

Legal Terms

- **Duces Tecum.** [Latin, Bring with you.] Commonly called a Subpoena **Duces Tecum**, a type of legal writ requiring one who has been summoned to appear in court to bring some specified item with him or her for use or examination by the court.
- **Ab initio** - is a Latin word meaning from the first act, from the beginning, or from inception.
- **a fortiori** - used in logic to denote an argument to the effect that because one ascertained fact exists, therefore another which is included in it or analogous to it is less improbable, unusual, or surprising must also exist.
- **Batson challenge.** An objection to the validity of a peremptory **challenge**, on grounds that the other party used it to exclude a potential juror based on race, ethnicity, or sex. The result of a **Batson challenge** may be a new trial.
- **Co-extensive** - Equally extensive; having equal extent; as, consciousness and knowledge are **coextensive**.
- **de minimis** - too trivial or minor to merit consideration.
- **Extrinsic evidence** is external, outside **evidence** or **evidence** that is inadmissible or not properly before the court, jury, or other determining body.
- **Facial challenge** - In U.S. constitutional law, a **facial challenge** is a **challenge** to a statute in which the plaintiff alleges that the legislation is always unconstitutional, and therefore void. It is contrasted with an as-applied **challenge**, which alleges that a *particular application* of a statute is unconstitutional.
- **Indicium** is a Latin term meaning, the act of accusing someone of a crime.
- **Inter alia.** Latin for "among other things." This phrase is often found in **legal** pleadings and writings to specify one example out of many possibilities.
- **Malum in se** is a Latin phrase meaning wrong or evil in itself. The phrase is used to refer to conduct assessed as sinful or inherently wrong by nature, independent of regulations governing the conduct. It is distinguished from **malum prohibitum**, which is wrong only because it is prohibited.
- **Posthoc rationalization** - formulated after the fact

- **Pretextual** generally refers to a reason for an action which is false, and offered to cover up true motives or intentions. Pretext can be found based on (a) statistics, (b) comparators similarly situated, (c) written or oral statement(s) indicating bias, or (d) just plain false reason.
- **Prima Facie.** Latin for "at first look," or "on its face," referring to a lawsuit or criminal prosecution in which the evidence before trial is sufficient to prove the case unless there is substantial contradictory evidence presented at trial.
- **Putative** - commonly believed, supposed or claimed.
- **Strict scrutiny** - refers to a level of study or analysis the courts use to determine the constitutionality of a law, or of the actions of a governmental body. The most rigid standard of judicial review, **strict scrutiny** is used to determine whether such an action or legislation violates constitutional rights.
- **Vacatur** - Latin for "it is vacated." A rule or order that sets aside a judgment or annuls a proceeding.
- **Voir dire** is a legal procedure conducted before trial in which the attorneys and the judge question prospective jurors to determine if any juror is biased and/or cannot deal with the issues fairly, or if there is cause not to allow a juror to serve.