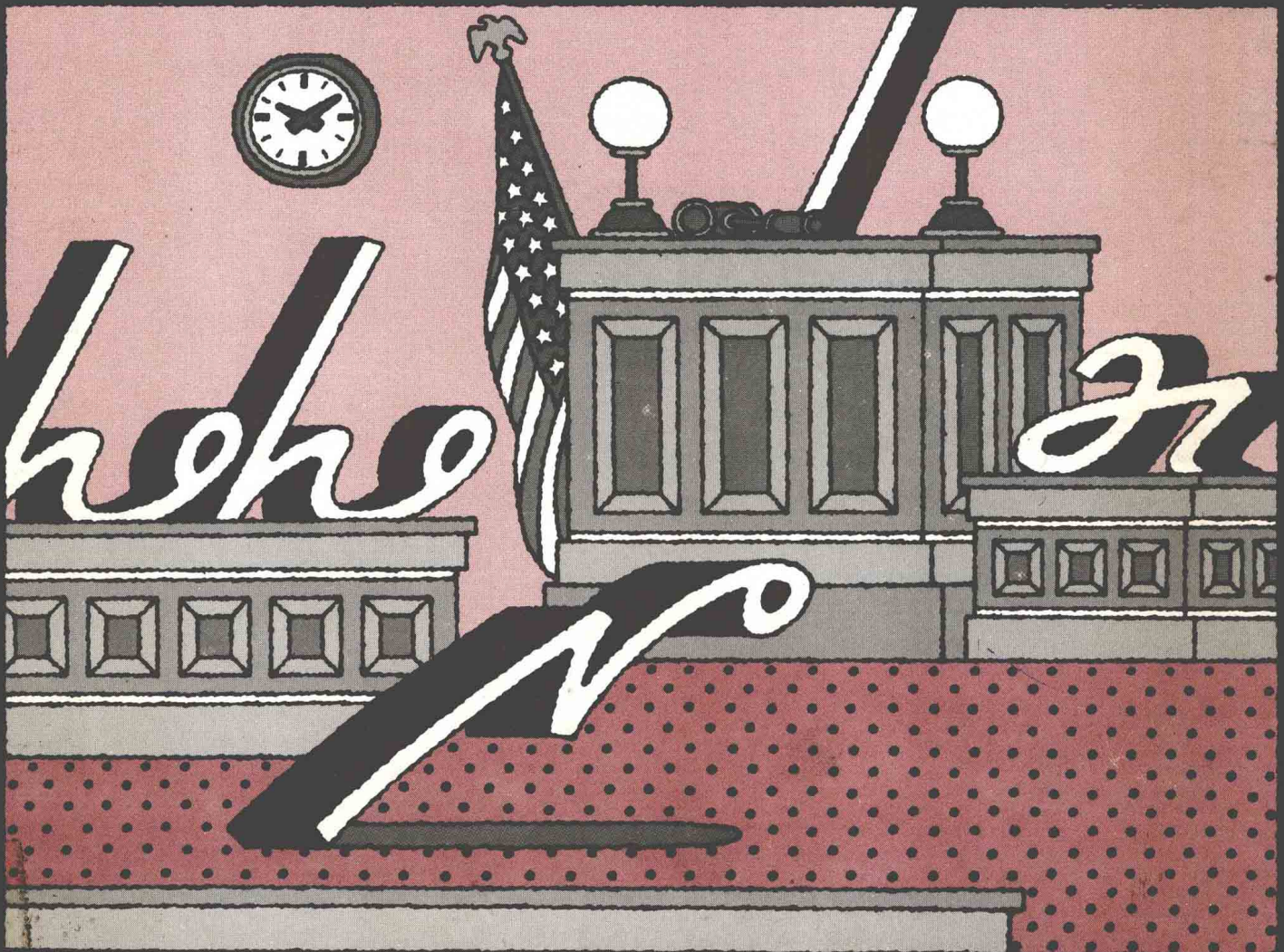


# LEGAL TERMINOLOGY AND TRANSCRIPTION

ADAMS/KURTZ



# **Legal Terminology and Transcription**

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# Preface

*Legal Terminology and Transcription* is designed to prepare students for interesting secretarial positions within the legal profession. The ability to take a lawyer's dictation and transcribe it accurately requires the mastery of a specialized vocabulary and a knowledge of points of style that are distinctly legal in character. With its wide coverage, this skill-building text develops the student's competence through a variety of instructional materials.

## ORGANIZATION

*Legal Terminology and Transcription* consists of seven units containing ten lessons each. Each unit presents an actual case and includes all types of interrelated communications concerned with that case. Memos, letters, court papers, and other legal documents from different law firms have been included. The material selected provides practice in terms used in the following types of cases: tax evasion, divorce, insurance (auto negligence), drug smuggling, probate, corporations, and equity (lease violation).

Each lesson is divided into three parts. "Building Your Legal Vocabulary" helps the student toward a mastery of legal terminology through word studies that provide definitions of terms encountered in the dictation material. Exercises aid in constructing fluent outlines by a study of shortcuts and word beginnings and endings.

"Building Your Legal Transcription Skill" gives transcription aids in the form of guides to punctuation, capitalization, number usage, Latin and French words and phrases that are commonly used, legal collocations or expressions that have come to have specific legal meanings, and correct methods of typing citations.

"Building Your Legal Dictation Proficiency" provides the connected matter for dictation practice along with previews of the material. In this part the student will practice dictation given by five different lawyers in the fictitious firm of Greenberg, O'Brien, Mason & McCann.

## **SPECIAL FEATURES**

As laws differ from state to state and change from time to time, so may the ways of handling cases vary according to the particular time or place in which they occur. In addition, government agencies change and a lawyer may be in the position of dealing with one bureau initially and with a different bureau as the situation develops. However, the basic issues that necessitate the services of attorneys as well as the terms used by attorneys remain fairly constant.

Legal forms and wording as well as styles for typing documents will also vary throughout the nation, and the legal secretary must always be guided by local practice. *A Uniform System of Citation*, published by the Harvard Law Review Association, was used in this text as a general guide. However, some of the contributors have used other citators and several different styles are represented. The legal secretary should be familiar with the variety of acceptable styles, remembering at the same time that a single consistent style should be followed in each case.

## **ACKNOWLEDGMENTS**

We wish to thank the lawyers who supplied the case material that made this book possible. We are also indebted to Sister Jeannette Vezeau, C.S.C., for the use of her unpublished doctoral thesis, "A Study of Legal Terminology Pertinent to the Educational Preparation of the Legal Secretary," (Boston University, 1969); to Marjorie Keaton of the M. J. Neeley School of Business of Texas Christian University, who acted as consultant on many points of legal style; to F. Graham McSwiney, attorney, who reviewed the complete text; and to Gwendolyn Alexis, attorney, who acted as consultant regarding the styles of citations.

Dorothy Adams

Margaret A. Kurtz

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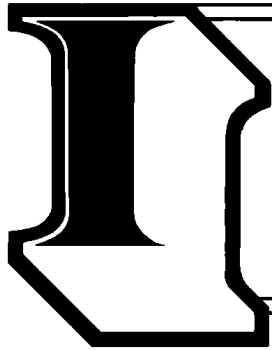
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UNIT



# **Tax Evasion**

**John and Doris Harper, Petitioners**  
**v.**  
**Commissioner of Internal Revenue, Respondent**

Criminal actions or lawsuits are those in which the government of the nation or of a state is the plaintiff who charges the defendant of violating a law and thus committing a crime against the people.

Civil actions or suits are those in which the plaintiff brings suit against the defendant to secure compensation for a private wrong or loss or to obtain a court order for the defendant to do or not to do a thing.

This case concerns federal prosecution in a criminal action in which John and Doris Harper were charged with evasion of income taxes over a period of 12 years. Such cases are tried in a tax court of the United States.


In order to recover a fine imposed as a result of this suit, the United States subsequently instituted a civil action against the defendants.

The attorney for the defendants is James E. McCann, Esq.

# Lesson 1

## BUILDING YOUR LEGAL VOCABULARY

**Shortcuts** Shortcuts for 50 frequently used words are introduced in the first five lessons. To increase your speed and fluency, practice these common words until writing them becomes automatic.


accident 

amend 

administer 

appeal 


affidavit 

arbitrate 

alimony 

criminal 

allow 

indict 

## Word Study



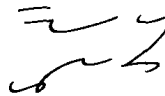
**attorney** A legal agent qualified to act for a person bringing suit or a defendant in legal proceedings.



**cocounsel** One of the two or more legal advisers or attorneys assigned to a case.



**counsel** A legal adviser or attorney.



**internal revenue** Relating to income tax or federal taxation.

**retainer** A fee paid in advance to a lawyer for advice or services to be rendered.



**trial** A formal examination of evidence before a court of law to determine the facts, apply pertinent law to those facts, and thus reach a determination on the legal issues.

## BUILDING YOUR LEGAL TRANSCRIPTION SKILL

**Transcription Aid** Transcription Aids introduced in the first 63 lessons cover important rules for punctuation, number usage, capitalization, the compounding of words, and the use of the possessive case. For quick reference, consult the Index of Transcription Aids in the back of this text.

### Comma or Semicolon in Compound Sentences

- ☐ Use a semicolon between the two independent clauses of a compound sentence when the coordinating conjunction is not expressed.

I am enclosing a photocopy of the letter from the Regional Commissioner; the original, I believe, is in Mr. Harper's possession.

- ☐ Use a comma before the coordinating conjunction in a compound sentence, but substitute a semicolon if either or both clauses are subdivided by commas unless no misreading is likely to occur.

I would appreciate an immediate reply to this letter, but in the meantime I will attempt to contact the Regional Office at Boston.

As you realize, this is not the first case of this type in which I have been involved; and I must consider that the possibility of a criminal trial is great at this time.

**Typing Citations** *Citations* are references to laws or other cases that support claims in a current case. The attorney will dictate the necessary citation to the legal secretary. Although it is the attorney's responsibility to dictate the citation correctly, it is the secretary's responsibility to transcribe it accurately and exactly as it has been dictated and to abbreviate correctly. The importance of typing a citation correctly cannot be stressed enough, since it refers to the authority for the statement of law. The citation must be clear enough so that the reader can find the work cited. An experienced secretary will verify the citation by looking up each case cited to see that all quotations are correct and that names are spelled correctly.

Although general rules for typing citations and citing statutory material, reports, books, periodicals, newspapers, and legal encyclopedias will be briefly covered in succeeding lessons, every legal secretary should have these four books for ready reference:

*U.S. Government Printing Office Style Manual*, rev. ed., U.S. Government Printing Office, Washington, 1973.

*How to Use Shepard's Citations*, Shepard's Citations, McGraw-Hill Book Company, Colorado Springs, CO, 1971.

*A Uniform System of Citation*, Harvard Law Review Association, Gannet House, Cambridge, MA.

Price & Bitner, *Effective Legal Research*, 4th ed., Little, Brown & Co., Waltham, MA, 1970.

## BUILDING YOUR LEGAL DICTATION PROFICIENCY

Preview accountant

compensation

imminent

net worth

real estate

Register of Deeds

remuneration

thereon

### Reading and Writing Practice

1. MR. JOHN HARPER, RFD 2, CONCORD, MA 01742

Mr. John Harper,  
RFD 2, Concord, MA 01742  
is hereby notified that  
the undersigned has been  
appointed executor of the  
last will and testament of  
the late John Harper, deceased.  
The undersigned is a duly  
qualified and licensed  
attorney at law in the  
State of Massachusetts.  
The undersigned is  
qualified to administer  
the estate of the late  
John Harper, deceased.  
The undersigned is  
qualified to prepare and  
execute the will of the  
late John Harper, deceased.  
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execute the will of the  
late John Harper, deceased.

2. MR. JOHN HARPER, RFD 2, CONCORD, MA 01742

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IRS  
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 2, 1, 6  
 2, 1, 6

## Lesson 2

### BUILDING YOUR LEGAL VOCABULARY

#### Shortcuts

bankrupt

beneficiary

bureau

certificate

complaint

corporate

court

covenant

declaration

defendant

#### Word Study


**defense** Denial, answer, or pleas by the defendant; an argument in support or justification.


**disposition** A final settlement or verdict; final sentence or dismissal.

**civil** Relating to the state or to citizens.

**contingent** Possible but not certain to happen; dependent on something else.

**criminal** Relating to an offense punishable by law.

 **defendant** A person required to make answer in a legal action of suit.

 **felony** A serious crime punishable by death or by imprisonment in a state or federal prison for more than one year.

## BUILDING YOUR LEGAL TRANSCRIPTION SKILL

### Transcription Aid Restrictive and Nonrestrictive Clauses

- ☐ A *restrictive* (or essential) adjective clause is one that is necessary to identify, define, or in some way restrict the meaning of the noun it modifies; therefore, it should not be set off by commas. (Such clauses properly begin with *that* or *who*, but occasionally the dictator will prefer to use *which*; the secretary must be alert to the idea that is intended.) If the clause is not necessary to the meaning of the sentence, it is *nonrestrictive* (or nonessential) and should be set off by commas.

Please send me a doctor's certificate that outlines the extent of your disability. (Restrictive.)

Enclosed is a computation of what the Department considers to be your civil liability for tax, which is entirely separate from any criminal phase. (Nonrestrictive.)

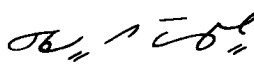
### Restrictive and Nonrestrictive Appositives

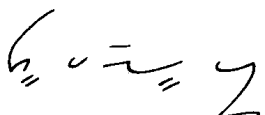
- ☐ If the appositive identifies the noun with which it is in apposition, do not use commas. Nonrestrictive (or nonessential) appositives are set off by commas.

The defendant, Frank Smith, made several statements about the matter. (Only one defendant; therefore, appositive is nonrestrictive.)

The defendant Frank Smith made several statements about the matter. (More than one defendant; therefore, *Frank Smith* identifies which defendant.)

**Legal Collocations** Certain collocations or expressions have come to have specific legal meanings. Five such expressions are presented in every other lesson. Increase your understanding of legal terminology by learning their meanings.

 **Answer to Interrogatories** A legal document that answers a series of formal written questions made by a party to a suit.

 **Bureau of Internal Revenue** The federal government bureau that collects taxes on income.



2

**civil action** A proceeding in court by which one demands or enforces one's private right, as distinguished from a criminal prosecution for an offense against the public.

6/19

**joint and several** Together and separate.

80

**power of attorney** A legal instrument authorizing another to act as one's agent or attorney.

## BUILDING YOUR LEGAL DICTATION PROFICIENCY

### Preview

commissioner

re

regional

re

contingent

re

retained

diabetes

le

taxpayers

le

enforcement

re

ulcer

re

herewith

re

wheelchair

re

internal revenue

re

wherein

re

pending

re

Xerox

re

### Reading and Writing Practice

#### 3. CONTINGENT FEE STATEMENT

Boston, Massachusetts

This is to certify that I have not entered into a contingent or partially<sup>1</sup> contingent fee agreement for the representation of John Harper and Doris Harper before the Treasury<sup>2</sup> Department in the matter of income taxes under the terms of a Power of Attorney filed with the Treasury<sup>3</sup> Department herewith.

James E. McCann

(68)