

9 Reading F: Legal Latin

Lawyers use Latin words and expressions when writing legal texts of every kind, from statutes to emails. The excerpt below is from the legal document known as an 'answer'. It was submitted to the court by the defendant from Listening A.

- 9.1** Underline the common Latin words and phrases in the excerpt. Do you know what they mean?

The claim for breach of contract fails *inter alia* to state facts sufficient to constitute a cause of action, is uncertain as to what contract plaintiffs are suing on, and is uncertain in that it cannot be determined whether the contract sued on is written, oral or implied by conduct. The complaint alleges breach of contract as follows: 'At all times herein mentioned, plaintiffs were a part [sic] to the Construction Contract, as well as intended beneficiaries to each sub-contract for the construction of the house. In light of the facts set out above, defendants, and each of them, have breached the Construction Contract.' On its face, the claim alleges only that defendants 'breached the Construction Contract'. But LongCo is not a party to the Construction Contract. Therefore LongCo cannot be liable for its breach. See e.g. *GSI Enterprises, Inc. v. Warner* (1993).

- 9.2** Match each Latin word or expression (1–8) with its English equivalent and the explanation of its use (a–h).

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|--------------------------------|---|
| 1 ad hoc | a thus (used after a word to indicate the original, usually incorrect, spelling or grammar in a text) |
| 2 et alii (et al.) | b for example (used before one or more examples are given) |
| 3 et cetera (etc.) | c for this purpose (often used as an adjective before a noun) |
| 4 exempli gratia (e.g.) | d against (abbreviated to 'v.' in case citations, but to 'vs.' in all other instances) |
| 5 id est (i.e.) | e and others (usually used to shorten a list of people, often a list of authors, appellants or defendants) |
| 6 per se | f and other things of the same kind (used to shorten a list of similar items) |
| 7 sic | g by itself (often used after a noun to indicate the thing itself) |
| 8 versus (vs. or v.) | h that is (used to signal an explanation or paraphrase of a word preceding it) |

- 9.3** Match each Latin term (1–10) with its English equivalent (a–j).

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| 1 de facto | a among other things |
| 2 ipso facto | b per year |
| 3 inter alia | c number of shareholders or directors who have to be present at a board meeting so that it can be validly conducted |
| 4 per annum | d in fact |
| 5 pro forma | e of one's own right; able to exercise one's own legal rights |
| 6 pro rata | f proportionally |
| 7 quorum | g by that very fact itself |
| 8 sui juris | h as a matter of form |
| 9 ultra vires | i as follows |
| 10 videlicet (viz.) | j beyond the legal powers of a person or a body |