

# Legal Terms

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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Legal writing is usually not user-friendly. You must become familiar with a specialized vocabulary and how this vocabulary is used. The information in this document is an attempt to help you understand some of these specialized legal terms. This information is more like a compass than a map. Most of the information leads you to a possible starting place rather than defining the word or phrase.

For additional resources, see LSNV Vignettes on current legal issues – especially in Consumer and Housing matters - and Click on *Manual* to access: *A Civil Operations Manual for Virginia's General District Court*® Go from an introduction to the Court, through the trial and then creditors' remedies and debtors' rights.

## A

### Abstract

Certified copy of a judgment provided by the court clerk.

### Address

[Request for Change of Address or Boxholder \(LSNV\)](#) (pdf)

### Admissions,

A request from one party

### Request for

upon another in a demanding that the served party either admit or deny certain facts. Used in the discovery procedures in Circuit Court.

### Adobe Acrobat

Type of software used to “build” the forms.

<b>pdf format</b>	Often referred simply as pdf or pdf format.
<b>ADM</b>	Administrative (Generally an administrative agency of government)
<b>Affidavit</b>	A written statement affirming or swearing to the truth of the facts stated.
<b>Affirm</b>	Verify. See Petition to Affirm a Marriage (CIR) (LSNV) (pdf)
<b>Alias (pleading)</b>	See <a href="#">Bad Service</a> below.
<b>Annulment</b>	A judicial proceeding in which one party seeks to nullify (invalidate) a void or voidable marriage.
<b>Another party</b>	See <a href="#">Agency Forms &amp; Court Pleadings</a> "Third Party."
<b>Appeal</b>	The process by which a party obtains review of a judicial decision by a higher court. The losing party has two separate and distinct remedies (forms of relief) in General District Court. One is the right to appeal to the circuit court and obtain a trial <i>de novo</i> (new) pursuant to Virginia Code <a href="#">§ 16.1-106</a> . The other is to file a motion for a new trial (rehearing) in the General District Court pursuant to § 16.1-97.1. There are very specific deadlines for both the appeal and the rehearing.
<b>Arbitration</b>	A process for resolution of disputes without resort to the courts. Sometimes contracts demand that any disputes be submitted to arbitration rather than the courts. In arbitration a decision is imposed (forced) on the parties. It differs from mediation in that mediation encourages the parties to reach an agreement.
<b>Attorney fees</b>	Generally, absent a 1) specific provision in the contract, 2) statutory provision or 3) a claim of fraud, attorney's fees are not recoverable by a prevailing party from the losing party.

## B

<b>Bad service</b>	The process server (for example the Sheriff) was unable to locate the person being served. Where service is not effected, the plaintiff can request an "alias."
<b>Bill collector</b>	<b>Consumer's Consent for Debt Collection Communications</b> By Mail Only (LSNV) (pdf)
<b>Bill of Particulars</b>	<b>Bill of Particulars</b> (Form DC – 441) See also Grounds of Defense
<b>Breach of contract</b>	A failure, without good reason, to carry out as promised something called for in the contract.
<b>Burden of proof</b>	Burden of persuasion. Burden of going forward with the evidence. More than suspicion standard, but less than beyond reasonable doubt.

## C

<b>Call, Do Not Contact Me by Telephone</b>	National Do Not Call Registry <a href="http://www.donotcall.gov">www.donotcall.gov</a>
<b>Capias</b>	A writ (summons) issued by a judge directing the Sheriff to take a defendant into custody.
<b>Certificate of Service</b>	After service of the initial (first) process (for example the Warrant in Debt) has been made other documents (for example the <b>Bill of Particulars</b> ) must be filed with the court and served on the opposing party. The service (sending a copy) is confirmed by the "Certificate of Service" at the end of the papers being served.
<b>Chancery</b>	Cases in which the party filing suit is seeking an award of something other than money. Same as equity.
<b>CIR</b>	Virginia's Circuit Court. Also sometimes abbreviated CC.

**Circuit Court Manual**

**Circuit Court Clerk's Manual - Civil**

**Civil action**

A case brought for determination enforcement or protection of a right, or redress; or prevention of a wrong; every action other than a criminal action.

**Code of Federal Regulations (CFR)**

Code of Federal Regulations  
<http://www.gpoaccess.gov/cfr/index.html>

**Commissioner in Chancery**

A lawyer appointed by the chief circuit court judge who conducts evidentiary hearings and makes factual findings in circuit court cases.

**Common law**

A body of law that is based on court decisions, as distinguished from laws passed by the legislature.

**Complainant**

The party that makes the complaint (grievance).

**Confession of judgment**

An acknowledgement by the defendant that the plaintiff is right and that judgment should be entered in favor of the plaintiff.

**Continuance**

The act of changing the court date. Virginia Supreme Court Rule **7A:14** and Virginia Code §§ **16.1-93** and **16.1-122.3**.

**Costs**

Usually refers to court filing fees.

**Contributory negligence**

Allegation by the defendant that the plaintiff contributed (added to) the injury or loss.

**Counterclaim**

A claim presented by a defendant in opposition to the claim of the Plaintiff. See also **Grounds of Defense** (Form DC – 442) to a Claim for Open Account, Contract, Note or Negligence

**Court, Missed**

See Rehearing in the **Agency Forms & Court Pleadings**

**Credit Report**

**Free Credit Report**

**Custody**

See **Family**.

## D

<b>DCSE</b>	<a href="#">Department of Child Support</a> Enforcement, Virgin Department Child Support Enforcement
<b>Deadline, Missed</b>	See Rehearing in the <a href="#">Agency Forms &amp; Court Pleadings</a>
<b>Debt Collector</b>	<a href="#">Consumer's Consent for Debt Collection Communications</a> By Mail Only (LSNV) (pdf)/ Fair Debt The Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 – 1692o regulates third-party collectors (debt collectors) collecting consumer debt. The debt collector must include the following warning in all communications:  "This is an attempt to collect a debt, any information obtained will be used for that purpose."
<b>Debt (Warrant in)</b>	See <a href="#">Warrant in Debt</a> below.
<b>Debtor's</b>	See <a href="#">Agency Forms &amp; Court Pleadings</a> "Summons to Answer Interrogatories" Interrogatories
<b>Default</b>	"...neglect or failure of any party to take step required of him in progress of cause." Black's Law Dictionary (Revised 4 <sup>th</sup> ed., West 1968). For example, the defendant may fail to appear at the return date or may fail to timely file a court-ordered Grounds of Defense. See Rehearing, <a href="#">Agency Forms &amp; Court Pleadings</a>
<b>Default judgment</b>	A judgment against a party who did not appear in court or did not properly proceed with the case.
<b>Defendant</b>	The party against whom relief or recovery is sought in a court action or suit. Sometimes used to designate the accused in criminal or traffic cases.
<b>Definitions, Virginia Code</b>	<a href="#">§ 8.01-2</a>

**Department of State  
Police (Virginia)**

[Virginia State Police Website](#)

**Deposition**

A statement of a witness under oath, taken in question and answer form as it would be in court, with an opportunity given to the adverse party to cross-examine.

**Detinue, Warrant in**

See [Warrant in Detinue](#) below.

**Directions**

[Mapquest](#)

**Divorce**

See [Family](#).

**Docket**

A record of cases to be heard in court.

**Domestic  
Corporation  
Domestic Relations**

Virginia Code [§ 13.1-603](#)

See "Family/Domestic Relations" [Agency Forms & Court Pleadings Family](#).

## **E**

**"Entity"**

Term of art used in The Virginia Health Records Privacy Act, Va. Code [§ 32.1-127.1:03](#). See [Health Care](#).

**Equity**

Historically, one of two systems, the other being law, that developed from the law in English. In equity judges are able to fashion remedies (results) that they cannot follow at law.

**Equitable  
Distribution**

The distribution of property between husband and wife in a divorce or annulment case.

**Estate**

The deceased person's property, including real estate (land and buildings), personal property (items) and all other assets owned or controlled by the deceased at the time of her/his death.

**Evidence**

See [Hearsay](#) Evidence.

**Exempt**

Free from an obligation or liability to which others are subject.

**Exhibit** A document or other tangible item that a party seeks to have the judge accept as evidence.

***Ex Parte*** Latin: by or for one side of a case or dispute without telling the other side.

**Executor/Executress/Executrix** A person who is appointed by the deceased in his/her will to carry out the terms of the will.

**Expungement** Expungement of a criminal record is the act of striking out, removing or obliterating the record.

## **F**

**Family** See [Family](#).

**FAMIS** Family Access to Medical Insurance Security Plan  
See Virginia [Department of Medical Assistance](#)

**FED** Federal Court

**Fields** Areas on the forms where you can type in information.

**Fieri facias (fi. fa.)** A writ (summons) for implementation (execution) of a judgment.

**Foreclosure** The termination of a property owner's rights in property that has a mortgage.

**Foreign Corporation** [Corporation Commission](#), State, Virginia  
(Registered Corporation Agent and Officers)/ Virginia Code [§ 13.1-603](#).

## **G**

**Garnishee** One who has money or property in his possession belonging to a judgment debtor, or who owes the judgment debtor a debt. For example, a bank or an employer.

**Garnishment** A proceeding following a judgment. A third party who holds

property, money or credits (for example a bank) belonging to the judgment debtor must surrender the property, money or credits (to the extent of the judgment) to the court or sheriff.

**General District Court** One of three trial courts in Virginia. See the [Step-by-Step](#) process through Virginia’s General District Court.

**GDC** Virginia’s General District Court.

**Glossary** See this document and also York County Virginia Glossary of Civil Terms; [Common Legal Terms in Federal Court](#), [Health Care Glossary](#) and Glossary for [Government Student Loans](#)

**Grounds of Defense** [Grounds of Defense](#) (Form DC – 442) Also called Answer.

## H

**Health Records** See [Health Care](#).

**Hearsay Evidence** Hearsay is: testimony or written evidence, of an out-of-court declaration, that is presented in court, to prove the truth of the matter asserted in the declaration. Hearsay evidence is generally inadmissible. However, to exclude hearsay evidence, the opposing party must object or the objection is waived. The party who offers hearsay evidence has the burden of proving that it is admissible. There are exceptions to the hearsay rule. For example see [Affidavit Regarding Damages to Motor Vehicle](#) (GDC) (LSNV) (pdf).

**HIPAA** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) See [Health Care](#).

**Homestead Deed** [Homestead Deed for Personal Property](#) (GDC) (LSNV) (pdf)

**Housing** An LSNV Practice Area. See also [Summons for Unlawful](#)

[Detainer](#) [Form DC-421]

**I**

<b>Indigent</b>	One who is needy and poor. See <a href="#">§ 17.1-606</a> . Persons allowed services without fees or costs
<b>“Individual”</b>	Term of art used in The Virginia Health Records Privacy Act, Va. Code <a href="#">§ 32.1-127.1:03</a> . See <a href="#">Health Care</a> .
<b>Interrogatories</b>	See <a href="#">Summons to Answer Interrogatories</a> below.
<b>Interrogatories,</b>	Questions from one party in the case that require another <b>Request for</b> answer under oath. Used in the discovery procedures in Circuit Court.
<b>Intestate</b>	Without a will.


**J**

<b>JDR</b>	Virginia's Juvenile and Domestic Relations District Court
<b>Joint account</b>	A bank account held by two or more people, each of whom may withdraw funds without the consent (permission) of the other.
<b>Judgment</b>	Usually the court's final decision in a case.
<b>Judgment creditor</b>	The person who wins an award against another in a civil suit.
<b>Judgment debtor</b>	The person against whom an award is made in a civil suit.
<b>Judgment proof</b>	Describes a person who has no assets that could be seized to satisfy a money judgment.

**K,**

**L**

<b>Legal Terms</b>	Words and phrases used to describe legal concepts and ideas. See also Glossary below.
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<b>LSNV</b>	Legal Services of Northern Virginia, Inc.
<b>Levy</b>	The obtaining of money by legal process through seizure and sale of property.
<b>M</b>	
<b>Magistrates Manual</b>	<a href="#">Magistrate Manual</a>
<b>Mail</b>	See <a href="#">Post Office</a> below.
<b>Mediation</b>	The process by which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between the mediator and any party or parties, until such time as a resolution is agreed to by the parties or the parties discharge the mediator. Mediation differs from arbitration in that mediation encourages the parties to reach an agreement. In arbitration a decision is imposed (forced) on the parties. <a href="#">Mediation</a>
<b>Microsoft Word (Word) (MS Word)</b>	Computer software used for building the forms. 
<b>Missed Deadline</b>	See <a href="#">Rehearing</a> and <a href="#">How to Request a Rehearing, Appeal a Judgment, or Both Virginia's General District Court</a>
<b>Motion</b>	A request to the court in a pending case for an order.
<b>Motion for Judgment</b>	The motion for judgment is in writing, signed by the plaintiff or his or her attorney, and includes the names of all parties and the address of each defendant. It must clearly inform the defendant of the true nature of the claim. Though more commonly found in Virginia's Circuit Court it is also used in General District Court.
<b>Motion in <i>limine</i></b>	A motion before the trial begins to have an issue resolved.
<b>Motion to Rehear</b>	See <a href="#">Agency Forms &amp; Court Pleadings</a> "Rehearing."

## **N**

**National Consumer Law Center Inc.** [Website http://www.consumerlaw.org/](http://www.consumerlaw.org/)

**Necessaries doctrine** Virginia Code [§ 8.01-220.2](#). Spousal liability for emergency medical care. and [§ 55-37](#). Spouse not responsible for other spouse's contracts, etc.; mutual liability for necessities; responsibility of personal representative.

**Negligence** Conduct that involves an unreasonable risk of injury or loss to others.

***Nolle prosequi*** A formal entry on the record. See [Expungement](#).

**Nonsuit** Dismissal of a civil suit. See [Agency Forms & Court Pleadings](#) "Nonsuit."

**Notary Public** A person that is authorized to administer oaths and affirmations and authenticate signatures. Virginia Code [§ 47.1-2](#). Definitions.

**Notice** The act of conveying (giving) information to another person in writing or by mouth.

## O

**Open Account** An account that shows a balance due that has not been paid. Often associated with a credit card account.

**Officers of a Corporation** Corporation Commission, State, Virginia (Registered Agent and Officers)

**Oral examination** See "Summons to Answer Interrogatories."

**Ore Tenus** By word of mouth, orally. See [Family](#).

## P

**pdf (pdf)** Software used to "build" the forms. See "Adobe Acrobat pdf format above.

**Pendente lite** Latin: A pending suit. *Pendente lite* orders or decrees are entered while the suit is pending and are always prior to the final order or decree.

<b>Plaintiff</b>	A person who brings an action; the party who complains or sues in a personal action and is so named on the record.
<b>Pleading</b>	The allegation(s) by the parties of their claims and defenses.
<b>Poor Debtor's</b>	Poor Debtor's Exemptions. See Va. Code § <a href="#">34-26</a> and <b>Exemptions <a href="#">34-27</a></b> .
<b>Post Office</b>	See <a href="#">Request for Change of Address or Boxholder (LSNV) (pdf)</a> / Zip Codes
<b>Poverty Guidelines</b>	<a href="#">HHS Guidelines</a> used in determining if shared custody support may be used.
<b>Praecipe</b>	A pleading used by a party in a lawsuit with notice to the other parties. See Supreme Court Rule <a href="#">1:15</a> and Rule <a href="#">1:15(b)</a> . See <a href="#">Agency Forms &amp; Court Pleadings</a>
<b>Probate</b>	Procedure whereby a will is admitted to record in the clerk's office.
<i>Pro se</i>	For herself/himself, in his/her behalf. Having no lawyer to present him/her. Also called pro se litigant. Sometimes called self-represented.
<b>Public Forms</b>	LSNV's forms and legal resources that bring the law to the people.
<b>Q,</b>	
<b>R</b>	
<b>Registered Agent</b>	<a href="#">Corporation Commission</a> , State, Virginia (Registered Agent and Officers)
<b>Rehearing</b>	A request for a rehearing must be filed within thirty-days of the day after the entry of judgment in GDC. See also Appeal above.
<b>Rent</b>	See <a href="#">Housing</a> . Also, see

[Summons for Unlawful Detainer](#) [Form DC-421],  
Instructions for DC-421, Tenant's Assertion and Complaint  
[Form DC-429], [Instructions for DC-429](#).

**Res judicata** A judicially created doctrine founded upon the "considerations of public policy which favor certainty in the establishment of legal relations, demand an end to litigation, and seek to prevent harassment of parties. *Bates v. Devers*, 214 Va. 667, 670, 202 S.E.2d 917, 920 (1974). Res judicata literally means a "matter adjudged, *Black's Law Dictionary* 1174 (5th ed. 1979), and it precludes re-litigation of a claim or issue once a final determination on the merits has been reached by a court of competent jurisdiction.

**Respondent** The party that must respond to motion, petition or appeal.

**Return Date** The return date is the first scheduled date for action in a civil case. It is sometimes referred to as the first return. The Warrant in Debt (Form DC-412) and the Summons for Unlawful Detainer (Form DC-421) set forth the return date.

**Return Docket** Lists of cases to be heard by a court.

**Rules of the Supreme Court of Virginia** Supreme Court of Virginia Rules

**Rule to Show Cause** A court ruling directing the recipient to appear and present to the court such reasons why the recipient should not be punished for violating a court order. See Motion for Show Cause Summons [Form DC-635].

## S

**Satisfaction** [Notice of Satisfaction Form](#) [Form DC-458]

**Self-Represented** Not represented by a lawyer. Sometimes called *pro se*.

**Service of Process** Service of a summons such as a Warrant in Debt (GDC) [DC-412] by the sheriff or a personal process server. See also Service of Process in the [Agency Forms & Court Pleadings, Request for Change of Address or Boxholder \(LSNV\) \(pdf\)/VA](#). and Supreme Court Rule [1:12](#). Service of Papers after the Initial Process.

**Social Security** Social Security payments are generally exempt for garnishment under 42 U.S.C. § 407. A garnishment procedure which permitted a judgment creditor to freeze a social security recipient's bank account without regard to whether it contained social security funds would stand as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress and consequently be invalid under the supremacy clause, U.S. Const., Art. VI, cl. 2. *Harris v. Bailey*, 574 F Supp 966 (W.D. Va. 1983).

**Summons** A process directing a defendant to appear in court to answer a civil complaint or a criminal charge. For example, [Warrant in Debt \[Form DC-412\]](#) See also [Agency Forms & Court Pleadings](#) and [Steps](#) through Virginia's General District Court.

**Summons to Answer** A set of series of financial questions to be answered under **Interrogatories** Summons to Answer Interrogatories [Summons to Answer Interrogatories \[Form DC-440\]](#) [Instructions for DC-440](#)

**Suspension of failure to satisfy motor judgment** Suspension for failure to satisfy motor vehicle accident **driver's License/** judgment; exceptions; insurance in liquidated company; insurer obligated to pay judgment. Virginia Code [§ 46.2-417](#)

## T

**TANF** Temporary Assistance to Needy Families (TANF replaces AFDC). See also LSNV Practice Areas "Public Benefits."

**Traffic Court** Generally the traffic division of General District Court.

**Transfer cases to another court** 1. From Small Claims to General District Court [§ 16.1-122.4](#). Representation and removal; rights of parties.  
2. From one General District Court to another General Court "Venue" in the [Agency Forms & Court Pleadings](#).

## U

**Unlawful Detainer,** [Summons for Unlawful Detainer](#) Form DC-421]

**Summons for**

## **V**

**Venue** Venue designates the particular county or city within which a court with jurisdiction may hear and determine the case. See “Venue” in the [Agency Forms & Court Pleadings](#).

**Vignette** See [Legal Vignettes](#)

**Virginia State Law Library** [Virginia State Law Library](#)

**Virginia State Website** [Virginia](#), Government of, Family& Education, Business, Services

**Virginia Law Foundation** [Virginia Law Foundation](#)

## **W**

**Warrant in Debt** [Form DC-412] See also [Agency Forms & Court Pleadings](#) and [Steps](#) through Virginia’s General District Court.

**Warrant in Detinue** [Form DC-414] See [Agency Forms & Court Pleadings](#).

**Warranty** A representation made or implied in connection with the sale of goods.

**Will** A written document that gives instruction on how a person wants his/her property distributed after death.

**X, Y,**

## **Z**

**Zip Codes** [Zip Codes](#)

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