

Latin terms have been linked with the law and legal opinion since the beginning of recorded law and case history. Whilst the current trend is to simplify language and adopt plain English in communications and written law, we continue to see Latin terms used to describe legal principles.

In some respects it is difficult to imagine the complete absence of such words and phrases as ‘*subpoena*’ and ‘*bona fides*’ because they have become part of our language and have accepted use and purpose. In addition, judgements and legal opinions often contain Latin terms.

This guide is not intended to be exhaustive. We have included the more common and useful phrases and words which are encountered in legal texts, judgments and communications.

Latin legal term	Definition
ab initio	From the beginning
actus reus	A guilty act
ad arbitrium	At will
ad hoc	For this purpose, for a special purpose or occasion. Used to describe a body, committee or argument, often with the disparaging implication of hasty improvisation
ad idem	To the same result or purpose. There must be consensus ad idem in a valid contract
ad infinitum	To infinity; forever
ad valorem	According to the value
amicus curiae	A friend of the court
ante	Before
bona fides	Good faith; honest intention; absence of intent to defraud; absence of deliberate wrongdoing
caveat	Let the person beware
caveat emptor	Let the buyer beware
compos mentis	Of sound mind. Competence to conduct legal transactions
consensus ad idem	Agreement to the same thing

Latin legal term	Definition
consensus facit legem	Agreement makes law. The rule that parties to a contract are legally bound to perform the obligations they have undertaken or consented to perform
contra	Against; of an opposite opinion
coram	In the presence of; before
coram iudice	Before a judge
corpus juris	A complete body or code of law
de facto	In fact. A phrase describing a situation that is accepted for all practical purposes but is not strictly legal or correct. The term is most commonly used in family law to describe a relationship that bears the hallmarks of a marriage however does not meet the statutory requirement of marriage
de jure	According to law; by right. Contrast with de facto
de novo	Anew. A matter heard de novo is heard over again from the beginning
dictum	Something said. See obiter dictum
duces tecum	See subpoena duces tecum
eiusdem generis	Of the same sort, kind, or nature
et cetera	And the rest
et seq (et sequentes)	And those following; as follows
ex ante	From before. A reference to the anticipated or intended, in contrast with the actual or ex post result
ex delicto	As a result of a tort; arising out of a tort or civil wrong
ex gratia	Out of grace. A payment made as a favour not being <i>ex debito justitiae</i> (as a debt of justice)
ex officio	By virtue of one's office; arising by reason of one's position

Latin legal term	Definition
ex parte	From one side. In the absence of the other side
ex post facto	From a subsequent event; retrospective, especially a law which changes the legal status of an act committed before the law's enactment
exempli gratia	For example; for instance (e.g.)
factum probandum	The ultimate fact in issue. The key issue of the matter in hand
forum conveniens	Appropriate jurisdiction. A court of justice where a legal remedy may be sought, such court being the most convenient location where the matter at hand may be tried and examined. A court may decline to assume jurisdiction over a particular matter as <i>forum non conveniens</i> but in common law jurisdictions the courts usually do not concede to such a relinquishment
forum non conveniens	An inappropriate court or tribunal
functus officio	Having discharged one's duty; having completed one's term of office
habeas corpus	That you have the body
idem	The same
ignorantia juris non excusat	Ignorance of the law does not excuse. Lack of knowledge of the law will generally not provide an excuse for any person charged with a criminal offence
in absentia	Not present (e.g. a judgement given in absentia of the defendant)
in camera	In private
in curia	Within or of the court
in flagrante delicto	In brazen wrongdoing; in the act of wrongdoing
in futuro	In the future
in lieu	Instead of; in place of. For instance, in court proceedings, an undertaking may be given by a party in lieu of an injunction

Latin legal term	Definition
in loco parentis	In the place of a parent
in pari materia	In the same subject matter
in personam	An action or right of action against a specific person. The right of a beneficiary is a right <i>in personam</i> against the trustee
in pleno	In full
in re	In the matter of; concerning. As a legal expression `in the case of'. Formerly used in the sense of `in fact' or `in reality'
in situ	In (the) place (used in its literal translation in law) e.g. property <i>in situ</i>
in toto	As a whole; completely; without exception; total; in all
infra	Below
inter alia	Among other things. Sometimes misused with reference to persons
inter se	Among themselves; between themselves
intra vires	Within the power. An <i>intra vires</i> act or decision is within the legal power or authority of a person, institution, or legislation, and therefore valid. The opposite of <i>ultra vires</i>
ipso facto	By the fact itself. A proceeding which is ipso facto void is void for all purposes ab initio
mandamus	We command. An order issued by a court to compel a public official to perform a public duty or to exercise a statutory discretionary power
mens rea	A guilty mind. The state of mind required to constitute a particular crime; the mental element of an offence
modus operandi	The way in which a thing or person works; hence a characteristic method of operation which may lead to the identification of a criminal
mutatis mutandis	When the appropriate changes have been made. Used when applying a principle or rule which needs modification to fit a new set of facts. For example, `the reasoning given in the counter-claim applies <i>mutatus mutandis</i> to the defence'

Latin legal term	Definition
nexus	A link or connection, especially a causal connection or relation of interdependence
non compos mentis	Not of sound mind. Incompetent to transact legal business
non est factum	It is not my deed. A plea by a person who seeks to disown a deed or other document which it is alleged he or she sealed or signed, that the mind of the signer did not accompany the signature
non sequitur	It does not follow. An illogical conclusion
nota bene	Note well. Take careful note
obiter dictum	A remark in passing. Judicial observations that do not form part of the reasoning of a case
onus probandi	The burden of proving. The duty of a person who makes a charge or allegation to prove it
per contra	On the other hand; on the other side of the argument
per quod	By which means; in consequence of which
per se	By itself. Taken alone; essentially; without reference to anything else
persona non grata	An unacceptable person
prima facie	At first sight; on the face of it
pro confesso	According to that which has been admitted
pro rata	In proportion. A statutory formula is often applied to assess the <i>pro rata</i> rate of pay for casual or part-time employees
pro tanto	So much; to such an extent
pro tempore	For the time being; temporarily
quaere	Inquire. Introducing a question or forming a memorandum that investigation is called for
quantum	As much. Used in relation to the apportionment of such things as damages or an estate to indicate the share due to a certain party

Latin legal term	Definition
quantum meruit	The amount deserved. So much money as the plaintiff reasonably deserves to have
quasi	As if; apparently but not really; a kind of
querist	The person making the inquiry. Commonly used by barristers in advice work to identify their lay client or protagonist in litigation
quid pro quo	One thing in exchange for another; something in exchange; a fair equivalent
ratio decidendi	The grounds for the decision
res ipsa loquitur	The thing speaks for itself
res judicata	A judicially decided matter
respondeat superior	Let the principal answer. A maxim providing that where a relationship of employer and employee exists, an employer is responsible and liable in certain cases for the wrongful acts or omissions of his or her employee although the employer is without fault or blame
scienter	Knowingly. A term used to signify an allegation in a pleading or declaration that the defendant knowingly did, or permitted to be done, an act from which damage arose
se defendo	In defending oneself
seriatim	One by one; in succession; one after the other
sine die	Postponed indefinitely, without any day being fixed for resumption or re-assembly. Used for court adjournments
sine qua non	Without which it cannot be
situs	Location. The site, station, or situation of an act or thing
stare decisis	The decision stands. The doctrine under which a court is bound to follow previous decisions, unless they are inconsistent with a higher court's decision or wrong in law

Latin legal term	Definition
sub judice	Before a judge. Still being considered by a court of law; not yet decided; unsettled and not to be canvassed publicly because of the risk of being in contempt of court
subpoena	A writ commanding a person to attend court to give evidence or to produce documents within that person's possession. <i>Subpoena duces tecum</i> is a subpoena to produce documents
supra	Above
ultra vires	Beyond the power. An ultra vires act is beyond the legal power or authority of a person, institution, or legislation, and therefore invalid. The opposite of ultra vires is <i>intra vires</i>
vice versa	Conversely; the relationship of being transposed
volenti non fit injuria	There can be no injury to a willing person

For further definitions refer to <http://dictionary.law.com>

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