

ARKANSAS COURT REPORTER CERTIFICATION TEST

CCR EXAM INSTRUCTIONS

EXAM DATE: October 3, 2009

EXAM SITE: UALR Bowen School of Law
1201 McMath Avenue
Little Rock, AR 72202-5142

REGISTRATION:

Voice writers and machine writers will test in separate rooms;

Voice Writers - Registration will begin at 8:30 a.m. - Room 323

Machine Writers - Registration will begin at 8:30 a.m. - Room 305

**DO NOT COME INTO THE EXAMINATION ROOM PRIOR TO
REGISTRATION TIME**

Applicant must furnish driver's license for ID verification.

Applicant will be assigned a number. All exam materials, including envelope, tapes, paper notes and transcript, must be marked with assigned number. Applicant's name should not be noted on any test material.

**PLEASE READ THESE INSTRUCTIONS CAREFULLY. THE RULES FOR
THE EXAMINATION HAVE CHANGED. THERE WILL BE NO
EXCEPTIONS TO THESE NEW RULES. NEW RULES ARE
UNDERLINED.**

GENERAL INFORMATION:

If Applicant is using any electronic equipment during the exam, including laptop computers, digital recorders, etc., Applicant must sign

and file with the Supreme Court Clerk the Use of Electronic Equipment Statement and Agreement. Failure to file the Statement and Agreement will result in disqualification, unless Applicant elects to use a typewriter for transcription. Memory typewriters and mini-recorders are prohibited.

Applicant is responsible for furnishing his/her equipment and supplies, including printer, paper, electric cords, et cetera.

Diskettes and/or CDs will be furnished by test proctor.

Applicant is instructed to check his/her equipment prior to coming to the exam site. Should an equipment malfunction occur, test proctors will be unable to assist Applicant in resolving the problem. An equipment malfunction will not excuse Applicant from time limitation for transcription. Applicant may bring extra equipment.

Cell phones, palm pilots and/or similar electronic devices are not allowed in the exam room.

EXAM SCHEDULE:

8:30	Registration - Voice Writers - Room 323
8:30	Registration - Machine Writers - Room 305
9:30 - 10:30	Written exam
10:30 - 11:00	Dictation (includes one five (5) minute warmup)
11:00 - 2:00	Transcription of dictation

TEST RESULTS WILL BE MAILED TO THE APPLICANT.

THE APPLICANT WHO SUCCESSFULLY PASSES THE CERTIFICATION TEST WILL BE REQUIRED TO ATTEND AN ORIENTATION CLASS FOR NEW REPORTERS. THE DATE, TIME AND PLACE WILL BE INCLUDED IN THE NOTIFICATION OF TEST RESULTS TO APPLICANT.

THE APPLICANT WHO DOES NOT SUCCESSFULLY PASS THE CERTIFICATION TEST MAY REVIEW HIS/HER TEST. THE DATE, TIME AND PLACE WILL BE INCLUDED IN THE NOTIFICATION OF TEST RESULTS TO APPLICANT.

VOICE WRITER INSTRUCTIONS:

VOICE RECOGNITION SOFTWARE (REAL-TIME) IS NOT PERMITTED.

Applicants using digital recorders are required to save their voice in DSS, WAV, WMA or MP3 format to a CD. Failure to successfully save your voice to a CD in one of these four formats will result in disqualification. NO EXCEPTIONS.

Mini-recorders are not allowed to record Applicant's voice.

Voice writers will be monitored for silence.

MACHINE WRITER INSTRUCTIONS:

APPLICANT MAY USE CAT SOFTWARE BUT CANNOT USE REAL-TIME IN THE EXAMINATION ROOM. Laptop computers must be disconnected from steno machine during dictation section of the test.

If Applicant is using a paperless steno machine, Applicant must have a steno machine

that allows Applicant to save steno notes to diskette or CF card.

Applicant is required to print steno notes and turn them in with their transcripts.
Failure to produce steno notes in printed format will result in disqualification. NO
EXCEPTIONS.

Applicant is required to delete note/memory file from steno machine. If Applicant's
steno machine does not use a disk, e.g., a RAM memory, Applicant must eliminate any
jobs that may be in steno machine's memory, as Applicant will be required to reformat
steno machine's memory after the examination. NO EXCEPTIONS.

Applicants using flashcard/SD card must provide the equipment necessary to delete the
flashcard/SD card. If Applicant fails to delete flashcard/SD card, the card will be
forfeited. NO EXCEPTIONS.

ADDITIONAL INFORMATION:

- ** Attached is an information page styled "What is an Error?"
- ** Attached is Notice to New Reporter regarding Orientation
- ** Attached is study material -- legal terms and word usage .
- ** Also, study Article III - The Record , Rule 3-1. Preparation of the record.

Article III may be downloaded by clicking on Rules and Regulations/Article III

**A DICTATION PRACTICE SESSION WILL BE HELD FRIDAY NIGHT, OCTOBER 2, 2009,
2009, BEGINNING AT 6:00 P.M. IN ROOM 323. IT IS A TWO-HOUR PRACTICE SESSION.**

IF YOU PLAN TO ATTEND, E-MAIL MARIA LAFFERTY, EXECUTIVE SECRETARY,
mlafferty03@hotmail.com NO LATTER THAN SEPTEMBER 25, 2009.

What is an Error?

Grading Guidelines for the Arkansas Court Reporter Certification Exam

[Adopted March 2005 from the National Court Reporters Association and the National Verbatim Reporters Association Grading Guidelines]

Automatic Fails:

Single-spaced transcripts
Handwritten transcripts
Use of all capitals or all lowercase

Allowable errors for exams:

Literary	45
Jury Charge	50
Q & A	57

The following list of errors should be used as a guideline for correcting exam papers. In all cases of dispute, the Executive Secretary, guided by the principles set forth herein, shall render the final decision, subject to appeal to the members of the Board of Certified Court Reporter Examiners.

What is an error?

1 a) Each wrong word.

Dictated: I didn't see the car until we hit.

Transcribed: I didn't notice any vehicle until we hit. **(3 Errors, not 6)**

Note: Each wrong and/or substituted word counts as only 1 error, not 2.

b) Each plural read as singular and vice versa.

Dictated: Let me check the dates.

Transcribed: Let me check the date. **(1 Error)**

c) Each present-tense verb read as past tense and vice versa.

Dictated: In other words, you acted as a clerk.

Transcribed: In other words, you act as a clerk. **(1 Error)**

2. Each omitted word.

Dictated: I drove and he slept.

Transcribed: I drove. He slept. **(1 Error)**

3. Each added word.

Dictated: Yes.

Transcribed: Yes, sir **(1 Error)**

4. Transposition.

(Note: If one or more words are transposed from one part of the sentence to another, each transposed word is one error.)

Dictated: Then when he started

Transcribed: When he then started **(1 Error)**

Dictated: Before I went to Chicago, I went home.

Transcribed: I went home before I went to Chicago. **(3 Errors)**

5. Each misspelled word (including typographical errors or strikeouts).

Dictated: hospital

Transcribed: hotpita (1 Error)

Dictated: The doctor is not my doctor.

Transcribed: The docter is not my docter. (2 Errors)

(Note: The same misspelled word is an error each time it occurs.)

Dictated: It would come in time.

Transcribed: It would come come in time. (1 Error)

6. Each wrong name.

Dictated: Mr. Smith followed me home.

Transcribed: Mr. Jones followed me home. (1 Error)

7. Each omitted period that is required by the rules of punctuation.

Dictated: It results from a misrepresentation of several cases which Brown cites.
In Grant v. United, the point was made.

Transcribed: It results from a misrepresentation of several cases which Brown cites in
Grant v. United. The point was made. (1 Error)

8. Each omitted comma that is required by the rules of punctuation.

Dictated: September 20, 1993

Transcribed: September 20 __ 1993 (1 Error)

Dictated: Little Rock, Arkansas

Transcribed: Little Rock __ Arkansas (1 Error)

9. Each obvious question mark omitted or incorrectly added.

Dictated: Q What is your name?

Transcribed: A What is your name _ (1 Error)

10. Each contraction transcribed as two words and vice versa.

Dictated: I don't know.

Transcribed: I do not know. (1 Error)

11. Each omission of Q and A.

Dictated: Q Do you mean now?

A Yes.

Transcribed: Q Do you mean now?

___ Yes. (1 Error)

12. Each omitted capital letter clearly needed.

Dictated: Cleveland, Ohio

Transcribed: cleveland, Ohio (1 Error)

13. Omission or improper use of apostrophe in each contraction.

Dictated: I didn't see the ball.

Transcribed: I didnt' the ball.

14. Any correction made in pen or pencil is not allowed.

Grading Example

Dictated:

The second common mistake is usually one of selection. One can see a harried clerical person rushing to send out two overnight parcels. The contents are well marked. Yet the parcels are somehow switched. Although the worker no doubt knew where each package was to go, a selection error transpired.

Transcribed:

The next (1) common mistake is usually one of select (2). Once (3) can be (4) a harried clerical person running (5) out (6) to send two overnight parcels. The parcels (7) and (8) the (9) contents are well marked, yet (10) the (11) contents (12) are (13) well (14) marked (15), yet the contents (16) are somehow switched. A (17) selection (18) error (19) transpired, (20) although the worker no doubt knew where each pckge (21) was to go.

Description of Errors:

1	Incorrect word - 1 error	7-9.	Added words - 1 error per word
2.	Incorrect word - 1 error	10-15.	Added words - 1 error per word
3.	Typo - 1 error	16	Wrong word - 1 error
4.	Incorrect word - 1 error	17-20	Transposed words - 1 error per word
5.	Incorrect word - 1 error per word	21	Typo - 1 error
6.	Transposed word - 1 error		

Not counted as errors:

1. Misplaced commas EXCEPT as listed in No. 8, What is an Error?
2. X-ing out errors if done by typewriter (No pen or pencil)
3. In dates, ordinal numbers for cardinal numbers and vice versa
Example: May 1 or May 1st ; May 22 or May 22nd
4. Spelling names that sound alike
Example: Dictated: Harley Schmidt
Transcribed: Hardey Schmitt
5. Missing hyphens
6. Quotation marks (single or double)
7. Colon or semicolon
8. Use of Miss, Ms. and Mrs. interchangeably
9. Dictated words or phrases not in the dictionary

NOTICE TO NEW COURT REPORTER

By per curiam order of the Supreme Court of Arkansas dated September 9, 2004, Section 14 of the Regulations of the Board of Certified Court Reporter Examiners has been revised as follows:

“(g) Each individual successfully passing the certification examination shall, prior to receiving certification from the Board, participate in an orientation session at a time and place set by the Board.”

1. Any applicant who has successfully passed the certification examination is required to attend an orientation class.
2. There are no exceptions to this regulation. The newly certified court reporter must attend the orientation prior to receiving his/her certification number.
3. As part of the orientation, the new reporter is required to purchase the Arkansas Court Reporters Association Form Book. The cost is \$15.
4. The orientation class will include:

A freelance court reporter who will review information and forms pertaining to freelance court reporting.

The co-chairman of the Maude Parkman Mentor Program will discuss the mentor program.

The Executive Secretary will present the new reporter with his/her certification number as well give him/her a notebook containing : freelance reporter information and forms; official reporter information and forms; federal reporter information and forms; continuing education information; Rules and Regulations of court reporters; substitute reporter information and forms; Arkansas Court Reporters Association information and application; and Maude Parkman Mentor Program information and application.

STUDY MATERIAL - LEGAL TERMS

a.k.a. (a/k/a): also known as; frequently used in captions.

abstract of title: excerpts from the official records containing the essential information to show the chain of title to real estate and the facts of record that bear upon its marketability.

ad damnum: the clause of a writ or declaration containing statement of damages claimed.

ad hoc: for only the particular case at hand.

adjudication: the rendering of a decision; sometimes the decision itself.

ad litem: for the purposes of the suit.

a fortiori: with greater reason or more convincing force.

aliunde: from another source; from outside.

allegation: the claim of fact that a party makes in a pleading.

allocution: formality of court's inquiry of prisoner as to whether he/she has any legal cause to show why judgment should not be pronounced against him/her on verdict of conviction.

amicus curiae: friend of the court; one who volunteers information, with the court's permission, on matters of law.

ancillary: auxiliary, supplementary.

annotations: the case summaries which follow and construe the statutes printed in the commercially produced statute books. They are not official.

answer: the defendant's pleading which responds to the plaintiff's petition or complaint.

ante: listed prior in same index or material.

appearance: the act of submitting oneself to the court officially, usually by the attorney filing an appearance with the clerk.

appellant: the party seeking a change in a lower court's decision or administrative order by an appeal to a higher court.

appellate court: the court which hears appeals from the decisions of other courts, as contrasted with a trial court where the cases are litigated initially.

arraignment: in criminal law, the formal hearing at which the defendant is called before the judge to plead to the charge.

asportation: a carrying away; felonious removal of goods.

attachment: a procedure whereby the plaintiff secures a lien against the property of the defendant to satisfy an obligation which may not yet be determined.

attorney of record: the attorney whose name appears in the official record as the lawyer representing the party.

bail: the process of taking some security to guarantee that an accused person will appear at a hearing or trial.

bailiff: the courtroom attendant who maintains order and facilitates the conduct of the trial.

best evidence: evidence from the most reliable source; an original as against a copy.

bill of sale: an instrument evidencing a transfer of personal property.

brief: the document that a lawyer files with the court arguing the law and facts in support of his/her case.

burden of proof: the duty that falls upon a party to prove a fact affirmatively.

canon: a system of correlated rules or standards.

caption: the heading on a pleading, containing name of court, county, parties, and the title of the document.

caveat: warning.

caveat emptor: let the buyer beware.

certiorari: appellate review proceeding examining action of inferior court for further information; a writ of review or inquiry.

chambers: a judge's office.

change of venue: moving a case from one county to another.

chattel: an item of personal property.

chattel real: an item of personal property so affixed to the real estate as to be considered a part thereof; a fixture.

circumstantial evidence: indirect evidence; evidence from which you can draw a conclusion, but it, itself, does not establish the fact.

civil: relating to private rights and remedies sought by suit, distinct from criminal proceedings.

code: compilation of all existing law in effect under a system of subjects in a particular jurisdiction.

collusion: secret cooperation for a fraudulent purpose.

common law: law evolving from ancient custom, from judicial decision and casual statutes, as contrasted with a concerted plan of statutory enactments.

complainant: the party making complaint, thus instigating prosecution in a legal action.

complaint: the first document filed in a lawsuit by the plaintiff setting forth claim or case.

condemnation: the taking of private property for public use upon the payment of compensation.

consideration: in contract law, value given or received; can be money, services or property, or mutual performances; the factor that makes a contract binding.

contempt of court: acts which impede the court. It can be failure to carry out an order, or it can be disrespectful conduct.

contingent fee: the lawyer must win to get paid.

contumacy: stubborn resistance to authority.

corpus delicti: the body of the crime; that is, the physical object upon which the crime was committed.

corroboration: that which strengthens or confirms.

costs: the expenses of a trial or proceeding which may be charged to one or both of the parties. Usually does not include the attorney's fees.

count: a distinct statement of plaintiff's cause of action. A complaint or indictment may contain one or more counts.

counterclaim: the claim that a defendant may make against a plaintiff in the plaintiff's action against him.

court of record: court which is required to make a record of and preserve its proceedings.

cross-examination: interrogation of a party or a witness by the other side to test knowledge, observation, and credibility.

d/b/a: doing business as.

damages: the monetary redress which one seeks to recover from another.

declaratory judgment: one which simply declares the rights of parties or expresses opinion of the court on a question of law without ordering anything to be done. It is distinguished from other actions in that it does not seek execution or performance from the defendant or opposing parties.

decree: a decision or order of a court, often a dissolution of marriage decree.

deed: an instrument effecting a transfer of real estate.

default: usually in pleading, a failure to take a required step within a specified time; can result in a default judgment against the one who failed to act.

defendant: one against whom the action is brought.

deja vu: already seen; the illusion of having previously experienced something actually encountered for the first time.

de jure: legitimate; lawful.

de minimis: insignificant; minute; frivolous.

demurrer: a pleading which says, "I admit, for the purpose of argument, that your claimed facts are true, but those facts do not give you a valid claim against me."

de novo: anew; starting over as though not done before.

deposition: taking testimony outside the courtroom before a court reporter with the other side present for purpose of cross-examination. The testimony is given under oath and reduced to writing.

dictum: in a court's decision, the statement of a rule or principle of law which is not essential to the determination of the issues in a particular case but is used to explain the court's reasoning.

digest: a multi-volume collection of abbreviated case summaries arranged by subject matter. A research tool.

directed verdict: a verdict that the judge instructs the jury to return which it must do. Used when there are no factual issues for the jury to decide.

direct evidence: that offered by eyewitnesses as contrasted to circumstantial evidence from which conclusions are drawn.

direct examination: interrogation of one's own party or witnesses.

discovery: the pretrial process whereby one side seeks to discover facts known by the other side.

dismissal without prejudice: dismissal without trial which permits party to bring another civil action for the same cause unless civil action is otherwise barred.

dismissal with prejudice: dismissal without trial which bars the assertion of the same cause of action or claim against the same party.

dissent: the opinion of a judge who does not agree with the majority of the court.

dissolution: termination. Frequently used in "dissolution of marriage."

domicile: the actual place that is home to the person. It is stronger than

residence. You may have several residences simultaneously, but only one domicile.

double jeopardy: being prosecuted twice for the same crime.

due process: according a person all of the rights and privileges afforded by the law.

e.g.: *exempli gratia*; for example.

easement: a right of access onto, over, under, or across real property.

emancipation: freed of parental control although not yet having reached age of majority.

embezzlement: fraudulent use of money entrusted to one's care.

eminent domain: the power to take private property for public use through condemnation proceedings and compensation.

en banc: all of the judges of one court sitting together.

enjoin: usually to stop a person from doing some act by court order.

equity: as used in trial work, means a system of justice for causes of action not governed by specific statutes or law. Negligence is a law action. Injunction is an equity action.

equity: as used in property or contract law, means the interest that person has in property he/she is mortgaging or is buying; the amount remaining over and above the amount of the mortgage thereon or balance due on the purchase price under the contract to buy the same.

escrow: held by a third party until an agreed event takes place.

estate: the total probate assets of a deceased person.

et al.: and others.

et seq.: and following.

et ux.: and wife.

exception: a legal objection to ruling of court.

exculpatory: refers to evidence and/or statements which tend to clear, justify, or excuse a defendant from alleged fault or guilt.

ex officio: by virtue or because of an office.

ex parte: by or for one person, not adversary.

ex relatione: upon relation or information. Legal proceedings which are instituted by the attorney general (or other proper person) in the name and behalf of the state, but on the information and at the instigation of an individual who has a private interest in the matter, are said to be taken "on the relation" (ex relatione) of such person, who is called the "relator." Such a cause is usually entitled thus: State ex rel. Doe v. Roe.

extradition: surrender of an alleged criminal by one state to another.

felony: a serious crime established by statute; punishable by imprisonment.

fiduciary: a broad term for one who has a trust to perform; trustees, guardians, and agents are all fiduciaries.

foreclosure: action to take possession of mortgaged property and to collect for amounts still due and owing thereon when the conditions set forth in the mortgage have not been met.

fraud: intentional perversion of truth for purposes of persuading another to part with something of value.

garnishee: to take by legal authority.

garnishment: action compelling a third party (usually an employer) to pay some of the defendant's money to the plaintiff.

grand jury: hears criminal accusations and holds for trial or refuses to indict.

guardian: one appointed by the court to be responsible for the person and/or property of another.

guardian ad litem: appointed to protect a minor defendant's interest during specific litigation.

habeas corpus: writ for the release of a prisoner.

headnote: the paragraphed material which precedes the opinion of the court describing the issues in a particular decision.

heir: one who inherits the property of another by operation of law rather than by will.

hornbook law: those principles of law which are known generally to all and are free from doubt and ambiguity.

hostile witness: witness who manifests so much hostility or prejudice under examination in chief that the party who has called witness is allowed to cross-examine him/her; i.e., to treat witness as though he/she had been called by the opposite party.

hung jury: one which cannot agree on a verdict.

hypothetical question: a question asking an expert witness to assume proven facts and eliciting witness' opinion based on those facts.

i.e.: id est; that is.

impeachment: destruction of witness' credibility.

in camera: in chambers.

inculpatory: that which tends to incriminate or bring about a criminal conviction.

indictment: a formal charge by a grand jury.

infra: below, later in this document.

injunction: a court order prohibiting some action.

in limine: on or at the threshold; at the very beginning; preliminary.

in personam: against a person to impose a liability or obligation.

in re: in the matter of; concerning.

inter alia: among other things.

interlineation: amending of pleading or motion by written insertion between words or lines already typed or printed.

interlocutory: temporary or intermediate; not final.

interrogatories: written questions propounded by one party and served on adversary, who must serve written answers thereto under oath.

inter vivos: among the living, done during lifetime.

irrelevant: not pertinent; does not relate to the matter at issue.

issue: a point of dispute between the parties to a lawsuit.

joint tenancy: an ownership of property by two or more persons; when one joint tenant dies, his/her interest passes to the other tenants.

judgment: formal decision given by court.

judge pro tem: lawyer appointed by judge to sit on bench when regular judge cannot be there.

jurat: synonymous with acknowledgment; place on document for signatures to be notarized.

lease (noun): a document evidencing the transfer of the use of property for a limited time.

lessee: one who leases property from another; tenant.

lessor: one who leases property to another; landlord.

levy: seizing of property through a court order.

levy: imposition of a tax.

lex loci: the law of the place.

liable: responsible; chargeable with.

libel: defamation by writing.

lien: a charge against property.

lis pendens: a pending lawsuit.

litigate: to carry on legal contest by judicial process.

mala fides: with bad faith.

mandamus: order of a higher court directing a lower court to take certain action.

Miranda Rule Warning: the requirement that a person receive certain warnings relating

to privilege against self-incrimination (right to remain silent) and right to the presence and advice of an attorney before any custodial interrogation by law enforcement authorities.

misdemeanor: offense not punishable by imprisonment in the penitentiary.

mortgagee: one who takes a mortgage (lender).

mortgagor: one who gives a mortgage.

movant: applicant for rule or order in court.

nisi prius: trial court where tried to jury as distinguished from appellate court.

next friend: the equivalent of a guardian, but not appointed as such. Usually seen in litigation where next friend brings the action on behalf of a minor.

nolle prosequi: (commonly nolle pros) an entry on the record denoting that the plaintiff or prosecutor will proceed no further in action or suit.

nolo contendere: I do not contest the claim.

non sequitur: fallacy; it does not follow.

nunc pro tunc: entered at a time subsequent with retroactive effect.

objection: method of directing attention to an error in the course of the trial.

open court: when court is in session.

ordinance: a municipal statute.

parties: the persons actively concerned in the prosecution and defense of a legal proceeding, such as plaintiff and defendant. This does not include counsel.

pendente lite: while suit is pending.

per capita: by the head; all eligible share and share alike.

peremptory challenge: excusing a prospective juror without explanation or reason.

perjury: false swearing.

petitioner: one making written request for relief in court.

petit jury: the ordinary jury, distinguished from grand jury.

plagiarism: theft of literary property.

plaintiff: the person or company or corporation or any legal entity named in caption of lawsuit as bringing the action.

plea: a pleading in a civil or criminal case.

pleading: an instrument used to frame the issues in a lawsuit.

poll: after a verdict to examine each juror separately as to concurrence in verdict.

power of attorney: written authorization to act as one's agent.

prayer: a request that the court will grant relief desired.

preliminary hearing: first appearance before a judge, for purpose of determining whether there are grounds for prosecution.

preponderance: greater weight, said of evidence.

pre-sentence: a study of a defendant made by investigation by probation and parole officer prior to sentencing.

prima facie: on the first appearance. A prima facie case is such as will

suffice until contradicted and overcome by other evidence.

pro hac vice: for this occasion.

prohibition: order of a higher court ordering a lower court or official to refrain from taking certain action.

pro se: for oneself; in one's own behalf.

punitive damages: monetary compensation awarded to plaintiff in a lawsuit in excess of what compensates for property loss, awarded to redress for mental anguish suffered from defendant's misconduct or to punish defendant for wrong and evil actions.

putative: commonly accepted or supposed.

quash: to set aside as void.

quasi judicial: part judicial, of judicial character. Often said of administrative agencies.

quid pro quo: one equivalent for another.

quitclaim: to release or relinquish a claim. A quitclaim deed releases right or title to another without professing validity of title.

rebuttal: state of trial proceedings demonstrating evidence of previous witnesses as untrue; the evidence itself.

recidivist: habitual criminal

reciprocal: a mutual shared interest or legal action by each of two judicial areas.

recognizance: an obligation entered into in court requiring a performance of an act, such as appearance in court.

record: the official proceedings of a trial.

redundant: needlessly repetitive.

reply: the pleading that responds to an answer.

res: literally, the thing; i.e., the trust res is the property held in trust.

res gestae: things done; especially the acts and declarations admissible in evidence that form the environment of a litigated issue, considered as exception to hearsay rule.

res ipsa loquitur: the thing speaks for itself.

res judicata: a thing or point formerly in controversy but now judicially settled.

respondent: person against whom relief is asked, who opposes prayer of petition.

retainer: the arrangement (or the fee) where a lawyer undertakes to represent a client; usually refers to a continuing arrangement.

rigor mortis: rigidity of muscles occurring after death.

riparian rights: rights which accrue to owner of land on the banks of waterway.

security agreement: a lien on goods or personal property to secure payment on the purchase price of goods on the installment plan; replaces the old chattel mortgage.

separate maintenance: allowance granted to a spouse for support of the spouse and children while living apart from husband/wife.

show cause: a direction to appear and present reasons to court why some order or decree should not take effect or be confirmed.

sic: Latin for “thus in the original.” Exact reproduction.

sine qua non: the essential element.

slander: oral defamation.

special judge: one selected from a panel to serve as judge in a particular case.

stare decisis: the rule of precedent; that which is decided once will be applied in the future.

statute: the written law as enacted by the legislature.

statute of limitations: statute specifying a time period within which something must be done or rights will be lost.

stipulation: the agreement of counsel as to existence of certain facts or circumstances.

sua sponte: of its own will or motion.

subpoena: under penalty or pain; order of the court requiring a witness to appear.

subpoena duces tecum: an order of the court for a witness to produce documents or records.

sui juris: of one’s own right.

suo nomine: in one’s own name.

summary judgment: decision given by court without delay or formality of full proceedings.

summons: a writ of notification requiring the person to appear and defend.

support: the sums required of a divorced parent for the support of the children of the marriage.

supra: above, earlier in this document.

tenants in common: a joint tenancy of two or more people, but when one tenant in common dies his/her interest passes to his/her heirs, etc., not to the other tenants.

tenancy by entirety: a joint tenancy between husband and wife; each is considered as owning the whole; when one dies, the other still owns all the property.

tort: a civil wrong (as compared to a crime) for which a suit for damages may be brought.

transcript: an official report of the proceedings of a trial.

trauma: physical or mental injury to a person caused by external violence.

trust: the placing of property in one's hands for the benefit of another.

U.C.C.: Uniform Commercial Code.

ultra vires: outside of the scope of authority to act.

unclean hands: one of the equitable maxims embodying the principle that a party seeking equitable relief must not have done any dishonest act in the transaction upon which he/she maintains an action of equity.

usury: charging more than the legal rate of interest.

vendee: buyer.

vendor: seller.

venire: an entire panel from which jury is drawn.

venue: the place of jurisdiction.

viz.: videlicet; namely.

voir dire: speak the truth; a preliminary examination to determine competency of witness or juror.

wanton: grossly negligent or careless.

ward: a person placed in the care of a guardian by court order.

warrant: a written order directing the arrest of a person or persons, issued by a court, body, or official having authority to issue warrants of arrest.

weight of evidence: a phrase which indicates the relative value of the totality of evidence presented on one side of a judicial dispute, in light of the evidence presented on the other side.

whiplash injury: neck injury commonly associated with “rear end” automobile collisions.

work product: that work done by an attorney in the process of representing the client which is ordinarily not subject to discovery.

writ: court order commanding or authorizing some action.

STUDY MATERIAL - WORD USAGE

accede: to agree

exceed: to go beyond limit

accept: to receive willingly

except: other than; to exclude

access: entrance

excess: more than needed

adherence: close attachment; devotion

adherents: supporters of a cause

advice: opinion, suggestion

advise: to offer advice to, to counsel

affect: to influence; emotional response

effect: a result; to cause to happen

aid: to assist

aide: assistant

ail: feel ill

ale: type of beer

aisle: passageway between rows of seats

isle: small island

all ready: prepared

already: by this time

allowed: permitted

aloud: in loud tone, out loud

allude: to refer to indirectly

elude: to avoid

allusion: indirect reference
illusion: erroneous belief perception
elusion: avoidance

altar: elevated structure for religious ceremonies
alter: to adjust or modify

ascent: an upward slope
assent: agreement; to agree

bail: money for release of arrested person
bale: wrapped package

bare: unclothed; to reveal
bear: to carry; an animal

bazaar: marketplace, fair
bizarre: strange

beat: whip, thrash
beet: dark red root vegetable

been: past participle of be
bin: storage container

beer: alcoholic beverage
bier: coffin stand

biannual: occurring twice a year
biennial: occurring once every two years

bloc: a group united for common cause
block: piece of wood, city square; to prevent passage

boar: male swine

boor: crude person

bore: dull, tiresome person; to make a hole

board: a plank of wood

bored: uninterested

born: brought into life

borne: carried

brake: stop

break: smash

breach: to break or violate

breech: part of a gun

breadth: width

breath: air inhaled and exhaled

breathe: to inhale and exhale

buy: purchase

by: next to

cannon: large gun

canon: code of law

canvas: heavy cloth

canvass: to examine or survey

capital: seat of government, uppercase letter of alphabet; very serious; sum of money

capitol: building where legislature meets

cede: to surrender

seed: propagative part of plant; to plant

cellar: basement

seller: one who sells

censer: incense container

ensor: one who condemns; to examine for objectionable material

ensure: reprimand

ensor: a device that responds to stimulus

choir: company of singers

quire: one twentieth of a ream of paper

choose: to select

chose: past tense of choose

chord: tones sounded together

cord: twine, rope, cable

cite: to quote an authority

sight: the ability to see; to look at

site: a place

cloth: fabric

clothe: to cover with clothing

coarse: rough, crude

course: a route, program of instruction

complement: something that completes; makes whole

compliment: expression of praise; to praise

conscience: sense of right and wrong

conscious: aware, capable of thought

consul: government official

council: governing body

counsel: advice, attorney; to advise

core: innermost part
corps: military group, group of persons acting together
corpse: dead body

deprivation: the act of depriving; loss
depravation: moral corruption; perversion

decent: acceptable
descent: downward slope or movement; ancestry
dissent: disagreement; to disagree

desert: arid region; to abandon
dessert: after-dinner course

die: expire; singular of dice
dye: color

discreet: reserved, respectful
discrete: individual, distinct

done: finished; past participle of do
dun: dull brown color; to demand payment

earn: to gain from work
urn: a vase

elicit: to bring out
illicit: illegal, forbidden

emigrate: to leave one region or country to settle in another; emigrate from
immigrate: to settle in a region or country other than one's native area; immigrate to

eminent: distinguished
imminent: about to occur

envelop: to surround

envelope: wrapper

everyday: ordinary

every day: each day

everyone: everybody

every one: each one

exercise: bodily exertion; to use

exorcise: to free from evil spirit

faint: lose consciousness

feint: misleading movement

fair: average; lovely

fare: a charge for transportation

farther: greater distance

further: additional; to promote

flair: style, talent

flare: to flame up; sudden outburst

foreword: preface to book

forward: in front; to send, promote

formally: conventionally, ceremonially

formerly: previously

forth: forward

fourth: number after third

foul: offensive

fowl: types of birds

gate: structure blocking an entrance

gait: rhythm of movement

gorilla: a large primate

guerrilla: a kind of soldier

grate: framework of bars; to annoy

great: large, distinguished

grisly: gruesome

grizzly: species of bear; partly gray

hail: frozen precipitation; to greet enthusiastically

hale: in sound health

hangar: structure for aircraft storage

hanger: a device for hanging clothes

heal: to mend

heel: part of foot

hew: to shape with ax

hue: color

hear: to perceive by ear

here: in this place

heard: past tense of hear

herd: a group of animals

hole: an opening

whole: complete

hoard: to store up

horde: large group

incite: to provoke

insight: ability to discern

its: possessive of it

it's: contraction of it is

lane: narrow roadway

lain: past participle of lie

later: occurring after

latter: second of two things

lead: heavy metal; front position; to guide

led: past tense of lead

lessen: to make less

lesson: something learned

lesser: smaller

lessor: one who leases

liable: responsible

libel: written defamation

lightening: lessening

lightning: electrical discharge in atmosphere

loath: unwilling, reluctant

loathe: to dislike intensely

loose: slack, not tight

lose: to mislay; opposite of win

mail: postal material; armor

male: masculine

meat: edible flesh

meet: encounter
mete: to deal out

medal: an award
meddle: to interfere
metal: hard substance
mettle: courage, spirit

might: power, force; may
mite: small object or creature

moral: conviction of right or wrong
morale: spirit of enthusiasm or discipline in a group

more: additional
moor: open land

naval: relating to navy or ships
navel: where umbilical cord was attached

no: the opposite of yes
know: to be certain

pail: bucket
pale: light in color, pallid

pair: two matched items
pare: to peel
pear: fruit

palate: roof of the mouth
palette: board for mixing artist's paints
pallet: platform for freight; mattress

passed: past tense of pass
past: after; a time gone by

patience: forbearance
patients: persons under medical care

peace: the absence of war
piece: a portion of something

peak: high point, pinnacle
peek: quick look
perch: resentment

peal: to ring out
peel: skin of fruit

pedal: foot lever
peddle: sell
petal: part of flower

peer: to look intently; a person of equal status
pier: platform extending from shore over water

personal: private
personnel: employees

phase: a stage or period
faze: to disturb

plain: clear
plane: airborne vehicle; carpenter's tool

plaintiff: complaining party in litigation
plaintive: sorrowful, melancholy

populace: population
populous: containing many inhabitants

pole: long, rounded piece of wood
poll: voting place; to question in survey

pore: tiny opening in skin

pour: to stream or flow

precede: to come before in time

proceed: go forward, continue

presence: the state of being at hand

presents: gifts

principal: most important; sum of money; head of school

principle: a basic truth or law; rule or standard

prophecy: a prediction

prophecy: to predict

rail: horizontal bar

rattle: rattling breath sound

rain: precipitation

reign: to rule

rein: a strap for controlling an animal

raise: to build up

raze: to tear down

rational: sane, logical

rationale: explanation or reason

real: actual

reel: a spool; to wind

respectfully: with regard or deference

respectively: in the order designated

right: correct

rite: a religious ceremony

write: to form letters, compose

road: a surface for driving

rode: past tense of ride

role: function, capacity; part played by actor

roll: a list; to rotate

rote: memorizing process

wrote: past tense of write

sail: fabric for propelling ship; to move effortlessly

sale: the act of selling

sane: of sound mind

seine: fishing net

scene: where an action occurs

seen: past participle of see

shear: to cut

sheer: steep; transparent; to turn aside

sleight: clever trick

slight: to treat thoughtlessly

stalk: stem of plant; to track

stock: a supply of merchandise; corporate shares

stationary: unmoving

stationery: writing paper

steal: take property

steel: hard metal

straight: unbending

strait: a water passageway

taught: past tense of teach
taut: tight

tense: nerve-racking
tents: portable shelters

their: possessive of they
there: opposite of here
they're: contraction of they are

throe: spasm of pain
throw: to toss

timber: trees; wood
timbre: distinctive tone

to: toward
too: also
two: number following one

treaties: contracts, formal agreements
treatise: written account

troop: group of people
troupe: theatrical company

trustee: legal administrator
trusty: dependable; trustworthy

waist: the middle of the body
waste: discarded material

wait: postpone
weight: measure of heaviness

waive: to relinquish voluntarily
wave: hand gesture; ridge of water

want: desire

wont: apt, likely

weak: not strong

week: Sunday through Saturday

weather: state of the atmosphere

whether: used to introduce alternative possibilities

which: one of a group

witch: a sorcerer

who's: contraction of who is

whose: possessive of who

wreak: to inflict punishment

wreck: to destroy

yoke: type of harness

yolk: center of egg

your: possessive of you

you're: contraction of you are

yore: time long past