need to do this last cross-check, because you are a native speaker of the German language and have training in German law. You will therefore know which German term to use if you understand the English term sufficiently. Suggestions for German translations of the following terms as they appeared in context are included, if at all feasible. Many terms simply cannot be translated because the two legal systems are different in a fundamental way. Sometimes approximations of terms are indicated with “ca.” and sometimes a comparison is suggested or simply an explanation in German given.

a jury of one's peers (I.2)	expression used to emphasize the lay, or non-professional, nature of a jury composed of individuals who are like the parties to a law suit; a group of fair-minded individuals who are representative of the community in general
abandoned and malignant heart (III.7)	attitude of having a total lack of appreciation for the value of human life (von allem moralischen Gefühl verlassenes und böswilliges Herz)
abridgement of speech (III.3)	prohibition against free speech (Beeinträchtigung der Redefreiheit)

abuse of discretion (I.3)	unfair or unjust exercise of a decision maker's power over a situation; misuse of leeway to decide how to deal with a situation (Ermessensmißbrauch)
accomplice (III.7)	s.o. who assists another in committing a crime (Mittäter, Gehilfe)
account (I.1)	common law form of action to force the defendant to give an explanation, or account , of how he has used the plaintiff's money which has been entrusted to his management or care (ca. Klage auf Auskunft und Rechenschaftslegung)
accusatorial system (I.3)	system of trial in criminal cases in which the judge is the primary gatherer of evidence at trial and works from a file the prosecutor collected on the defendant's guilt
accused (I.2)	person who has been charged with a criminal offense (Beschuldiger, Angeschuldigter)
to acquit (I.1)	to find not guilty of a criminal charge (freisprechen)
acquittal (I.1)	a not-guilty judgment (Freispruch)
Act (I.1)	an enactment, a law that is in force (Gesetz)
act of God (I.1)	natural cause of some event; used to refer to natural catastrophes, as opposed to human actions, which cause damage (höhere Gewalt)
action for wrongful death (III.6)	tort cause of action to recover damage for harm caused by intentional or negligent wrongful killing (zivilrechtliche Klage wegen widerrechtlicher Tötung)
actionable (I.4)	of or relating to an injury for which a law suit may be maintained in the sense that the law supports the particular claim (ca. einklagbar, gerichtlich verfolgbar)
actions ex contractu (I.1)	law suit based on breach of an obligation voluntarily assumed in a contract (Ansprüche aus Vertrag als Klagegrund)
actions ex delicto (I.1)	law suit based on breach of obligation imposed by law and independent of any contractual relationship (Ansprüche aus Delikt als Klagegrund)
adjudication (I.3)	resolution of legal dispute in a court of law (ca. richterliche Behandlung und/oder Entscheidung eines Falles in einem streitigen Verfahren)
administration (III.3)	management of the executive branch of the government; collection of all persons working in the executive branch of government (Verwaltung)
administrative agency (II.1)	part of the executive branch of the government which is responsible for the enforcement of the law (Verwaltungsbehörde)
administrative court (II.1)	court with jurisdiction over cases arising under public law, executive orders or regulations; most common law systems do not have separate courts for administrative matters (Verwaltungsgericht)

admiralty jurisdiction (II.2; II.3)	power to hear cases that arose on the high seas, great lakes, or other navigable bodies of water; see also maritime jurisdiction (ca. Seegerichtsbarkeit)
admissible evidence (III.7)	material providing proof of certain events that can be used at trial (zulässiges Beweismaterial)
admission (I.3)	agreement to the truth of a factual claim; usually contained in the defendant's answer and relating to the plaintiff's complaint (Zugeständnis)
adversary system (I.3)	system of trial in which the parties, as opponents, present evidence most favorable to their own view of the case in an attempt to convince either judge or jury of their right to prevail (U.K. adversarial system) (im Zivilrecht: kontradiktorisches Verfahren)
advisory opinion (III.6)	an opinion of a court on the proper interpretation of the law in the absence of any dispute under that law between the parties; the courts will not issue advisory opinions (richterliches Gutachten)
advocate (I.3)	a person who supports or defends s.o. or s.th.; often used for lawyers within the adversary system (Advokat); to advocate : to argue for s.th., to support or defend s.th. (sich einsetzen für)
affidavit (III.1)	sworn statement of facts (ca. eidesstattliche Erklärung)
to affirm (I.2)	to uphold, as an appellate court, the decision reached by a lower court (die Entscheidung aufrechterhalten)
affirmation (I.2)	substitute for the oath, omitting the name of God (Eid ohne religiöse Beteuerung)
agent to receive process (II.2)	person appointed to accept process for another person; mostly agents for companies doing business in various states (Zustellungsbevollmächtigter); see also process agent
aggravated battery (I.4)	unlawful infliction of severe physical injury under circumstances which make the act more serious (aggravating circumstances) than a simple battery, such as through the use of a deadly weapon (vergleichbar mit: gefährliche Körperverletzung)
aggravating circumstances (III.7)	situation which indicates being worthy of more blame (erschwerende Umstände)
aggravation (III.7)	making sth. more serious, increasing in intensity, esp. a crime (Verschärfung, Erschwerung)
allegation (I.1)	claim; used primarily in a legal context (Behauptung); to allege (behaupten)
to allege (I.3)	to claim, to contend, to maintain that certain facts are true (behaupten)
to allow an appeal (I.1; II.2)	(U.K.) to decide an appeal in favour of the appellant (der Revision stattgeben)

alternate juror (I.2)	juror in addition to the required number to constitute the petit jury who attends the entire trial but actually participates in deliberation only if one of the regular jurors suddenly has to be excused (ca. Ersatzgeschworener)
alternative dispute resolution (I.3)	any non-judicial method of resolving disputes, such as arbitration (außergerichtliche Streitbeilegung)
American Civil Liberties Union	(<i>abbr.</i> ACLU), privately sponsored organization dedicated to securing human and civil liberty (amerikanische Union für Bürgerrechte)
amicus curiae (III.2; III.5; III.6)	friend of the court (pl. amici curiae); term used to refer to individuals, organizations, public officials, etc. who are not parties to a law suit but who may have information of value to the court when considering an appeal; amici curiae are invited by the court to submit briefs, referred to as amicus briefs and to participate in oral argumentation
amount in controversy (I.2)	the amount for which the plaintiff sues the defendant (Streitwert); also called value in controversy
annotated (III.3)	commented on by including relevant cases, legislative history, etc. (kommentiert, mit Anmerkungen), e.g. Texas Penal Code Annotated (<i>abbr.</i> Ann.) (Kommentar zum Strafbgesetzbuch von Texas)
answer (I.1; I.3)	defendant's formal substantive response to the plaintiff's complaint (Klageerwiderung)
antitrust action (I.3)	law suit charging violation of the antitrust laws (Klage in einer Kartellsache)
antitrust law (I.3)	law prohibiting the formation of a cartel or anticompetitive practices (Kartellgesetz)
to appeal (I.1)	(U.S.) to turn to a higher court with the argument that a legal error occurred during the trial (in die Revision gehen); on appeal : during the appeal (in der Revision); (U.K.) appeals may be taken on points of law and fact, hence to appeal on points of law (in die Revision gehen); to appeal on points of fact (in die Berufung gehen); also to appeal by way of case stated : to appeal only on points of law from decisions of the Magistrates' Courts or the Crown Court in criminal cases to the Queen's Bench Division
appellant (I.1)	person bringing the appeal (Revisionskläger [Zivilrecht]; Revisionsführer [Strafrecht]);
appellate (I.1)	of or relating to an appeal, as the appellate court , meaning the court of appeal(s) (Revisions-)
appellate brief (I.3)	written document containing a short statement of the legal arguments supporting one party's position on appeal (Revisionsantrag)

appellate court (II.1)	intermediate court; considers only issues of law on appeal, namely errors that it is claimed the trial court made in the law; convenes with a panel of judges (usually three) and no jury; also called the court of appeals (U.S. Revisionsgericht [and <i>not</i> Berufungsgericht!]; U.K. Berufungs- oder Revisionsgericht)
appellate jurisdiction (II.1)	power of a court to hear cases after they have been decided by a lower court; power of review of lower court decisions for errors of law (Zuständigkeit als Revisionsgericht)
appellee (I.1)	the person against whom the appeal has been brought (Revisions-beklagter [Zivilrecht]; Revisionsgegner [Strafrecht]); (U.K.) respondent
arbitration (I.3)	non-judicial method of resolving dispute between two parties whereby one or more arbitrators hear the parties' version of the problem and seek a solution based more on permitting the parties to save face and continue in their relationship rather than on determining their individual rights and providing the basis for discontinuation of the relationship (Schiedsgerichtsbarkeit)
armed robbery (I.4)	robbery committed with the use of a weapon (Raub mit Waffen)
array (I.2)	prospective jurors summoned to court for selection for jury duty, also called the venire , or: (U.K.) panel (ca. Gesamtheit der möglichen Geschworenen)
arrest warrant (I.2)	formal document issued by judge permitting police to take s.o. into custody (Haftbefehl)
as-applied challenge (III.6)	constitutional argument claiming that a statute is void as applied to a particular person or under certain circumstances; contrasted to facial challenge (verfassungsrechtliche Anfechtung gegen die Anwendung eines Gesetzes)
assailant (I.1)	s.o. who assaults another person (ca. Angreifer)
to assault (I.1)	to attack or threaten s.o. (ca. angreifen); an assault is a criminal offense and a tort; tort of intentionally causing the victim to fear that he will be harmfully or offensively touched physically on the instant occasion (Bedrohung)
Assembly-and-Petition Clause (III.5)	clause in the First Amendment prohibiting Congress from abridging "the right of the people to peaceably assemble, and to petition the Government for a redress of grievances" (Verfassungsklausel über die Versammlungs- und Petitionsrechte)
to assert jurisdiction (II.2)	to take control over a case and over the parties to the case as a court of law (die eigene Zuständigkeit annehmen)
assets (II.1)	total of one's property rights and claims against others (Vermögen); contrast to liabilities
associate justices (II.1)	all judges on a court of appeals other than the head judge (beisitzende Richter)

assumpsit (I.1)	common law form of action for damages to compensate for the defendant's failure to perform as promised under a simple contract; (ca. Klage auf Schadensersatz wegen Nichterfüllung) whereby the promise may be implied by law (general assumpsit) or expressly made by the defendant (special assumpsit)
attempt (I.1)	trying to do s.th. that is criminally prohibited but being unsuccessful in actually bringing about the prohibited harm (Versuch)
Attorney General (III.2)	the lawyer who represents a state or nation, as the Attorney General of the United States , who is also the head of the Justice Department, and the Attorneys General of the individual states in the U.S. (ca. Justizminister und Generalstaatsanwalt)
auspices (III.5)	organization, control, guidance, or direction (Anwendungsbereich, Schirmherrschaft)
avenue of appeal (I.4)	possibility to go to a higher court with a claim that a legal error has occurred in a lower court (Rechtsweg)
averment (I.1)	claim; used primarily in legal context to refer to a claim contained in the plaintiff's complaint or the defendant's answer to the complaint (Behauptung); to aver (behaupten)
to bar (I.4)	to hinder, to prohibit (ausschließen); to be barred : to be prohibited (ausgeschlossen sein)
Batson Challenge (I.2)	challenge to the other party's peremptory challenge with the argument that the other party has exercised the peremptory challenge on the basis of the prospective juror's race and thus should not be permitted (Einspruch gegen einen Antrag auf Ablehnung eines Geschworenen mit der Begründung, der Antrag sei nur wegen der Rasse gestellt, der der Geschworene angehört)
battery (I.4)	crime of unlawful infliction of severe physical injury (Körperverletzung)
bench (I.2)	term used to refer to a judge or to judges in general (ca. Gesamtheit der Richter)
beyond a reasonable doubt (I.3; III.7)	standard of proof in a criminal case (U.K. beyond all reasonable doubt) meaning that the factfinder must be so convinced of the defendant's guilt that no rational, reasonable doubt regarding that guilt remains (ca. ohne vernünftigen Zweifel)
bifurcated trial (III.7)	trial divided into two phases, usually the guilt phase and the penalty phase (zweigeteilter Prozeß)
Bill of Rights (III.4; III.5)	first ten amendments to the U.S. Constitution, all ratified in 1791
Blackstone's Commentaries (III.5)	commentaries on the Common Law of England first published in the middle of the eighteenth century; George Tucker, an American colonist published his version of them including his

	own commentaries on U.S. and Virginia law (Blackstones Kommentar des Common Law)
bond (I.1)	instrument of security for a debt; document indicating existence of a debt and agreement to repay which is secured by a mortgage (Schuldschein verbunden mit der Bewirkung einer Sicherheitsleistung)
breach of the peace (I.2)	criminal offense of disturbing the public order (ca. Störung der öffentlichen Ruhe und Ordnung)
brief fee (I.3)	(U.K.) barrister's fee for preparation of a case for litigation and for the first day in court (Prozeßvorbereitungs- und Prozeßführungskosten für den ersten Tag vor Gericht)
to bring s.o. to trial (I.2)	to file charges against s.o. in a court of law; usually used in the criminal law context (anklagen); also to charge s.o. with an offense
burden of persuasion (I.3)	another term for burden of proof (Beweislast); see also onus of proof
burden of proof (I.2)	obligation to offer enough evidence to prove the facts relevant to the legal claim (Beweislast); the burden of proof shifts to the other party when the person making the claim has established a prima facie case (Umkehr der Beweislast)
canon law (I.1)	church law (kanonisches Recht)
capital case (I.2)	a criminal trial involving a crime which can be punished by death (ca. Kapitalfall)
capital crime (I.2)	a crime the commission of which is threatened with the death penalty (Kapitalverbrechen)
capital offense (III.7)	crime for the commission of which the death penalty is threatened (ca. Kapitalverbrechen)
case at bar (III.2)	the case the court is considering at the moment; also the instant case (der vorliegende Fall)
case in chief (I.3)	main part of a party's presentation of evidence (as opposed to the presentation of evidence on rebuttal (Hauptvorbringen))
case or controversy (III.6)	requirement of Art. III Sect. 2 of the U.S. Constitution that limits the court's authority to hearing justiciable controversies (Fall oder Rechtsstreit)
cases on collateral review (I.4)	law suits in which a party attacks a court judgment outside the normal appellate process (wiederaufgenommene Verfahren)
cases pending on direct review (I.4)	law suits in which the parties are still involved in appealing the decisions of lower courts (anhängige Verfahren); cases that are not yet final or res judicata (rechtskräftig)
cause of action (I.1; I.3)	set of facts that permit a person to file a law suit against s.o. else (Klagegrund)

challenge for cause (I.2)	formal request by a party to a law suit that the judge dismiss a juror for certain specified reasons or causes relating to the juror's ability to be fair at the particular trial (ca. Antrag auf Ablehnung eines Geschworenen wegen Befangenheit)
challenge to the array (I.2)	formal request to dismiss the entire array or venire because of the jury commissioner's incorrect method of selection; also called: motion to quash the venire, motion to quash the panel, motion to quash the array (ca. Antrag auf Ablehnung der Gesamtheit der Geschworenen)
Chancery Division (II.2)	(U.K.) court of general jurisdiction over intellectual property cases, equity, insolvency, company law, and probate cases (Abteilung des High Court of Justice für geistiges Eigentum, Billigkeitsentscheidungen, Insolvenzfälle, Gesellschaftsrecht und Nachlaßsachen)
charge given by the trial court (I.1)	the trial court judge's instructions to the jury on the law (ca. Belehrung der Geschworenen)
charges (I.1)	formal legal claims made against s.o. (criminal law: Anklagepunkte ; civil law: Ansprüche)
chattels (I.1)	movable property (Fahrnis, bewegliche Sachen); also referred to as personal property, movables, personalty ; contrasted to real property or land and things attached to it (Liegenschaften)
chief justice (II.1)	the head judge of a supreme court (Gerichtspräsident)
chief of police (III.5)	head officer of a police department, usually for a city or municipal area, rather than a county, where one has a sheriff as the head officer of the county police (Polizeichef)
circuit (II.1)	an area over which a U.S. Court of Appeals has jurisdiction to hear appeals from its district courts (Kreis, der aus mehreren Gerichtsbezirken besteht)
Circuit Court (II.1)	one name for state trial court of general jurisdiction (vgl. Landgericht)
City Hall (III.3)	the building which houses the administration of a city (Rathaus)
civil actions (I.1)	law suits based on theories of private law (privatrechtliche Ansprüche als Klagegrund)
Civil Code (I.1)	translation of the German Bürgerliches Gesetzbuch or the French Code civil
Civil Division (II.2)	the half of the Court of Appeal responsible for hearing appeals from the trial courts of general and limited jurisdiction in private and public law suits, namely from the county courts and from the High Court of Justice (Zivilsenat des Revisionsgerichts)

civil law system (I.1)	a system of law, such as the legal systems of continental European nations, with a strong Roman law tradition and the main source of law in written codes
claim barred by a statute of repose (I.4)	law suit may not be brought because the period within which the legal violation had to occur expired before the injury in fact did occur (Anspruch, der erloschen ist)
claim barred by procedural requirements (I.4)	law suit may not be brought because of some defect in the manner in which the claim has been filed, rather than because of substantive legal problem (die Klage ist unzulässig)
claim barred by res judicata (I.4)	law suit may not be brought because a final judgment has already been reached in the same case (die Rechtskraft steht der Klage entgegen)
claim barred by the statute of limitations (I.4)	law suit may not be brought because the period of time allowed by statute for filing the suit has already expired (der Anspruch ist verjährt)
Class A offense (III.3)	offense in highest category of seriousness with respect to punishment threatened, e.g. Class A misdemeanor, Class A felony (Straftat der Kategorie A)
class action (III.2; III.6)	law suit filed by one or more plaintiffs on behalf of themselves and all individuals like them in the sense that they too have suffered from the same violation of their rights
clear and present danger test (III.3)	test of constitutionality of a statute restricting speech that asks whether the state has a right to prevent the occurrence of some harm and whether the speech in question is likely to incite someone to cause that harm; if so then the speech can also be prohibited (Test, ob eine Rede eine nicht bezweifelbare und gegenwärtige Gefahr für die Begehung von Straftaten schafft)
clerk of court (III.4)	official responsible for maintaining court records, accepting filings (complaint, demurer, answer, etc.), administering oaths, keeping court's docket (leitender Justizangestellter)
closing argument (I.3)	final address to the jury in an attempt to sum up the evidence that has been presented during trial and convince the jury that one's own client should prevail in the law suit (Schlußplädoyer)
cloud (II.2)	a claim against another person's property, such as to secure a debt, or because one holds a lease on the property or right of way across the property (Belastung)
co-felon (III.7)	person who commits a serious crime with s.o. else (Mittäter bei einem Verbrechen)
code (I.1)	organized and theoretically consistent treatment of an entire body of law (Gesetzbuch); to codify : to formulate a body of law in sections of a code (kodifizieren)

collateral attack (I.4)	means of challenging a court's decision that is separate from the normal trial-appellate process, e.g. through a petition for a writ of habeas corpus (Antrag auf Wiederaufnahme eines Verfahrens)
collateral review (I.4)	court's consideration of a collateral attack (Wiederaufnahmeverfahren)
commentary (I.1)	expert's analysis of the law including references to cases and legal theories (Kommentar)
Commerce Clause (I.4)	contained in Article I Section 8 of the U.S. Constitution; permits the U.S. Congress to regulate trade between the individual states
commercial cases (II.2)	law suits between merchants, or those who are in the business of selling goods or services (wirtschaftsrechtliche Fälle)
to commit a crime (I.1)	to act in a way, or to bring about a result that is criminally prohibited (eine Straftat begehen); commission as contrasted with omission means acting, as opposed to not acting, and thereby fulfilling the definition of a criminal offense (Handlung - Unterlassung)
to commit the defendant for trial (II.2)	to indict a defendant for trial at the crown court (eine Anklage erheben und den Angeklagten an den crown court überweisen)
committal proceedings (II.2)	proceedings in the magistrates' court to determine whether a defendant should be indicted for trial in the crown court (Verfahren zur Klärung der Frage, ob der Angeklagte an den crown court überwiesen werden soll)
common law system (I.1)	a system of law such as found in England and in countries influenced by England with the main source of law in the opinions of judges
common-law crime (I.2)	criminal offense under the principles of the common law rather than under any particular statutory enactment
company law (II.2)	law governing business associations, i.e. firms, companies (Gesellschaftsrecht)
compelling state interest (III.3; III.6)	state goal that is absolutely necessary to pursue, state interest that is absolutely necessary to protect, e.g. public health (zwingendes, übergeordnetes Staatsinteresse)
compensatory damages (I.1)	primary common law remedy for breach of contract; puts non-breaching party in position he would have been had contract been performed (Schadensersatz wegen Nichterfüllung); primary remedy for tort; also money damages
complaint (I.1; I.3)	formal document setting forth the plaintiff's claims against the defendant to a private law suit (Klage, Klageschrift); the law suit is initiated by the plaintiff's filing the complaint with the appropriate court

concurrent jurisdiction (II.1)	the power to decide a case as one of several courts with that same power over the subject matter of the case; a plaintiff may decide to initiate the law suit in any one of these several courts (konkurrierende Zuständigkeit)
concurring opinion (II.1)	the opinion of one or more judges who agree on the holding but not on the reasons for that holding (Sondervotum, das eine in der Begründung abweichende Meinung eines Richters enthält)
confession (III.7)	admission of guilt (Geständnis)
consent decree (I.3)	court order to which the parties to a law suit have agreed and which they have recognized as a just determination of their rights
consolidated opinion (III.2)	a court's decision for a group of cases that have been joined together and for which the court writes only one opinion (Entscheidung in verbundenen Verfahren)
constitutional muster (III.4)	constitutional review (verfassungsrechtliche Normenkontrolle)
to consummate a crime (I.1)	to act in a way that fulfills all of the elements of the definition of a criminal offense (eine Straftat vollenden)
contempt of court (I.2)	criminal offense of showing disrespect for the court; hindering the court in the administration of justice; can be punished with a fine or imprisonment (Mißachtung des Gerichts)
contention (I.1)	claim (Behauptung); to contend: to claim (behaupten)
contested divorce (II.2)	dissolution of marriage when partners are not in agreement over the division of their property or the custody of their children; also called defended divorce (streitige Scheidung)
contract (I.1)	agreement between two private parties, or between a private party and the state (Vertrag); term is <i>not</i> used for international agreements, which are called treaties, conventions, agreements (Verträge)
contract law (I.1; I.3)	the law of obligations as between two or more persons who have voluntarily entered into an agreement involving rights and obligations for each of those persons (Vertragsrecht)
conversion (I.1)	unlawful exercise of ownership rights over another person's property (ca. Unterschlagung)
to convict (I.1)	to find the defendant in a criminal trial guilty of the offense charged (für schuldig erklären)
copyright (II.1; II.2)	intellectual property right protecting an author's ownership of his or her own creations from unauthorized use (Urheberrecht)
corporate body, body corporate (III.5)	organization of individuals with its own legal personality (Körperschaft)
corporate hierarchy (I.3)	structure of responsibility and power within a corporation (Hierarchie innerhalb einer Firma)

corporate litigation (I.3)	trial in which at least one party is a corporation (Führung eines Prozesses für eine Gesellschaft; Gerichtsverhandlung im Namen einer Gesellschaft)
corporation (I.4)	legal entity organized under law with legal personality distinct from the personalities of its shareholders (Aktiengesellschaft)
count (I.1; I.2)	a separate and distinct legal claim; one crime charged in the indictment (Anklagepunkt) or one civil law claim made in a complaint (Anspruch)
to countenance a presumption (III.3)	to permit one to conclude <i>sth</i> , to support an inference (den Schluß erlauben)
counterclaim (I.3)	legal claim filed by defendant in response to plaintiff's complaint; statement of a cause of action against the original plaintiff in a case (Widerklage)
county commission (III.4)	body of elected officials responsible for governing in a county; vested with legislative and executive powers, also called county council, board of supervisors (Kreisrat)
county controller (III.4)	auditor and reviewer of county expenditures (Rechnungsprüfer für einen Landkreis)
County Court (II.1)	one name for state trial court of general jurisdiction (vgl. Landgericht); also used as a name for a state trial court of limited jurisdiction (Gericht mit beschränkter Zuständigkeit , e.g. Amtsgericht); a county is a governmental unit in the sense of Kreis or Landkreis
county court (II.2)	(U.K.) trial court of limited jurisdiction responsible primarily for hearing private law disputes (erstinstanzliches Gericht mit beschränkter Zuständigkeit)
county sheriff (III.4)	chief law enforcement officer in a county (Polizeidirektor für einen Landkreis)
county treasurer (III.4)	county official responsible for county's income and expenditures (Landkreisschatzmeister)
court clerk (II.2)	(U.K.) trained lawyer who advises the magistrates on the law (wissenschaftlicher Mitarbeiter an einem Obergericht)
Court of Appeal (II.2)	intermediate court of appeal in England composed of a civil division and a criminal division (Revisionsgericht)
court of appeal(s) (I.1)	court on a level higher than the trial court, which considers issues of law and not of fact (Revisionsgericht)
Court of Appeals for the District of Columbia Circuit (III.5)	one of 13 federal courts of appeal; hears appeals from the D.C. District Court
Court of Chancery (I.1)	original court of equity
Court of Common Pleas (II.1)	one name for state trial court of general jurisdiction (vgl. Landgericht); original name of the court that heard legal disputes

	arising between the King's subjects; a plea (Gesuch), like pleadings (Schriftsätze), is a formal request addressed to a court
court of competent jurisdiction (I.4)	court with the power to decide a law suit; a court that has authority to decide a case (zuständiges Gericht)
court of first impression (II.1)	term used to describe a trial court because it is the first court to hear a case (erstinstanzliches Gericht)
court of last resort (II.1)	final court in a hierarchy of courts to which a party can turn on appeal (letztinstanzliches Gericht)
court of record (II.1)	court that keeps a detailed protocol of exactly what happened in a case
court reporter (I.3)	a court official responsible for recording testimony verbatim and preparing the transcript of the session (Protokollführer)
covenant (I.1)	common law form of action for damages to compensate for the defendant's failure to perform as promised under a contract which is written and has been signed, sealed and delivered to the plaintiff (ca. Klage aus einem nach besonderen Formvorschriften geschlossenen Vertrag)
credence (III.6)	belief, credit as true and binding (Berücksichtigung)
Criminal Division (II.2)	(U.K.) the half of the Court of Appeal responsible for hearing appeals in criminal cases from the crown court (Strafsenat des Revisionsgerichts)
criminal record (III.7)	record of individual's criminal history (Strafregister); to have a criminal record means that a person has committed crimes in the past (vorbestraft sein)
cross-complaint (III.2)	complaint filed by the defendant to a law suit against either the plaintiff or against any other person who is directly involved in the controversy (Widerklage, Drittwiderklage, bzw. Streitverkündung)
to cross-examine (I.3)	to ask a witness who has been questioned by the opposing party questions related to the witness' testimony for the purpose of discrediting it (ein Kreuzverhör vornehmen)
cross-examination (I.3)	questioning of a witness by the lawyer opposed to the lawyer who called the witness (Kreuzverhör)
cross-petition (III.2)	petition filed by the respondent to an appeal to a supreme court; the petitioner is the party filing the appeal, or petitioning for the writ of certiorari, and the respondent is the party against whom the appeal is filed, who may also raise a point to be considered on appeal in a cross-petition (ca. Anschlußrevision)
cross-section of the community (I.2)	group of people who represent all demographic aspects, such as income, educational and professional or vocational levels, race, gender, political opinion, religious persuasion, ethnic back-

	ground, etc. of a particular area where they live (Bevölkerungsdurchschnitt)
crown court (II.2)	(U.K.) criminal court of general jurisdiction (erstinstanzliches Gericht für Strafsachen mit unbeschränkter Zuständigkeit)
cruel and unusual punishment (III.7)	punishment that is excessive in kind, arbitrarily imposed, and serves no penological purpose (grausame und unübliche Strafe)
custody (I.4)	security of and control over a person (Haft) or a thing (Gewahrsam)
damage (I.1)	harm caused the victim of a tort (Schaden)
damages (I.1)	money that the defendant has to pay the plaintiff for causing the plaintiff's injuries (Schadensersatz); to be distinguished from damage , which is the common word for harm; used in a tort and contract law context; to recover damages : to be awarded damages by a court to be paid by the defendant to a private law dispute for injury caused
de facto segregation (III.2)	separation of the races in fact, rather than as required by law (ca. tatsächliche, aber nicht rechtlich vorgeschriebene Trennung der Rassen)
de jure segregation (III.2)	separation of the races as required by law (ca. rechtlich vorgeschriebene Trennung der Rassen)
debt (I.1)	common law form of action to recover a specific sum of money the defendant owes the plaintiff (ca. Zahlungsklage)
decedents' estates (II.1)	decedent is the commonly used legal term for someone who has died, e.g. within the context of the law of inheritance (Erblasser); and in this context " estate " is the total amount of property left after death (Nachlaß); used together they identify an area of law relating to the administration of the estate after death but before it is distributed to the decedent's heirs and to the legal rules governing that distribution, including the law of last wills and testaments (Erbrecht)
decision on the merits (I.4)	a judgment that resolves the substantive claims of the parties and not one based on some procedural defect, such as lack of jurisdiction (ca. Sachurteil)
declaration (I.1)	another name less commonly used for complaint (Klageschrift)
declaratory judgment (III.5)	remedy awarded in a case in which rights are in dispute but have not yet been violated and when a violation is imminent (Feststellungsurteil)
defamation (I.2; III.5)	intentionally making false statement to injure another person's reputation; ridiculing a person in public; can be both a crime and a tort; if published it is libel ; if spoken it is slander (üble Nachrede; Beleidigung und Verleumdung)

default judgment (I.3)	judgment entered against the defendant for failure to answer the plaintiff's complaint, or against either party for failure to proceed with the action as required (Versäumnisurteil)
defendant (I.1)	in a private law dispute, the person against whom a law suit has been brought (Beklagter); in a criminal case, the person who has been formally charged with a crime (Angeklagter)
defendant's representation (III.7)	defendant's legal counsel (Anwalt für den Angeklagten)
defended divorce (II.2)	dissolution of marriage when partners are not in agreement over the division of their property or the custody of their children; also called contested divorce (streitige Scheidung)
defense (I.1; I.3)	(U.K. defence) anything a defendant to criminal or civil law charges can argue to his benefit (Verteidigungsvorbringen)
defense counsel (I.2)	lawyer representing the defendant in either a civil case (Prozeßvertreter) or criminal case (Strafverteidiger)
Delaware corporation (I.4)	corporation organized under the laws of the State of Delaware, a state which has particularly beneficial laws for corporations and thus a common state of incorporation
deliberation (I.2)	the jury's consideration of a case in an attempt to reach a verdict (ca. Beratung der Geschworenen)
to deliver an opinion (I.2)	to announce, as an appellate judge, the holding one has reached for a law suit on appeal and to give reasons for that holding (ein Urteil verkünden)
demurrer (I.3)	motion for dismissal of the complaint because it fails to state a cause of action (Antrag auf Klageabweisung wegen Unschlüssigkeit)
denial (I.3)	claim that a factual claim is false; usually contained in the defendant's answer and relating to the plaintiff's complaint (Bestreiten)
to deny (I.2)	to reject or disagree, as a court, with a motion a party has made (ablehnen); or with a remedy a party seeks
to deny relief (III.2)	to refuse to give the plaintiff the remedy she has filed suit to get (ca. das Klagebegehren ablehnen)
Department of Revenue (I.4)	name used in some states for the tax office (Finanzamt)
deponent (I.3)	person being questioned during a deposition (der Befragte)
to depose (I.3)	to take the sworn testimony of a witness or party to a law suit during the pretrial discovery process (befragen)
deposition (I.3)	oral interview of a witness or party to a law suit taken under oath and recorded by a court reporter in the presence of both parties (mündliche Befragung zur Aufklärung der Beweislage)

to deter (I.3)	to keep <i>s.o.</i> from doing <i>sth</i> ; to threaten <i>s.o.</i> with negative consequences for engaging in criminal behavior (abschrecken)
deterrence (I.3)	one purpose or effect of punishment, namely preventing the commission of crimes (Abschreckung)
deterrent (I.3)	<i>n. sth</i> , such as the threat of punishment, that has the effect of preventing <i>s.o.</i> from doing <i>sth</i> (Abschreckungsmittel); <i>adj</i> of or relating to a deterrent , having the effect of preventing certain conduct (abschreckend)
detinue (I.1)	common law form of action to recover specific personal property, or the value of that property, which the defendant unlawfully detains , or refuses to give back to the plaintiff, who is the owner of the property, and for damages to compensate plaintiff for loss of use of property (ca. Vindikationsklage, Herausgabeklage)
devolution (III.6)	transference of rights, here rights to property, through inheritance or other transfer (Übertragung von Eigentum, Forderungen und anderen Rechten oder Ansprüche)
dictum (I.1)	(pl. dicta) any comment or discussion in a judicial opinion that is not necessary for resolving the dispute in the case; often includes hypotheticals used for the sake of argumentation, analogies, legislative history; sometimes referred to as obiter dictum or obiter dicta , especially if the discussion goes far astray from the basis of the decision
direct appeal (II.1)	appeal from the decision of a trial court to a supreme court without first appealing to the intermediate court of appeals (Sprungrevision)
direct attack (I.4)	an appeal from a judgment within the normal appellate process (ca. Anfechtung eines Urteils in einem noch nicht abgeschlossenen Verfahren)
direct examination (I.3)	questioning of a witness by the lawyer who called the witness to testify (Vernehmung eines Zeugen, den der vernehmende Anwalt selbst benannt hat)
direct review (I.4)	a court's consideration of a direct attack within the normal trial-appellate process, for example on appeal
direct review (III.7)	review from trial court's decision directly to supreme court without going through intermediate court of appeals (Sprungrevision)
discovery (II.1)	also called pretrial discovery ; evidence gathering phase which extends from the filing of the complaint to the beginning of the trial; gives each party the right to evidence in the possession of the other party (Beweiserhebungsverfahren, in dem jede Partei ein Recht hat, Beweise durch Zeugenvernehmungen, Vorlage von Urkunden usw. zu erheben)

discretion (I.2; I.3; III.7)	right or power to exercise judgment in making a decision independent of any exact rules on how to proceed (Ermessen); discretion is abused if the person exercising it acts unfairly or arbitrarily (Ermessensmißbrauch)
to dismiss an action (I.3)	judge's decision refusing to hear a case; court's rejection of a law suit (eine Klage abweisen)
to dismiss an appeal (II.2)	(U.K.) to decide an appeal in favour of the appellee (die Revision abweisen)
dissenting opinion (II.1)	the opinion of one or more judges in the minority of the court of judges hearing an appeal who do not agree on the holding the majority reached in the case (Sondervotum, das eine im Ergebnis abweichende Meinung eines Richters enthält)
dissident (III.5)	s.o. who adamantly objects to a policy or institutional practice (Dissident)
distributor (II.2)	intermediate seller, sells to other wholesalers or to retailers, but not to the consumer (Zwischen- oder Großhändler); also wholesaler
district (II.1)	an area of a state over which a U.S. District Court has jurisdiction; each state comprises at least one and currently at most four districts (Gerichtsbezirk)
District Court (II.1)	one name for state trial court of general jurisdiction (vgl. Landgericht)
diversity jurisdiction (II.2)	power granted to the federal district courts to hear civil law disputes between citizens of different states, assuming the amount in controversy is more than \$75,000 (Zuständigkeit eines Bundesgerichts, weil die Parteien Einwohner verschiedener Bundesstaaten sind); cases brought to the federal district courts on this basis are called diversity cases
docket (III.2)	court's calendar of official business; calendar of dates set for hearing cases (Terminkalender eines Gerichts); a case is restored to the docket (in den Terminkalender neu eingetragen) when it is rescheduled for an additional hearing at a later date
to docket a case (III.2)	to register a case in the court's calendar of official business; to assign a specific date and time for a case to be heard by a court (einen Rechtsstreit in den Terminkalender des Gerichts eintragen)
domestic relations court (II.1)	court with jurisdiction over family law issues (Familiengericht)
double jeopardy (I.2)	to be endangered twice; refers to prohibition against trying s.o. twice for the same crime (ne bis in idem)

due process of law (I.2)	expression used in the U.S. Constitution to mean fairness in legal procedures (Rechtsstaatlichkeit); the due process guarantee is contained in the Fifth and Fourteenth Amendments and as a part of the Fourteenth Amendment is referred to as the due process clause
duress (III.7)	threat of harm or injury imposed to influence another's will to act (Nötigung)
either-way offence (II.2)	criminal offence for which the defendant can decide whether to have the trial in the magistrates' court or in the crown court, also called hybrid offence (Straftat, die entweder durch summarisches Verfahren oder durch Eröffnung einer Hauptverhandlung vor dem crown court zu beurteilen ist)
ejectment (I.1)	common law form of action to recover possession of real property from the defendant who is in unlawful possession of it and for damages for loss of use of that land (ca. Räumungsklage)
to enact (I.1)	to formally adopt a law and put it into force (verabschieden)
encumbrance (II.2)	a claim against another person's property, such as to secure a debt, or because one holds a lease on the property or right of way across the property (Belastung)
to endorse (III.4)	to support, to promote, to approve (sponsern, unterstützen, befürworten)
endorsement/indorsement (III.7)	approval, acceptance (Bestätigung, Befürwortung, Billigung)
to enjoin (III.2; III.4)	to prohibit s.o. from doing <i>s.th.</i> (eine einstweilige Verfügung erlassen); the remedy is an injunction (einstweilige Verfügung)
entanglement (III.4)	mixture or excessive involvement with <i>s.th.</i> (Verflechtung)
equal protection of the laws (I.2)	expression used in the Fourteenth Amendment to the U.S. Constitution to mean that every U.S. citizen has equal rights; to distinguish this guarantee from other guarantees in the Fourteenth Amendment, it is referred to as being contained in the equal protection clause (Gleichheitsgrundsatz)
equity (I.1; II.3)	body of principles that developed to compensate for the rigidity of the common law; permitted the King's Chancellor to do justice in cases that could not be resolved justly under common law principles alone (Billigkeit; Billigkeitsrecht; Recht nach Prinzipien von Treu und Glauben)
to establish guilt (I.2)	to prove guilt (die Schuld beweisen)
Establishment Clause (III.4)	first clause of the First Amendment prohibiting the federal government from declaring a particular church a state approved, sponsored, or endorsed church
estates and trusts (I.1)	another name for the law of inheritance (Erbrecht)

evidence (I.1)	proof offered at trial (Beweismaterial)
evidentiary case (I.2)	the sum total of proof for or against s.o. who is a party to a law suit
evidentiary value (I.3)	value of <i>sth</i> as proof of what happened or of what the facts are (Wert als Beweismittel)
ex parte (III.2)	in the absence of a party to a law suit
ex post facto law (III.1)	a law passed after the fact, meaning after an act has been committed or an event occurred, which changes the legal evaluation of the circumstances retroactively; Art. I, Section 9 of the Constitution prohibits the federal government, and Art. I, Section 10 prohibits the individual state governments from passing any ex post facto law (Gesetz mit Rückwirkung)
excise tax (I.4)	any one of a number of taxes imposed on sales, property transfers, the manufacture of goods, etc.
exclusionary rule (I.4)	rule of evidence prohibiting the admission at trial of proof of the commission of a crime when the evidence has been gathered in an unreasonable search and seizure in violation of constitutional guarantees (Beweisverwertungsverbot wegen unzulässiger Durchsuchung und Beschlagnahme)
exclusive jurisdiction (II.1)	power of a court alone to hear a case exclusive of all other courts (ausschließliche Zuständigkeit)
executive clemency (III.7)	mercy exhibited by the executive branch of the government to either pardon s.o. from committing a crime or to reduce the sentence (Begnadigung durch die Exekutive)
to exercise a challenge (I.2)	to make use of a right to object to a prospective juror or to the entire array of prospective jurors by requesting the judge to dismiss that person or the entire array (einen Antrag auf Ablehnung eines oder aller Geschworenen stellen)
to exercise jurisdiction (II.2)	to take control over a case and over the parties to the case as a court of law (die eigene Zuständigkeit annehmen)
exhibit (I.3)	physical object introduced as evidence at trial (Beweisstück)
expert witness (I.2; I.3)	a person who has expertise on an issue raised in a law suit, such as a medical doctor, who can provide this knowledge to the court (Gutachter); witness who is qualified to give an opinion in a court (Sachverständiger)
express malice (III.7)	“deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof” (auf dem Weg über die Tatsachen nachweisbare böse Absicht)
extenuation (III.7)	making less serious, <i>syn.</i> mitigation (Milderung)
facial challenge (III.6)	constitutional argument claiming that a statute is facially void; contrasted to as-applied challenge (verfassungsrechtliche An-

	fechtung eines Gesetzes, d.h. Anfechtung jeder beliebigen Anwendung dieses Gesetzes)
facially void, void on its face (III.6)	void for every conceivable application (of a statute); void regardless of to whom it is applied under whatever circumstances (per se nichtig)
factfinder (I.2; I.3)	the person or body responsible for determining the facts of a case from the evidence presented at trial; it is the jury if a jury is used, otherwise the judge acts as the factfinder (Richter oder Geschworenenbank, die für die Feststellung des Sachverhalts zuständig ist; Tatsachenrichter)
facts of a case (I.1)	truths that directly relate to the issue raised in a law suit (ca. Sachverhalt)
false imprisonment (I.2)	crime of intentionally interfering with another person's freedom of movement (Freiheitsberaubung)
Family Division (II.2)	(U.K.) court of general jurisdiction over family law cases, particularly contested divorce cases (Abteilung des High Court of Justice für Familienrechtssachen)
family law (I.1)	the law of marriage, divorce, responsibilities to children (Familienrecht)
Federal District Court for the District of Columbia (III.5)	one of 94 district courts, or trial courts in the federal system; located in Washington, D.C. and responsible for hearing cases arising in the District
Federal Judicial Center (III.5)	federal research and educational facility on federal court operations and procedures
federal question jurisdiction (II.2)	power granted to the federal district courts to decide cases raising legal questions under the Constitution, laws or treaties of the United States (Zuständigkeit eines Bundesgerichts, weil sich eine Rechtsfrage mit Bezug auf das Bundesrecht stellt); cases raising such issues are referred to as federal question cases
Federal Rules of Civil Procedure (I.3)	rules governing the pretrial, trial, and post-trial process for the federal courts (<i>abbr</i> Fed.R.Civ.P.) (Zivilprozeßordnung für die Bundesgerichte)
federal system (I.2)	the legal system of the United States as opposed to the legal systems of the individual states (System des Bundesrechts)
felon (III.7)	person who commits a serious crime (Verbrecher)
felony (I.2)	a serious crime for which the prison term threatened normally exceeds one year (ca. Verbrechen)
felony murder (III.7)	causing s.o.'s death during the course of committing a felony (Mord [bei Anwendung der versari-Regel])
felony murder rule (III.7)	criminal law rule that a person is responsible for murder if he causes s.o.'s death during the course of committing a felony (versari-Regel bei einem Verbrechen; versanti in re illicita im-

	putantur omnia quae sequuntur ex delicto – to one who engages in illicit acts, all the consequences of the act will be imputed)
findings below (III.2)	refers to determinations made by a lower court before the case reached a higher court on appeal (die Feststellungen der Vorinstanz)
flag desecration (III.3)	physical destruction or maltreatment of a state flag (Verunglimpfung der Flagge)
foreperson (I.2)	member of the jury selected to speak for the entire body (Obmann); also foreman, forewoman
form of action (I.1)	case specification at common law including factual, procedural and remedial elements and contained in a writ issued by the King's Chancellor, which a plaintiff had to purchase in order to file a private law suit; includes the actions of account, assumpsit, covenant, debt, detinue, ejectment, replevin, trespass, trespass on the case and trover , which today are merely referred to as civil actions
forum (II.2)	court (Gericht)
forum shopping (II.2)	looking around and choosing among several courts with concurrent jurisdiction to find the court most suitable for filing one's own cause of action
forum state (II.2)	state in which a court is located
Founders (III.4)	creators of the United States of America through signing the Declaration of Independence or writing (framing) the U.S. Constitution; also Framers, (Gründerväter)
founding (III.5)	creation of the United States of America through signing the Declaration of Independence or writing (framing) the U.S. Constitution (Gründung)
Framers (I.2)	the writers of the U.S. Constitution; also called the Founding Fathers
fraud (I.2)	tort and crime of knowingly false representation designed to induce reliance and cause the victim of the fraud to part with his property or rights (Betrug)
Free Exercise Clause (III.4)	second clause of the First Amendment prohibiting the federal government from interfering with anyone's religious practices
freedom of speech clause (III.3)	clause in the First Amendment guaranteeing that the state shall not enact laws that restrict a person's right to say what he wants (Klausel in der Verfassung, die die Redefreiheit schützt)
friendly witness (I.3)	a person who is expected to testify favorably toward the party who questions him (Zeuge der eigenen Partei)
full faith and credit (II.2)	clause in Article IV of the U.S. Constitution requiring each state in the United States to recognize and enforce all public acts,

	records, and judicial proceedings issued or conducted in one of the other states
fundamental right (III.3; III.6)	basic right, which enjoys the highest level of constitutional protection, e.g. freedom of speech (schränkenlos gewährleistetes Grundrecht)
general appearance (II.2)	coming to a court for the purpose of litigating a case, usually used to refer to a defendant who comes to court to defend against the substantive claims contained in the plaintiff's complaint and who thereby submits himself to the court's jurisdiction (ca. vorbehaltlose Einlassung); contrast to: special appearance (ca. beschränkte Einlassung zum Zweck der Rüge formeller Mängel)
general deterrence (I.3)	deterrence of society in general from committing crimes by punishing those who have committed them (Generalprävention)
general jurisdiction (II.1)	power of a court to hear any type of case as a trial court, regardless of the subject matter or amount in controversy (unbeschränkte Zuständigkeit); contrast to: limited jurisdiction (beschränkte Zuständigkeit)
general part (I.1)	the introductory book or part of a code in a civil law system containing basic sections that apply to the rest of the code provisions (Allgemeiner Teil); contrast to: specific part
general verdict (I.3)	jury's final decision in a case in favor of one of the parties to the law suit (Wahrspruch, Spruch der Geschworenen)
grand jury (I.2)	body of traditionally 23 persons from the community which is responsible for determining whether an individual should be charged with a serious crime; contrast to: petit jury
grievance (I.1)	complaint, suffering, distress (Beschwer)
guardian ad litem (III.6)	a person appointed to represent the interests of a minor or other persons incapable of representing their own interests, such as the mentally ill; the person so represented is called a ward (Vormund; Mündel = ward)
guilt (III.7)	fault in a criminal sense (Schuld)
guilt stage (III.7)	phase of trial in which defendant's criminal responsibility is determined; also called guilt trial (Schuldfeststellungsphase)
habeas corpus (I.4)	Latin: you may have the body
habeas corpus challenge (I.4)	legal attack against constitutionality of a person's confinement in prison (ca. Antrag auf richterliches Gehör wegen der Verfassungswidrigkeit einer Inhaftierung)

High Court of Justice (II.2)	court of general jurisdiction that hears private and public law cases; divided into three divisions, namely the Queen's (or King's) Bench Division, the Family Division, and the Chancery Division (erstinstanzliches Gericht mit unbeschränkter Zuständigkeit)
to hold (I.1)	(held, held) to make a determination which resolves a legal dispute (für Recht erkennen)
to hold s.o. liable (I.1)	to determine as a court that s.o. is responsible and must pay for damage caused (ca. jemanden haftbar machen)
holding (I.1)	the decision of a court that resolves the actual dispute before it (Urteilstenor); the part of the opinion that becomes a binding precedent, or principle of law, for the future; contrasted to dicta or obiter dicta , which are the additional comments, hypotheses, speculations, analogies, arguments of a court in the court's opinion and which are not binding precedents
hostile witness (I.3)	a person who has been called to testify by the opposing party; a person who is expected to testify unfavorably toward the party who questions him; also called unfriendly witness (Zeuge der Gegenpartei)
House of Lords (I.1)	highest appellate court in England; term more commonly used to designate the upper house of the British Parliament; now Supreme Court
hung jury (I.2)	jury that cannot agree on a verdict; if the jury is hung, the judge will have to declare a mistrial and the trial has to be repeated with a new jury (blockierte oder nicht entscheidungsfähige Geschworenenbank)
hybrid offence (II.2)	criminal offence for which the defendant can decide whether to have the trial in the magistrates' court or in the crown court, also called either-way offence (Straftat, die entweder durch summarisches Verfahren oder durch Eröffnung einer Hauptverhandlung vor dem crown court zu beurteilen ist)
to impanel the jury (I.2)	to officially record the names of the individuals selected to serve on a petit jury (ca. die Geschworenenliste zusammenstellen)
to impeach a verdict (I.3)	to give a reason to believe that a verdict has not been reached properly (Gründe dafür angeben, daß an einem Wahrspruch zu zweifeln ist)
implicated on the record (III.3)	involved in a case as can be seen from reading the record (ergibt sich aus den Gerichtsakten)
implicit in the concept of ordered liberty (III.6)	of or relating to fundamental rights, such as the right to free speech; phrase describing the meaning of due process of law (dem Begriff der geordneten Freiheit innewohnend)

implied malice (III.7)	malice concluded from the circumstances, namely when a homicide is not provoked and everything points to the defendant's evil intent (konkludente böse Absicht)
impossible attempt (I.1)	the attempt to do s.th. that is criminally prohibited in a situation in which the criminally prohibited harm cannot possibly occur (untauglicher Versuch)
in banc (II.1)	as a whole court, describes method of hearing cases whereby all judges on the court convene together rather than in panels or groups of judges
in pertinent part (I.3)	to the extent relevant; generally used when quoting only part of a text (soweit hier relevant)
in rem jurisdiction (II.2)	court's power over property in dispute (Gerichtshoheit über eine Sache)
incarceration (I.2)	imprisonment (Haft)
to incite (III.3; III.5)	to encourage s.o. to do <i>sth</i> (anstiften)
to incite a riot (III.3)	to encourage people to revolt or become very unruly (zum Landfriedensbruch anstiften)
incorporated (II.2)	to be organized under law as a corporation (als Aktiengesellschaft eingetragen)
to indict (I.2)	to charge an individual with a serious crime (anklagen); pronounced with a silent "c" as "in-dite"
indictable offence (II.2)	(U.K.) criminal offence over which the crown court has exclusive jurisdiction; more serious criminal offence (Straftat, die nur vor dem crown court angeklagt werden kann)
indictment (I.2)	formal document containing criminal charges against a defendant (Anklageschrift); pronounced "in-dite-ment"
infra (III.2)	see below; contrasted to supra , meaning: see above
to infringe (III.5)	to violate (verstoßen, verletzen)
infringement (II.1)	violation, usually of s.o.'s rights (Verletzung, Rechtsverletzung)
inheritance law (I.1)	the law governing property disposition on death, also called estates and trusts (Erbrecht)
injunction (I.1)	equitable remedy ordering a defendant not to do s.th. (ca. gerichtliche Verfügung); see also: interlocutory injunction, permanent injunction, perpetual injunction, preliminary injunction, temporary injunction, temporary restraining order
inquisitorial system (I.3)	system of trial commonly used during the Middle Ages in which one person was both prosecutor and judge (Inquisitionsprozeß)
insolvency (II.2)	condition of having more debts than assets; results in dissolution of property and distribution to creditors (Insolvenz)
instant case (III.2)	the case the court is considering at the moment; also: the case at bar (der vorliegende Fall)

to instruct the jury on the law (I.2; I.3)	to explain, as a judge, the applicable law to the jury at the end of a trial in terms that lay persons can understand and apply to the facts as they determine them (ca. die Geschworenen belehren); jury instructions : the explanations of the law the judge gives at the end of the trial
insurrection (III.5)	uprising with revolutionary character, rebellion (Aufbruch)
intellectual property (II.2)	ownership rights over ideas, as opposed to physical objects; includes copyrights and patents (geistiges Eigentum)
intent (I.1)	a state of mind required by the law for holding a person responsible for the commission of a crime; indicates that the actor was aware of what he was doing and did it purposely (Vorsatz)
interlocutory injunction (III.2)	interim measure a court can take to prohibit a party to a law suit from engaging in some type of conduct until the court can reach a final judgment (einstweilige Verfügung)
intermediate scrutiny test (III.5)	test of constitutionality which requires that the statute in question serve important governmental objectives and be substantially related to achievement of those objectives; cf. strict scrutiny test , rational basis test , applied in cases of discrimination based on sex, legitimacy of birth, or sexual orientation or in cases of indirect violations of the right to free speech (mittelstrenge Prüfung der Verfassungsmäßigkeit eines Gesetzes, Verhältnismäßigkeitsprüfung im mittleren Sinne)
Internal Revenue Service (I.4)	federal tax authority (Finanzamt); commonly referred to as the IRS
interrogation (III.7)	(police) questioning (Verhör)
interrogative system (I.3)	system of trial common in civil law cases in continental European nations in which the judge is the primary gatherer of evidence at trial
interrogatory (I.3)	written list of questions addressed to a party to a law suit that have to be answered in writing under oath; one tool of discovery (Fragenkatalog zur Aufklärung der Beweislage)
interstate commerce (III.5)	trade among states; see too Commerce Clause (zwischenstaatlicher Handel)
to intervene (III.4)	to join a lawsuit as a third party who is not directly and substantially interested in the lawsuit but who has interests worthy of protection (sich einschalten, intervenieren)
intervenor (III.4)	third party to a legal dispute who does not have a direct and substantial interest in the lawsuit but who still has interests worthy of protection (Intervenient)
involuntary manslaughter (III.7)	unintentional homicide committed without malice (fahrlässige Tötung)

involuntary servitude (III.2)	slavery, prohibited by the Thirteenth Amendment (Sklaverei)
issue in controversy (I.3)	legal question raised in a law suit, topic of dispute between the parties (Streitfrage)
issue of fact (II.1)	question about what actually happened in a case (Tatfrage)
issue of law (II.1)	question about what law to apply in a case or how to interpret that law (Rechtsfrage)
issue raised on appeal (I.1)	legal problem confronting an appellate court when deciding a case (ca. Rechtsfrage in einem Revisionsverfahren)
judgment (I.1)	judge's decision in a case (Urteil); (U.K.) judgement
judgment by default (I.3)	judgment against one of the parties for failure to proceed as required with the law suit (Versäumnisurteil)
judgment enforcement (II.2)	forcing a defendant to do what he is ordered to do in a final judicial decision (Vollstreckung); also judgment execution
judgment execution (II.2)	forcing a defendant to do what he is ordered to do in a final judicial decision (Vollstreckung); also judgment enforcement
judgment notwithstanding the verdict (I.3)	(<i>abbr j.n.o.v.</i>) judge's decision contrary to the conclusion reached by the jury in a trial; the test for granting a motion for a j.n.o.v. is to assume the evidence most favorable to the non-moving party is true and still decide as a matter of law that the moving party should prevail in the law suit; permits judge to control jury verdicts (Urteil im Gegensatz zu dem Wahrspruch der Geschworenen)
judgment on the merits (I.4; III.6)	judgment that resolves substantive claims of the parties and not one based on some procedural defect, such as lack of jurisdiction (ca. Sachurteil)
judgment on the verdict (I.3)	judge's decision based on the conclusion the jury reached in a trial; when the judge enters judgment on the verdict, the verdict receives legal effect (Urteil in Übereinstimmung mit dem Wahrspruch der Geschworenen)
judicial review (III.1)	court's exercise of its power to consider the decisions of a lower court or of any branch of the government, in particular in light of their correspondence with the Constitution but also with established law (gerichtliche Überprüfung)
judicial sale (II.2)	method of enforcing a judgment by selling the defendant's property to satisfy the plaintiff's claims (Zwangsversteigerung)
judiciary (I.1)	branch of government responsible for hearing and deciding legal disputes (rechtsprechende Gewalt); a judge or justice (for higher courts) is the person who determines the rights of the parties to a law suit (Richter); to judge : to act as a judge in a case, to

	determine the rights of the parties to a law suit; judicial : of or relating to a judge, as in judicial opinion (Urteil)
jurisdiction (I.2)	authority of a court to hear and decide a case (Zuständigkeit); the court has jurisdiction (das Gericht ist zuständig); the area over which a legal system is applicable, e.g. “the jurisdiction of California” means the State of California as a distinct legal system where California laws apply and are applied by California courts; see also: appellate jurisdiction , diversity jurisdiction , exclusive jurisdiction , general jurisdiction , in rem jurisdiction , limited jurisdiction , original jurisdiction , personal jurisdiction , quasi in rem jurisdiction , subject matter jurisdiction , territorial jurisdiction
jurors in waiting (I.2)	(U.K.) members of the jury panel (array) who have not as yet been sworn in to serve on the jury
jury box (I.2)	the rows of seats, usually two in number, around which walls are constructed and where the members of the jury sit during trial (ca. Geschworenenbank)
jury commissioner (I.2)	public official responsible for selecting prospective jurors for both the grand and petit juries; (U.K.) summoning officer (ca. Beamter, der für die Auswahl der Geschworenen zuständig ist)
jury instruction (I.1)	explanation by the prosecutor to the grand jury or by the judge to the petit jury on what the applicable law is (ca. Belehrung der Geschworenen); the judge instructs the jury on the law
jury nullification (I.2)	power jury has in a criminal case to ignore the law and acquit the defendant
jury vetting (I.2)	(U.K.) investigation into prospective jurors’ personal backgrounds for the purpose of enabling a lawyer to better select them for jury service; limited to the Attorney-General, who passes the information on to the prosecutor and defense counsel; also limited in scope to juror’s criminal conviction record and a few other matters
justice (II.1)	judge, usually used for judges on a supreme court (Richter)
Justice Court (II.1)	one name for a state trial court of limited jurisdiction (Gericht mit beschränkter Zuständigkeit , z.B. Amtsgericht)
justice of the peace (III.1)	lower level court judge; judge on court of limited jurisdiction (Friedensrichter); usually empowered to perform marriages (Standesbeamter)
justiciable controversy (III.6)	actual legal dispute between two parties that does not call for an advisory opinion , is unripe for decision, or is moot (in die Kompetenz eines Gerichts fallender Rechtsstreit)
justification (I.1; I.3)	a good reason recognized by law for committing what otherwise would be a civil or criminal wrong; a justification negates the

	wrongfulness normally associated with conduct defined as a crime or tort and gives the actor a right to commit it (Rechtfertigungsgrund); examples include self-defense (Notwehr) and necessity as a justification (rechtfertigender Notstand)
justificatory defense (I.3)	defendant's claim that he had a good and legally recognized reason for what he did; defeats a plaintiff's claim in a private law suit and a criminal charge (Rechtfertigung als Verteidigungsvorbringen)
juvenile court (II.1)	court of limited jurisdiction with power to hear only cases involving minors (those under eighteen years of age) and usually relating to juvenile delinquency problems (Jugendgericht)
kidnapping (III.7)	taking s.o. against their will from one place to another (Entführung)
kidnapping for ransom (III.7)	transporting another human being against their will and holding them until money is paid for their release (erpresserischer Menschenraub)
knowingly and willfully (I.3)	with the intent to act under full awareness of the circumstances (wissentlich und willentlich)
labor court (II.1)	court with jurisdiction over disputes arising between employer and employee within the employment relationship (Arbeitsgericht)
landmark decision (I.2)	judicial opinion that significantly changes further development of the law (bahnbrechendes Urteil)
Law Commission (I.1)	committee of judges, lawyers and professors appointed to review the law, make proposals for reform and prepare draft codifications in an attempt to simplify the law and make it more consistent
Law Lords (I.1)	judges of the House of Lords; also Lords of Appeal in Ordinary
law of obligations (I.1)	area of the law which includes contracts and torts (Schuldrecht)
lay assessor (I.2)	layperson who participates in the trials of most civil law systems (Schöffe)
lay witness (I.3)	witness who testifies as to what she saw or heard, but who is not qualified to give an opinion upon which a jury can base a decision (Zeuge)
layperson (I.2)	person who is not an expert (Laie)
to lead a witness (I.3)	to put words into a witness's mouth; to ask a question in a way that suggests or already states the answer (suggestive Fragen stellen)

leading question (I.3)	a question that is formulated to suggest or state the answer to that question (Suggestivfrage)
least intrusive means (III.3)	method employed to pursue state interest that is drawn as narrowly as possible to attain its goal (mildestes Mittel)
leave to amend (I.3)	permission granted by the court to a party to revise a pleading, usually the complaint after the court has sustained the defendant's demurrer (Zulassung der Ergänzung oder Berichtigung eines Schriftsatzes)
leave to appeal (II.2)	permission to file an appeal in a case granted by the court whose decision is being appealed or by the court to which the appeal is taken (Zulassung der Revision)
legal guardian (III.2)	someone who is responsible for the legal affairs of a person who does not have the capacity, because of age or any other reason, to govern his own legal affairs (gesetzlicher Vertreter)
legal history (of a case) (I.1)	disposition lower courts, such as the trial court and any intermediate appellate court, reached in a case (ca. die Entscheidung(en) der Vorinstanz(en))
legal personality (I.4)	entity's ability to act with legal effect such that the entity is then subject to duties and can be attributed with violations of those duties; feature of a legal or juridical person (Rechtspersönlichkeit)
legal representative (I.2)	a person who acts for s.o. else in legal matters, usually a lawyer (juristischer Vertreter); to be represented by a lawyer means to have a person trained in law act for you in legal matters
legislative (I.1)	of or relating to the legislature, as in legislative enactment
legislative history (III.2)	events, attitudes, cultural context surrounding adoption of a law (Gesetzgebungsgeschichte)
legislative intent (I.1)	purpose or reason legislature had for adopting a law (ca. Wille des Gesetzgebers)
legislator (I.1)	person who is a member of the legislature (Abgeordneter)
legislature (I.1)	one of three branches of government common to democratic republics; branch of government responsible for making law (Legislative)
legitimate state interest (III.3)	some goal or purpose that states generally have a right to pursue (berechtigtes Staatsinteresse)
lenity rule (I.3)	rule requiring a judge to resolve any statutory ambiguity in favor of the defendant (in dubio mitius, Gebot restriktiver Gesetzesauslegung zugunsten des Angeklagten)
lesser evils justification (I.3)	defense to a criminal charge based on the defendant's claim to have saved a higher-valued interest by sacrificing the lower-valued interest protected by the criminal norm he is charged with

	violating, also called justification of necessity, necessity as a justification (rechtfertigender Notstand)
to levy (III.4)	to impose, such as a tax (erheben)
liabilities (II.1)	total of one's obligations, debts, claims others have against oneself (Verbindlichkeiten); contrast to assets
liability (I.1)	responsibility in the legal sense; meaning person responsible has to pay for damage he has caused (Haftung); conclusion of a private law dispute determining that defendant has to pay for plaintiff's injuries; also used in a criminal context but only if specifically referenced, as criminal liability
libel (I.2; III.5)	tort of character defamation through writing, pictures, symbols, etc. that are published and serve to damage s.o.'s reputation; contrast to: slander
Liberties Union (III.4)	human and civil liberty; http://www.aclu.org/ (amerikanische Union für Bürgerrechte)
lien (II.2)	claim against another person's property, such as to secure a debt, or because one holds a lease on the property or right of way across the property (Pfandrecht)
limited jurisdiction (II.1)	power of a court to hear a case as a trial court which is restricted according to subject matter of case or amount in controversy (beschränkte Zuständigkeit)
litigant (I.1)	party to a law suit (Partei)
long-arm statute (II.2)	law granting a court personal jurisdiction over individuals who are not physically within the court's geographical area of jurisdiction
Lord Chancellor (L.C.) (I.1; I.3)	formerly head of the British judiciary and speaker of the House of Lords
Lord Chief Justice (II.2)	judge who presides over the Criminal Division of the Court of Appeal and heads the British judiciary
Lords of Appeal in Ordinary (I.1)	judges of the House of Lords; also Law Lords ; now called Justices of the Supreme Court
lynch law (III.7)	"law" applied by those who seek revenge only, mainly by hanging (Lynchjustiz)
magistrates' court (II.2)	(U.K.) trial court of limited jurisdiction responsible primarily for hearing criminal cases involving less serious crimes and family law cases that are uncontested (erstinstanzliches Gericht mit beschränkter Zuständigkeit)
majority opinion (II.1)	written decision of the simple majority of judges who hear an appeal; majority opinion contains the holding of the case and the reasons for that holding; it is the majority opinion that is decisive for the precedent of the case (Mehrheitsvotum)

to make a prima facie case (I.3)	to provide reasonable evidence of each element of a cause of action such that if the other party remains silent one will win the law suit (Beweise, die die Schlüssigkeit der Klage nachweisen)
malice (III.7)	total disregard of the value of human life (Bosheit, böse Absicht)
malice aforethought (III.7)	another expression for malice emphasizing that defendant had time to consider what he was doing before committing the crime (usually murder) (böser Vorsatz)
malicious (III.7)	wicked, evil (böswillig)
malicious prosecution (I.2)	tort of causing criminal charges or civil proceedings to be brought against s.o. without good reason and for the purpose of harming that person
mandatory (III.7)	absolutely required, (zwingend)
manslaughter (III.7)	term covering both voluntary and involuntary manslaughter, killing another human being without malice (minder schwerer Fall des Totschlags oder fahrlässige Tötung)
maritime jurisdiction (II.2)	power granted to the federal district courts to hear cases that arose on the high seas, great lakes, or other navigable bodies of water (ca. Seegerichtsbarkeit); see also admiralty jurisdiction
Master of the Rolls (II.2)	(U.K.) judge who presides over the Civil Division of the Court of Appeal
mayor (III.4)	chief executive of a city (Bürgermeister)
memorandum opinion (I.3)	judicial opinion indicating what decision the court reached and what orders it issued but not including any argumentation for its conclusions (verkürzte Entscheidung ohne Angabe von Gründen)
mental examination (I.3)	medical examination conducted by a psychiatrist or psychologist to determine a person's mental capacities; one tool of discovery (psychiatrische oder psychologische Untersuchung)
merits (III.6)	substance of a law suit including facts and substantive law rather than procedural law or technicalities
Miranda warnings (III.7)	information on constitutionally guaranteed rights that the police are required to give before they can question an accused
misdemeanor (I.2)	a less serious crime for which a prison term of not more than one year is threatened (ca. Vergehen)
misdemeanor manslaughter rule (III.7)	criminal law rule that a person is responsible for manslaughter if he causes s.o.'s death in the course of committing a misdemeanor (versari-Regel bei einem Vergehen)
mistrial (I.2)	legally invalid trial that has no legal consequences (ca. aus Formgründen ungültiges Verfahren)
mitigating circumstances (III.7)	situation which indicates being worthy of less blame (mildernde Umstände)

mitigation (III.7)	making sth. less severe or less serious, reducing in intensity, esp. a crime (Strafmilderung)
money damages (I.1)	primary common law remedy for breach of contract; puts non-breaching party in position he would have been had contract been performed (Schadensersatz wegen Nichterfüllung); primary remedy for tort; also compensatory damages
moot (III.6)	of or relating to an issue that is already resolved and thus no longer a justiciable controversy (hypothetisch); also used to describe student competitions involving complex issues of law, <i>usu.</i> in combination with “court,” as moot court
mortgage (II.2)	type of lien against property; security for creditor’s claim for repayment of a debt; secured by giving creditor a right to sell property to satisfy debt if debtor defaults (Hypothek)
motion (I.2)	formal request addressed to judge in a law suit (Antrag); one files or makes a motion (einen Antrag stellen)
motion for a directed verdict (I.3)	plaintiff’s or defendant’s formal request addressed to the court to decide the case as a matter of law rather than give it to the jury to decide; motion asks judge to believe the evidence most favorable to the non-moving party but to still decide as a matter of law that the moving party should prevail in the law suit (Antrag auf Klageabweisung wegen Unschlüssigkeit)
motion for a new trial (I.2; I.3)	post-trial motion asking the judge to void the trial and order a new trial to take place; motion is based on claim that legal error was committed which could have affected the outcome of the trial (Antrag auf Wiederaufnahme des Verfahrens)
motion for a non-suit (I.3)	defendant’s formal request addressed to the court to dismiss the plaintiff’s law suit for failure to make a prima facie case; made following plaintiff’s case in chief (Antrag auf Klageabweisung wegen Unschlüssigkeit)
motion for judgment on the pleadings (I.3)	formal request addressed to the court asking it to reach a judgment for the party making the motion, or the moving party, on the assumption that the facts most favorable to the other party, or the non-moving party, are true; this motion, unlike the motion for summary judgment, is not made because the parties agree on the facts, but because one party is of the opinion that the law does not permit the other party to prevail in the law suit even if the one assumes that the facts he claims are true (Antrag auf ein Urteil, das allein auf den Schriftsätzen beruht und auf Rechtsfragen beschränkt ist)
motion for reconsideration (II.2)	formal request that a court rethink a ruling it has made and possibly change that ruling
motion for summary judgment (I.3)	formal request addressed to the court asking it to reach a judgment in the case without a trial because the parties are not

	in disagreement on the facts of the case (Antrag auf ein Urteil im summarischen Verfahren)
motion to dismiss (I.3)	formal request addressed to the court asking it to refuse to hear the plaintiff's case because of some procedural defect, such as the court's lack of jurisdiction over the defendant's person or over the subject matter of the law suit; under federal law the motion to dismiss includes the demurrer (Antrag auf Klageabweisung wegen Unzulässigkeit)
motion to quash the array (I.2)	formal request to dismiss the entire array or venire because of the jury commissioner's incorrect method of selection; also called challenge to the array (ca. Antrag auf Ablehnung der Gesamtheit der Geschworenen)
motion to quash the venire	
movables (I.1)	movable property (Fahrnis, bewegliche Sachen); also referred to as personal property, chattels, personalty ; contrasted to real property or land and things attached to it (Liegenschaften)
moving party (I.3)	party making a motion (Antragsteller)
Municipal Court (II.1)	one name for a state trial court of limited jurisdiction (Gericht mit beschränkter Zuständigkeit , e.g. Amtsgericht); as an adjective municipal is primarily used to mean city or town (Stadt)
murder in the first degree (III.7)	intentional homicide committed with malice; also first degree murder (Mord ersten Grades)
murder in the second degree (III.7)	unintentional homicide committed with malice; also second degree murder (Mord zweiten Grades)
naturalized (I.2)	made a citizen of a nation, having received citizenship rights on application rather than on birth (eingebürgert)
necessity (I.1; I.3)	a justification or excuse based on a situation of emergency that can only be avoided by harming s.o. else's legally protected interest to protect one's own interest; distinguished between necessity as a justification (rechtfertigender Notstand) and necessity as an excuse (entschuldigender Notstand)
negligence (I.1; III.7)	failure to take adequate measures to avoid harming others; failure to act like a reasonable person would to avoid harming others; failure to see a risk of harm that a reasonable person would see (Fahrlässigkeit)
non-moving party (I.3)	party against whom a motion has been made (Antragsgegner)
notarization (I.1)	method of formalizing a document by having a notary witness the signing of the document and place stamp on it (ca. Beurkundung durch einen Notar, notarielle Beglaubigung)
to nullify the law (I.3)	to ignore the law and decide a case as a jury; permissible in criminal cases if jury acquits defendant regardless of the law

oath (I.2)	solemn promise invoking the name of God that one will do s.th., such as tell the truth or fulfill one's duties, to the best of one's abilities (Eid)
Obama administration (III.3)	management of the executive branch of the government under the leadership of President Barak Obama (die Obama-Regierung)
objection (I.2)	formal claim to judge that some error has been, or is in the process of being, committed during a judicial hearing (Einspruch)
obscenity (III.5)	hard pornography, pornography with no redeeming social value, that which appeals to prurient interests only (Obszönität)
offense (I.1)	(U.K. offence) crime (Straftat)
omission (I.1)	failure to act to avoid occurrence of criminally prohibited harm when one has duty to so act (Unterlassung)
onus of proof (I.2)	obligation to provide enough evidence to prove a legal claim (Beweislast)
opening statement (I.3)	lawyer's description of the trial to come to give the jury a framework within which to understand the evidence that will be presented (einleitender Vortrag vor dem Gericht)
oral argument (III.3)	oral presentation of arguments on appeal (Plädoyer, mündlicher Vortrag)
to ordain (III.4)	to require, to mandate by law or decree (gebieten, bestimmen)
order to compel compliance (I.3)	judicial order addressed to a party who is not cooperating in the discovery process requiring his cooperation (Anordnung, ein Begehren zu erfüllen)
original jurisdiction (II.1)	the power to hear a case as a trial court (Zuständigkeit als Tatsacheninstanz; Zuständigkeit in erster Instanz)
original matter (I.3)	case, or issues raised in a case, on the trial, as opposed to appellate, court level (erstinstanzliche Sache)
others similarly situated (III.2; III.6)	class of individuals who are all like the plaintiff to a law suit in a legally significant way; used for class actions
to overrule (I.1; I.2; I.3)	to declare a previous decision of either a lower court or of the court itself invalid (when the court overrules its own precedent) (außer Kraft setzen); this term is used in relation to a past precedent announced in a <i>different case</i> from the case in which it is overruled (e.g. <i>Shivpuri</i> overruled <i>Ryan</i>); term is also used to mean: to deny the request or objections of a lawyer during a trial (einen Antrag oder Einspruch ablehnen); opposite of: to sustain
panel (I.2)	(U.K.) prospective jurors summoned to court for selection for jury duty; (U.S.) array, venire (ca. Gesamtheit der Geschworenen)

parole (I.2)	release of prisoner before prison term has been completely served accompanied by the imposition of certain requirements (bedingte Entlassung)
partial birth abortion (III.6)	late-term abortion whereby fetus is partially born but dismembered and killed before complete birth (Abtreibung durch Zerstückelung des Fötus)
party complainant (III.2)	party filing a complaint, plaintiff (Kläger)
party defendant (III.2)	party against whom a complaint has been filed, defendant (Be- klagter)
patent (II.1; II.2)	intellectual property right protecting an individual's inventions from unauthorized use (Patent)
pendente lite (III.2)	pending the law suit, awaiting the final outcome of the litigation
to be pending (I.3; I.4)	to be within the judicial process waiting for a judgment (anhän- gig sein)
pending action (I.3)	law suit that has been initiated but not yet decided (anhängiges Verfahren)
penological (III.7)	of or relating to the science of crime and punishment (strafrecht- lich)
per curiam (III.7)	Latin: of the court (durch das Gericht)
per curiam opinion (II.1; III.7)	opinion of the court; usually short opinion published without extensive argumentation in support of the holding; unsigned opinion representing the opinion of the court in general rather than that of a particular judge or group of judges (Rechtsauffas- sung eines Kollegialgerichts)
per se unconstitutional (III.7)	not in accord with the requirements of the Constitution for any conceivable statute or case type (uneingeschränkt verfassungs- widrig)
peremptory challenge (I.2)	privilege each party has to eliminate prospective jurors from service without giving any reason for the exclusion; limited in number (ca. Antrag auf Ablehnung eines Geschworenen ohne Angabe von Gründen)
permanent injunction (III.2; III.4)	injunction granted until the final disposition of a law suit
permanent relief (III.2)	final remedy granted for unlimited amount of time
perpetual injunction (III.2)	injunction granted as the final disposition of a law suit (Lei- stungsurteil auf Unterlassung)
personal jurisdiction (II.1)	authority of a court to reach decisions binding on the defendant in the case (Gerichtshoheit über eine Person)
personal property (I.1)	movable property (Fahrnis, bewegliche Sachen); also referred to as chattels, movables, personalty ; contrasted to real property or land and things attached to it (Liegenschaften)

personal service (II.2)	delivery of process to the defendant by handing it over to him, or in some other way placing it within his reach
personalty (I.1)	movable property (Fahrnis, bewegliche Sachen); also referred to as chattels, movables, personal property ; contrasted to real property or land and things attached to it (Liegenschaften)
petit jury (I.2)	jury used to determine the facts and apply the law as the judge instructs in order to reach the outcome of a trial (die Geschworenen); traditionally a body of 12 persons chosen randomly from a cross-section of the community; also called the trial jury , as opposed to the grand jury ; note that "jury" is singular in U.S. and plural in British English (U.S. "the jury is"; U.K. "the jury are")
petition (I.1)	formal request (Antrag)
to petition (I.2)	to formally request that a court do s.th. (einen Antrag stellen)
petition for a writ of habeas corpus (I.4)	a form of collateral attack that can be filed after the person's conviction has become final and all avenues of appeal have been exhausted (Antrag auf richterliche Haftprüfung)
petitioner (I.2; I.3)	name given to the person who files for a writ of certiorari (Revisionskläger [Zivilrecht]; Revisionsführer [Strafrecht])
petty offense (I.2)	a minor criminal violation, usually punished with a fine (ca. Ordnungswidrigkeit)
physical examination (I.3)	medical examination conducted by a physician to determine a person's physical capacities or the extent of any injuries; one tool of discovery (medizinische Untersuchung)
physical exhibits (I.2)	objects that can be considered in a court of law as evidence (Gegenstand des Augenscheins)
plaintiff (I.1)	in a private law dispute, person who sues, who initiates the law suit (Kläger); also called the complainant , because it is the plaintiff who files a complaint to initiate a law suit
plea of <i>nolo contendere</i> (III.7)	plea neither admitting guilt nor proclaiming innocence but rather submitting with no contest or discussion to the court's discretion in imposing punishment (Erklärung, etwas (die Schuld) nicht bestreiten zu wollen)
pleadings (I.3; II.1)	documents filed in the initiation of a law suit which define the parties' factual claims; they include the plaintiff's complaint, the defendant's answer, the plaintiff's reply, and the defendant's rejoinder (Schriftsätze)
polity (III.5)	organization of a state or smaller governmental unit; geographical area over which a government has control (rechtlich geordnete politische Einheit)
post-natal (III.6)	after birth (nach der Geburt)

post-trial motion (I.3)	formal request by either party to the law suit addressed to the judge following completion of the trial, e.g. motion for a new trial, motion for a judgment notwithstanding the verdict (Antrag nach der Hauptverhandlung)
post-War Amendments (III.2)	Thirteenth, Fourteenth and Fifteenth Amendments to the U.S. Constitution, which were ratified following the Civil War
prayer for relief (I.3)	formal request addressed to the court asking it to declare the plaintiff's right to receive a specified remedy, e.g. money damages (Klagebegehren)
precedent (I.1)	principle of law announced by court when reaching decision that binds that court and all lower courts when reaching decisions in future similar cases, thus binding precedent
precept (III.4)	requirement (Gebot, Vorschrift)
preliminary injunction (III.2)	interlocutory injunction granted after party to be restrained has had opportunity to be heard (einstweilige Verfügung)
preliminary pleading (II.1)	documents filed with court in preparation and initiation of law suit; includes: complaint (Klageschrift) , answer (Klageerwidern) , reply (Replik)
prenatal (III.6)	before birth (vorgeburtlich)
preponderance of the evidence (I.3)	standard of proof in civil law dispute (U.K. on a balance of probabilities) meaning factfinder must be somewhat more convinced of plaintiff's case than of defendant's in order to decide in favor of plaintiff (ca. überwiegendes Ergebnis der Beweisaufnahme)
to present one's case (I.3)	to call witnesses and present evidence of each element of the cause of action or defense one has against the other party (den Beweis antreten)
presentence hearing (III.7)	second half of a bifurcated trial at which time evidence in aggravation or mitigation of the crime for which the defendant has been found guilty is heard (Verhandlung über das Strafmaß)
to preside at trial (II.1)	to act as authority over a trial; to direct or control proceedings as a judge (den Vorsitz führen); (U.K. to pursue a claim)
to press a claim (I.4)	to sue s.o. for s.th. (klagen)
pretrial conference (I.3)	judge's conference with the parties to a pending law suit held before the trial begins in an effort to reach a pretrial settlement (Besprechung vor der Eröffnung der Hauptverhandlung)
pretrial discovery (I.3)	process of gathering evidence before the trial begins (Sammeln von Beweismaterial vor der Eröffnung der Hauptverhandlung)
pretrial motion (I.2)	motion made before trial begins (ca. Antrag, der während eines Vorverfahrens gestellt wird)

pretrial settlement (I.3)	voluntary agreement between the parties that ends their dispute before the trial has begun (außergerichtlicher Vergleich vor der Eröffnung der Hauptverhandlung)
prima facie (III.5)	Latin: “at first sight” (dem ersten Anschein nach)
prima facie case (I.2)	enough evidence to establish legal claim; enough evidence that if other party remains silent he or she will lose to the person making the prima facie showing
prior restraints (III.3)	controls imposed on free speech that take effect before the word is spoken or written as opposed to statutes imposing punishment for expression after the fact (Genehmigungsvorbehalt)
private process server (II.2)	private party who is hired to serve process on defendant
pro-choice (III.6)	political position favoring mother’s privacy interests more than fetus’ right to life (<i>Abk. für: Befürwortung von Abtreibung</i>)
pro-life (III.6)	political position favoring fetus’ right to life over mother’s privacy interests (<i>Abk. für Ablehnung von Abtreibung</i>)
probable cause (I.4)	reasonable grounds for a belief; used often in connection with standard for deciding whether to issue an arrest warrant or a search warrant (ca. dringender Tatverdacht)
probate court (II.1)	special court, or special type of court procedure, for inheritance, and in some states also for family law problems such as adoption of minor children (Nachlaß- und Familiengericht)
probate jurisdiction (II.1)	the authority as a court to hear cases involving inheritance, and perhaps also family law problems (Zuständigkeit als Nachlaß- und Familiengericht)
probation (I.2)	release of a person from the requirement to serve a prison term under the imposition of certain requirements, such as attending regular meetings with a probation officer (Bewährungshelfer), keeping a certain job, curfew, etc. (ca. Bewährung)
procedural justice (I.3)	justice defined in terms of outcome of established or defined process (Gerechtigkeit durch Verfahren)
procedure (I.1)	manner of conducting a case from start to finish in a court of law (Verfahren); as a body of law it contains rules on how to initiate a law suit and conduct it to its close (Prozeßrecht)
process (I.3; II.2)	copy of plaintiff’s complaint and a summons ordering defendant to answer complaint and appear in court to defend against charges in complaint; must be served on defendant to give notice of law suit (ca. Klage und Ladung)
process agent (II.2)	person appointed to accept process for another person; mostly agents for companies doing business in various states (Zustellungsbevollmächtigter); see also agent to receive process

process server (II.2)	person who delivers the summons and copy of the plaintiff's complaint to the defendant (ca. Zusteller von Klage und Ladung)
products liability (II.2)	(U.K.: product liability) strict liability of a producer, seller, distributor, retailer of a product for any harm caused by that product if the harm resulted from a product defect, from the failure to warn of potential risks involved in using the product, or from the misrepresentation of the purpose for which the product can be used (Produzentenhaftung)
prohibition against cruel and unusual punishment (I.4)	prohibition contained in the Eighth Amendment to the U.S. Constitution prohibiting inhumane, unreasonable forms of punishment (Verbot unmenschlicher oder erniedrigender Strafe)
property law (I.1)	law of ownership, possession and other rights relating to movable and immovable objects (Sachenrecht)
to proscribe (I.4; III.3; III.5; III.7)	to prohibit (verbieten); opposite of to prescribe : to require (gebieten)
to prosecute (I.1)	to formally charge s.o. with a crime (anklagen)
prosecutor (I.1; I.3)	public official responsible for developing and bringing criminal cases to court (Staatsanwalt)
prospective juror (I.2)	person jury commissioner has selected to come to court for potential jury duty; it is from this group that the actual jurors on a grand or petit jury will be selected (ca. möglicher Geschworener)
protective order (I.3)	court order stopping one party to a law suit from discovering information from the other which the latter is not under a legal obligation to release (Anordnung einer Schutzmaßnahme)
to provide in full (III.3)	to state in its full and complete text (as opposed to to provide in pertinent part)
provision (I.1)	what the law provides (vorsieht), laws and parts of laws (gesetzliche Bestimmungen)
provocation (III.7)	to incite, to urge on, to annoy (Provokation)
pursuant to (III.2)	according to, under (the authority of) (gemäß)
to qualify a witness as an expert (I.3)	to show the court that a witness is a specialist and can thus express an opinion within her field of expertise (die Fähigkeit eines Zeugen belegen, als Sachverständige(r) auszusagen)
quasi in rem jurisdiction (II.2)	court's power over the person of the defendant by virtue of the fact that he owns property within the court's geographical area of jurisdiction (fingierte in rem-Zuständigkeit, Gerichtshoheit über eine Person, die von der Belegenheit einer Sache abgeleitet wird)
Queen's Bench Division (II.2)	(U.K.) (abbr QBD) one of three divisions of the High Court of Justice; court of general jurisdiction over private law disputes,

	admiralty, and commercial cases (Abteilung des High Court of Justice für Zivilsachen)
random selection (I.2)	choice made in manner intended to ensure that every member of group from which one is selecting has an equal probability of being chosen (Auswahl nach dem Zufallsprinzip)
rape (III.7)	engaging in sexual intercourse against other party's will (Vergewaltigung)
ratification (III.2)	approval of an amendment to constitution (Verabschiedung einer Verfassungsänderung)
ratio decidendi (I.1)	(pl. rationes decidendi) principle of law necessary to arrive at holding in case
rational basis test (III.3; III.5)	test of constitutionality of a law requiring that the state be pursuing a legitimate state interest and employing a reasonable means of attaining its goal; applied in cases involving non-fundamental rights, e.g. economic rights, or distinctions not considered suspect (allgemeiner Maßstab für die Legitimation eines Grundrechtseingriffs, Verhältnismäßigkeitsprüfung im weiteren Sinne)
to reach a verdict (I.2)	to come to a resolution of a trial as a jury (ca. zu einem Urteilspruch [der Geschworenenbank] kommen)
real estate (I.1)	land and everything attached to the land (Liegenschaften, unbewegliche Sachen); also: real property ; realty
real property (I.1)	land and everything attached to the land (Liegenschaften, unbewegliche Sachen); also: real estate , realty
realty (I.1)	land and everything attached to the land (Liegenschaften, unbewegliche Sachen); also: real estate ; real property
reasonable means (III.3)	one of several possible ways of pursuing an interest that is likely to be successful (geeignetes Mittel)
reasonable person standard (I.1; III.7)	standard used in all areas of the common law as a test for whether conduct was that of a normal person in the situation under consideration; one way of expressing the standard of care applicable to torts of negligence; measures defendant against the average person in the community (vgl.: die im Verkehr erforderliche Sorgfalt)
rebuttal (I.3)	plaintiff's presentation of evidence following defendant's case in chief that is aimed at discrediting the defendant's case (Antwort auf das Vorbringen des Beklagten)
receipt of stolen goods (I.2)	crime of accepting stolen movable property to keep or sell (Hehleri und Begünstigung)
reckless (III.7)	being aware of a serious risk of causing harm and acting anyway (dolus eventualis, bedingter Vorsatz)

record (I.1; I.3)	all of the documents relevant to a law suit assembled by the court (ca. Gerichtsakten, Protokoll)
recovery (I.1)	judge's award to successful plaintiff to be paid by defendant in order to make up for injury defendant caused plaintiff; also redress, relief, remedy (ca. Klagebegehren)
recross-examination (I.3)	lawyer's questioning of the opposing party's witness following redirect examination (nochmaliges Kreuzverhör)
redirect examination (I.3)	lawyer's questioning of his own witness following the other party's cross-examination (wiederholte Vernehmung eines Zeugen, den der vernehmende Anwalt selbst benannt hat)
redress (I.1)	judge's award to successful plaintiff to be paid by defendant in order to make up for injury defendant caused plaintiff; also recovery, relief, remedy (ca. Klagebegehren)
refund action (I.4)	law suit for return of taxes paid based on the claim that the taxes were not due (Klage auf Rückzahlung einer Steuer)
to rehabilitate witness (I.3)	to build a witness' credibility back up in the mind of the factfinder following cross-examination (die Glaubwürdigkeit eines Zeugen wiederherstellen)
rehabilitation (I.3)	one purpose or effect of punishment, namely training the individual to accept and correspond to social norms in the future (Resozialisierung)
to reinstate an action (I.3)	to restore a law suit that has been dismissed; to revive a dismissed law suit (Aufhebung eines die Klage abweisenden Urteils)
rejoinder (I.3)	defendant's response to plaintiff's reply (Duplik)
relief (I.1)	judge's award to successful plaintiff to be paid by defendant in order to make up for injury defendant caused plaintiff; also recovery, redress, remedy (ca. Klagebegehren)
to remand (I.2)	to send back case, as an appellate court, to lower court for some specified treatment of case (zurückverweisen), such as: to remand for further proceedings not inconsistent with this opinion , meaning lower court has to deal with case as directed in decision of higher appellate court
remedy (I.1; I.3)	what plaintiff to law suit is suing to obtain from defendant to compensate plaintiff for injury defendant is claimed to have caused him; what court can order defendant to do to compensate for causing injury to plaintiff (Klagebegehren); also relief, recovery, redress , examples being money damages or specific performance
removal (II.2)	taking a civil action filed in a state court out of that court and putting it into a federal district court; can be done at the defendant's option (ca. Verweisung an ein anderes Gericht)

to render a verdict (I.2)	to announce a verdict as a jury (ca. das Urteil [der Geschworenenbank] verkünden); U.K. to return a verdict
to repeal a law (III.2)	to cancel effectiveness of a law; to put a law out of force (ein Gesetz aufheben)
replevin (I.1)	common law form of action to recover personal property from defendant who unlawfully detains it, whereby the plaintiff may secure possession of that property on the posting of a bond or security at any time before judgment
reply (I.3; II.1)	plaintiff's response to the defendant's counterclaim, also called replication (Replik)
reporter (II.1)	collection of complete decisions of a court or courts (see Appendix II for a list of reporters in the U.S. and England) (Entscheidungssammlung)
Republican National Convention (III.3)	meeting of members of the Republican (or other) Party for the purpose of nominating a candidate for president (Parteitag der Republikaner)
request for admission (I.3)	written question asking the opposing party to a law suit whether he agrees that a certain statement is true with the effect that if he does that fact does not have to be proved at trial; one tool of discovery (Aufforderung, etwas zuzugestehen)
request for the production of documents (I.3)	request that the other party to the law suit or a witness turn over written records for inspection prior to trial; one tool of discovery (Aufforderung, Urkunden vorzulegen)
res judicata (I.4)	case that has already been finally judged (rechtskräftig entschiedene Sache); used to mean that law suits which have already reached a final judgment may not be filed again
to reserve decision (III.2)	to not make a decision at the moment but to postpone it to a later time (sich die Entscheidung vorbehalten)
resocialization (I.3)	one purpose or effect of punishment, namely training the individual to accept and correspond to social norms in the future (Resozialisierung)
respondent (II.1)	party against whom appeal to supreme court has been taken by petitioner via a writ of certiorari (Revisionsbeklagter [Zivilrecht]; Revisionsgegner [Strafrecht]); (U.K.) person against whom an appeal has been taken
to rest one's case (I.3)	to conclude presenting evidence in support of one's case (sein Vorbringen abschliessen)
to restore a case to the docket (III.2)	to reschedule a case for another hearing in the future; to re-enter case in court's calendar of official business (ca. einen Rechtsstreit in den Terminkalender des Gerichts erneut eintragen)
retailer (II.2)	seller to the final consumer (Einzelhändler)

retribution (I.3)	one purpose or effect of punishment, namely paying the criminal offender back for the wrong he has done to the victim and to society according to the biblical “eye for an eye” theory (Vergeltung)
retroactive application of a new precedent (I.4)	application of a legal rule newly announced in a case to facts or law suits that arose before that rule was announced (rückwirkende Anwendung einer neuen Rechtsregel)
to reverse (I.2)	to change, as an appellate court, the decision of a lower court in the same case (aufheben)
to ride circuit (I.1)	to travel as a judge from one area to another and back again to hear cases
right to privacy (III.6)	right to be free of government interference in certain spheres of life (das Recht auf eine Privatsphäre)
right to stand by (I.2)	(U.K.) for right of prosecutor in Great Britain to exclude a juror from the jury without giving any reason; similar to (U.S.) peremptory challenge , but reserved only to prosecutor
robbery (I.2)	unlawful taking of property from owner or from person in lawful possession of property through use of force or threat of force (Raub, räuberische Erpressung)
Roe, Doe (III.6)	fictional names used to protect a party to a law suit’s identity in cases which raise thorny moral issues
rule nisi (III.1)	order to give a good reason why a court ruling should not become final and enforced (ca. Ladung mit Aufforderung, etwaige Einwendungen vorzubringen)
rule of law (I.4)	principle that cases should be decided in accordance with established principles of law and not by arbitrary determination (Rechtsstaatsprinzip); to be contrasted with a rule of law , which means any legal rule (Rechtsregel)
rule to show cause (III.1)	order to give a good reason why a court ruling should not become final and enforced (ca. Ladung mit Aufforderung, etwaige Einwendungen vorzubringen)
rules of evidence (I.2; I.3)	formal legal rules specifying what can and cannot be used as proof at a trial (Beweiserhebungs- und Beweisverwertungsregeln)
to run concurrently (I.2)	to begin to expire on the same day (ca. gleichzeitig ablaufen); used with prison sentences to mean that if a person has been sentenced to more than one prison term, the terms start to run together, such that the first day in prison counts as serving one day of two or more prison terms simultaneously (ca. gleichzeitig zu verbüßende Gefängnisstrafen)
to run consecutively (I.2)	to expire one after the other (ca. nacheinander ablaufen); used with prison sentences to mean that if a person has been sen-

	tenced to more than one prison term, the first term runs first and after that term has been served, the second term starts to run (ca. nacheinander zu verbüßende Gefängnisstrafen)
run-away jury (I.3)	jury that strongly exaggerates the seriousness of the defendant's wrong or of the plaintiff's injury by awarding excessive damages (außer Rand und Band geratene Geschworenenbank)
sanction (I.3)	punishment, measure to discourage or punish conduct (Sanktion)
search and seizure (I.4)	looking through s.o.'s belongings and taking into custody those things that may prove criminal activity (Durchsuchung und Beschlagnahme von Beweismaterial)
search incident to an arrest (III.7)	examination of suspect and the area within his immediate control when the suspect is detained by the police (Durchsuchung bei einer Verhaftung)
search warrant (I.2)	formal document issued by judge permitting police to search s.o.'s home (Durchsuchungsbefehl)
Search-and-Seizure Clause (III.5)	clause in the Fourth Amendment protecting the people's right against unreasonable searches and seizures (Verfassungsklausel über die Durchsuchung und Beschlagnahme von Beweismaterial)
second-degree burglary (I.2)	burglary is crime of unlawfully entering building with intent to commit crime in the building (ca. Einbruch zum Zweck der Begehung eines Verbrechens); second degree indicates that burglary was committed under circumstances in aggravation of the offense, which would otherwise be a third-degree offense
section (I.1)	one provision of a code or collection of statutes (§)
secular (III.4)	non-religious, having no religious meaning (weltlich)
self-defense (I.1; III.7)	criminal law justification; permits person wrongfully attacked to use what otherwise would be unlawful force to ward off the attack (ca. Notwehr)
self-incrimination (III.7)	providing evidence of one's own guilt against which the Fifth Amendment protects individuals (Selbstbezeichnung)
sentencing stage (III.7)	phase of trial in which judge or jury determines punishment; also called penalty stage (Strafmaßfeststellungsphase)
separate but equal doctrine (III.2)	principle for interpreting the equal protection clause of the Fourteenth Amendment whereby "equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate"; doctrine rejected in <i>Brown v. Board of Education</i>
sequestration (I.2)	isolation of jury from any contact with outside world; usually done when jury goes into deliberation; judge can sequester jury

	at beginning of trial if case is widely publicized and jury could be influenced by media or other individuals' comments (ca. Klausur der Geschworenen)
to sentence (I.2)	to impose, as a judge, some form of punishment on person found guilty of a crime (ca. das Strafmaß festsetzen); the sentence is the formal order of punishment; should not be confused with the judgment , which is the judge's formal conclusion in a law suit in favor of, or against, one of the parties to that suit; in a criminal case with a jury, if the jury renders a verdict of guilty, the judge will enter judgment on the verdict , meaning that the judge will give the jury's verdict the force of law, and then the judge will determine the punishment and sentence the defendant to, for example, five years in prison
service of process (I.3; II.2)	delivery of summons and copy of plaintiff's complaint to defendant for purpose of notifying defendant that an action has been filed against him (Klagezustellung)
settlement negotiations (I.3)	discussions between the parties aimed at reaching a resolution of their dispute without going to or completing trial (Verhandlungen zur Herbeiführung eines Vergleichs)
shareholder (I.4)	person or legal entity holding shares of a company (Aktionär)
sheriff (II.2)	chief executive and administrative officer of a county; may be required to serve process within the county over which he is responsible
to show cause (III.1)	to give a good reason for s.th. (Behauptungen substantiieren)
slander (I.2)	tort of character defamation through oral expression
small claims court (I.3)	simplified lower level trial court procedure for considering civil law disputes regarding a very small amount in controversy, such as \$500
source of law (I.1)	origin of legal principles applied by judges to solve cases (Rechtsquelle)
special appearance (II.2)	coming to court for the limited purpose of objecting to the court's jurisdiction; not an appearance to defend against substantive claims, but rather to argue that the court has no jurisdiction over one's person (ca. beschränkte Einlassung zum Zweck der Rüge formeller Mängel); contrast to: general appearance (ca. vorbehaltlose Einlassung)
special verdict (I.3)	jury's indication of what facts it believes are true following a trial (Tatsacheninterlokut)
specific deterrence (I.3)	deterrence of an individual from committing crimes, <i>e.g.</i> by imprisoning him so that he is not a threat to society (Spezialprävention)

specific part(s) (I.1)	one or more books or parts of a code dealing with a particular area of the law (Besonderer Teil)
specific performance (I.1)	remedy for breach of contract whereby the defendant is forced to do exactly what he promised to do under the contract (Vertragserfüllung)
speech (I.1)	(U.K.) opinion of a judge of the House of Lords in a case
spouse (III.7)	wife or husband (Ehegatte)
to stand trial (I.2)	to face formal criminal charges at trial on issue of guilt (ca. sich vor Gericht in einem Strafverfahren verantworten)
standard of proof (I.3)	test of when burden of proof has been satisfied; defined measurement of how convinced factfinder at trial has to be before deciding in favor of party bearing the burden (Beweismaßstab)
standard of review (I.3)	norm to be followed by an appellate court in determining whether lower court erred in reaching its decision (Revisionsmaßstab)
standing (III.6)	status of having been injured by the defendant's action, the injury being capable of redress by a favorable judgment of the court (Parteistellung)
stare decisis, doctrine of (I.1)	principle that courts are bound by their former decisions when deciding later similar cases
statute (I.1)	a single written law that has been adopted by the legislature; sometimes used to designate a single section of a code (Gesetz); statutory : of or relating to written enacted law
statute of limitations (I.3; I.4)	(U.K. limitation period) period within which a law suit may be initiated after a violation of rights has occurred (Verjährungsfrist)
statute of repose (I.4)	period within which damage must occur in order to be the basis for a law suit (Frist, nach deren Ablauf ein Anspruch erloschen ist)
to stay the proceedings (I.3)	to postpone the trial process; to bring the law suit to a temporary standstill (das Verfahren aussetzen)
stillborn (III.6)	child that is born dead (<i>adj.</i> totgeboren , s. totgeborenes Kind)
strict scrutiny test (III.3; III.5)	test of constitutionality of a law requiring that the state be pursuing a compelling state interest and employing the least intrusive means of attaining its goal; applied in cases involving fundamental rights, e.g. freedom of speech, or where the law distinguishes on the basis of a suspect classification, e.g. race, gender, age (strenge Prüfung der Verfassungsmäßigkeit eines Gesetzes bei schrankenlos gewährleisteten Grundrechten und bei der Verwendung von diskriminierenden Unterscheidungsmerkmalen)

to strike out the pleadings (I.3)	to exclude all or part of the factual claims included in the plaintiff's complaint or the defendant's answer (Teile der Klage abweisen)
subject matter jurisdiction (II.1)	authority of a court to decide a particular type of case according to the legal issues it raises and the amount in controversy (sachliche Zuständigkeit)
substantive justice (I.3)	justice defined in terms of higher truths and principles (materiale Gerechtigkeit)
to sue in tort (I.1)	to sue s.o. for a tort
summary judgment (III.5)	judgment in a case without a trial in situations in which the parties are not in dispute as to the facts of the case (Urteil in einem summarischen Verfahren)
summary trial (II.2)	shortened version of a trial; common in the magistrates' courts; also called trial summarily (erstinstanzlicher Prozeß im summarischen Verfahren)
summary-only offence (II.2)	(U.K.) criminal offence over which the magistrates' courts have exclusive jurisdiction (in einem summarischen Verfahren zu beurteilende Straftat)
summing up (I.2)	(U.K.) judge's instructions on law and summary of evidence presented during trial, including judge's comments on this evidence; given at end of trial and before the jury deliberates on verdict (ca. Belehrung der Geschworenen)
summoning officer (I.2)	(U.K.) public officer responsible for calling in individuals from society to be prospective jurors; (U.S.) jury commissioner (ca. Beamter, der für die Auswahl der Geschworenen zuständig ist)
summons (I.2; I.3; II.2)	formal court order to a person to appear before that court, for example to testify as a witness, to serve as a juror, etc.; attached to a complaint ordering the defendant to answer the complaint and appear in court to defend himself against the plaintiff's claims (Ladung)
Superior Court (II.1)	one name for state trial court of general jurisdiction (vgl. Landgericht)
supra (I.2)	commonly used in legal texts to mean "see above"; contrasted to "infra" meaning "see below"
supreme court (II.1)	highest court in a court system; considers only issues of law on appeal; decision to hear a case is within the discretion of the court; convenes in banc; usually has seven to nine judges (oberstes Revisionsgericht)
surrebuttal (I.3)	defendant's presentation of evidence following plaintiff's rebuttal that is aimed at discrediting the rebuttal (Replik auf die Antwort des Klägers)
Surrogate's Court (II.1)	one name for a probate or domestic relations court

suspect classification (III.3)	statutory distinction drawn on the basis of a characteristic that is immutable, has no relation to an individual's abilities or rights, and has been used as the basis of discrimination in the past (diskriminierendes Unterscheidungsmerkmal)
to suspend a sentence (I.2)	to cancel criminal defendant's obligation to actually serve time in prison; not to be confused with probation (Bewährung), which requires the defendant to fulfill certain conditions, such as attending regular meetings with a probation officer (Bewährungshelfer), keeping a certain job, curfew, etc.; also not to be confused with parole (bedingte Entlassung), which releases defendant before prison term has been completely served but also imposes certain requirements on him
to sustain (I.1; I.3)	to uphold, to grant or support the validity of a formal request made by a lawyer during a trial (einem Antrag oder Einspruch stattgeben); the opposite of to overrule (ablehnen)
temporary injunction (III.2)	interlocutory injunction granted after party to be restrained has had opportunity to be heard; also preliminary injunction
temporary restraining order (III.2)	interlocutory injunction granted without hearing party to be restrained
term (III.1)	period during which a court hears cases; the U.S. Supreme Court's term begins on the first Monday in October (ca. Sitzungsperiode)
territorial jurisdiction (II.2)	term that includes: personal jurisdiction , which is a court's power over the person of the defendant (Gerichtshoheit über eine Person); in rem jurisdiction , which is a court's power over property in dispute (Gerichtshoheit über eine Sache); and quasi in rem jurisdiction , which is a court's power over the person of the defendant by virtue of the fact that he owns property within the court's geographical area of jurisdiction (fingierte in rem-Zuständigkeit, Gerichtshoheit über eine Person, die von der Belegenheit einer Sache abgeleitet wird)
testament (II.1)	document containing instructions on how to dispose of a person's property after death; testament originally limited to the distribution of personal property and will to the distribution of real property, but today terms are synonymous (Testament)
to testify (I.2)	to tell what one knows relating to a law suit in a court of law (aussagen)
testimony (I.3)	what a witness says under oath in response to either lawyer's questions (Zeugenaussage)
title (II.2)	ownership right to property (Eigentumsrecht [and <i>not</i> Titel (!), meaning in German the right one acquires through a final judicial judgment in a case])

tools of discovery (I.3)	methods of gathering evidence before trial available to both parties as a matter of right; they include the interrogatory, deposition, request for admissions, request for the production of documents, and physical and mental examinations (Mittel der Entdeckung von Beweismaterial)
tort law (I.1; I.3)	the area of the law dealing with rights against a person who has committed a tort (Deliktsrecht), also referred to simply as torts
tort	an injury inflicted intentionally or accidentally upon s.o. for which that person can sue for compensation, pain and suffering, etc. ([zivilrechtliches] Delikt)
toxic torts case (I.3)	law suit involving the emission into the atmosphere, the depositing into the water, or the burial into the ground of extremely poisonous substances (Rechtsfall, der ein Umweltdelikt betrifft)
transcript (I.1; I.3)	written record of everything said during a court proceeding, such as the grand jury hearings (also called minutes) or the trial (usually called the trial transcript) (Wortprotokoll)
treason (III.1; III.7)	“Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court...” Art. III, Section 3 U.S. Constitution (ca. Landesverrat, Hochverrat)
treaty (I.1)	international agreement (Vertrag); <i>not</i> used for agreement between two private parties
trespass (action of) (I.1)	common law form of action to recover damages to compensate for injury caused by the defendant’s unlawful interference with the plaintiff’s person, property or rights
trespass (I.1)	a tort at common law involving direct injury to s.o. committed either intentionally or negligently for which the injured party could sue for compensation
trespass on the case (I.1)	form of action to recover damages to compensate for injury resulting from the defendant’s wrongful act which was not an act of direct or immediate force (trespass) but instead which caused the harm indirectly or as a secondary consequence; generally referred to simply as “ case ” (ca. Schadensersatzklage wegen widerrechtlicher Verletzung von Rechtsgütern bei mittelbarem Schaden)
trial (I.1)	the first proceeding in which a legal dispute is resolved (Hauptverhandlung)
trial court (II.1)	first court to hear a case, considers both issues of fact and issues of law, convenes with one judge and possibly a jury (Tatsacheninstanz)

trial de novo (II.1)	a second trial held by court of general jurisdiction of a case already decided by trial court of limited jurisdiction (Verfahren in der Berufungsinstanz); (U.K.) also called appeal on points of fact
trial summarily (II.2)	shortened version of a trial; common in the (U.K.) magistrates' courts; also called summary trial (erstinstanzlicher Prozeß im summarischen Verfahren)
to be tried by a jury (I.2)	to have a petit jury as the factfinding body at a trial; also called trial by jury (ca. Geschworenenprozeß)
trover (I.1)	common law form of action to recover damages to compensate for the value of personal property which the defendant has wrongfully converted to his own use, such as by finding the plaintiff's property and keeping it for himself (ca. Schadensersatzklage wegen rechtswidriger Aneignung, z.B. wegen Fundunterschlagung)
to try a case (I.1)	to act as a judge in a trial court in resolving a legal dispute (ca. über einen Fall gerichtlich verhandeln)
U.S. Court of Appeals (I.3)	intermediate appellate court in the federal court system (Bundesrevisionsgericht)
U.S. Court of Federal Claims (II.1)	trial court in the federal court system with jurisdiction over some claims because of their subject matter, such as claims against the United States
U.S. Court of International Trade (II.1)	trial court in the federal system with jurisdiction over claims relating to tariffs and trade, imports, embargoes and other quantitative restrictions on imports
U.S. District Court (I.3; II.1)	trial court in the federal court system (Bundesbezirksgericht)
U.S. Supreme Court (I.1; II.1)	highest court in the federal court system (combination of all the oberste Bundesgerichte and the Bundesverfassungsgericht)
unanimous verdict (I.2)	a verdict in which all members of the jury agree; usually a requirement for jury trials in the U.S. (ca. einstimmiges Geschworenurteil)
unconstitutional as applied to s.o. (III.3)	in violation of the constitution in the particular case, but not in other cases
unconstitutional on its face (III.3)	in violation of the constitution regardless of how applied (verfassungswidrig bei jeder denkbaren Anwendung)
unconstitutionally vague (III.6)	one possible attack on a statute arguing that it denies due process of law because it 1) "fails to give the person of ordinary intelligence a reasonable opportunity to know what is prohibited," or 2) fails to "provide explicit standards for those who apply" the laws, such as the police, judges, or juries, or 3) it

	“abuts upon sensitive areas of basic First Amendment freedoms” and “operates to inhibit the exercise of those freedoms.” <i>Grayned v. City of Rockford</i> , 408 U.S. 104 (1972) (verfassungswidrig ungenau, unbestimmt)
undue burden (III.6)	excessive complications imposed on exercising a right (unangemessene Last)
unfriendly witness (I.3)	a person who has been called to testify by the opposing party; a person who is expected to testify unfavorably toward the party who questions him; also called hostile witness (Zeuge der Gegenpartei)
United States Code (II.1)	multi-volume collection of the laws of the United States; abbreviated U.S.C.; also comes in an annotated edition: United States Code Annotated (U.S.C.A.) which includes comments on the legal history of the section, case decisions relating to the various legal provisions, etc.
unlawful assembly (I.2)	crime of meeting or gathering together and disturbing the public peace with the intention of committing some unlawful act
unripe (III.6)	an injury as the basis of a law suit that has not yet happened making the controversy not justiciable (unreif)
to uphold (I.1)	to maintain the validity of, for example, a decision reached by a lower court (aufrechterhalten)
to vacate (III.2)	to declare void or empty of effect, as in: to vacate the lower court’s judgment (das Urteil der Vorinstanz aufheben)
value in controversy (I.2)	the amount for which the plaintiff sues the defendant (Streitwert); also amount in controversy
venire (I.2)	prospective jurors summoned to court for selection for jury duty; also array ; (U.K.) panel (ca. Gesamtheit der möglichen Geschworenen)
venireperson (I.2)	prospective juror; person on the array or venire ; also venireman , venirewoman
venue (II.2)	location of a court with subject matter and personal jurisdiction; relates to where the court is and not to the power of the court to hear the case (örtliche Zuständigkeit)
verdict (I.2)	result of trial as jury determined; in a criminal case the verdict will be “guilty” or “not guilty;” in a private law dispute either “for the plaintiff in the amount of...” or “for the defendant;” (ca. Spruch der Geschworenen); also referred to as a general verdict in contrast to a special verdict , which is merely a list of facts the jury believes are true to which the judge will apply the law in reaching the final judgment in a case; a special verdict is required when, for example, the judge feels the law is too

	complicated for the jury to apply correctly (ca. Tatsacheninterlokut)
viability (III.6)	ability to survive; in the abortion context the fetus' ability to survive independently of the mother's body (Lebensfähigkeit)
vigilante justice (III.7)	"justice" attained by mob (Selbstjustiz)
to vindicate (III.6)	to justify, to defend, to avenge (verfechten, verteidigen, rechtfertigen)
void for vagueness (III.6)	constitutional phrase meaning a statute is invalid because it is unconstitutionally vague (nichtig wegen Unbestimmtheit)
voir dire (I.2)	examination of prospective jurors for the purpose of determining who will actually serve on petit jury; conducted by judge, but permits lawyers to question prospective jurors and exercise challenges to have them removed
voluntary manslaughter (III.7)	intentional homicide committed without malice; also called heat-of-passion manslaughter (Totschlag unter minder schweren Umständen)
to waive a right (I.2)	to give up a right, to not insist on exercising a right (auf ein Recht verzichten)
waiver (III.7)	relinquishment of a right one has, voluntarily giving up a right (Verzicht)
waiver of service (II.2)	substitute for personal service of process; plaintiff mails process to defendant requesting that defendant give up his right to (waives) personal service (ca. Verzicht auf Zustellung von Klage und Ladung)
warrant (I.2)	formal document issued by a judge permitting a law enforcement officer, for example to arrest s.o., in which case it is referred to as an arrest warrant (Haftbefehl); or to search that person's home, in which case it is called a search warrant (Durchsuchungsbefehl)
wholesaler (II.2)	intermediate seller, sells to other wholesalers or to retailers, but not to the ultimate consumer (Zwischen- oder Großhändler); also distributor
will (II.1)	document containing instructions on how to dispose of a person's property after death; will originally limited to the distribution of real property and testament to the distribution of personal property but today terms are synonymous (Testament)
witness (I.2)	a person who has personal knowledge of facts relevant to a law suit called into court to tell the court those facts (Zeuge)
witness stand (I.3)	seat in which witness sits while testifying in court (Zeugenbank)
writ (I.1)	written order issued by a court or some other official responsible for judicial matters (ca. gerichtliche Anweisung)

writ of certiorari (I.2)	formal order issued by supreme court and addressed to lower court ordering lower court to certify record in a case and send it to supreme court for further judicial review (ca. Zulassung der Revision); if the supreme court agrees to hear a case it will: grant the writ, grant certiorari, grant cert. ; if it decides not to hear the case it will: deny the writ, deny certiorari, deny cert.
writ of habeas corpus (I.4)	also called the Great Writ; court order that s.o. be released from prison because confinement involves potential violation of a constitutionally guaranteed right; does not revolve around question of guilt (richterliche Haftprüfung)
writ of mandamus (III.1)	court order directed to a lower court or to a public officer ordering him to perform some act which he is legally obligated to perform as part of his official duties (ca. gerichtliche Anweisung, eine Amtshandlung vorzunehmen)
writ of prohibition (II.2)	order issued by a higher court to stop a lower court judge from asserting jurisdiction over a case because the lower court judge would be exceeding the power granted to him (ca. gerichtliche Feststellung, daß ein unteres Gericht die Grenzen seiner Zuständigkeit überschritten hat)