

Farm Management

Legalese: It's a language all its own



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THE law is full of words we do not use in everyday conversation. There are times when you may be confronted by legal issues and an understanding of some of this legal terminology would be useful. The following are a few of the more common terms.

Affidavit: A written statement of facts under oath. The person stating the facts in an affidavit must sign the document in the presence of a public notary. The affidavit is a statement under oath just as if the statement had been made on the witness stand in court. Making intentionally false statements on an affidavit can result in perjury charges. An affidavit should be read very carefully before signing.

Arbitration: A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party and agree to abide by his or her decision. In arbitration there is a hearing at which both parties have an opportunity to be heard.

Common law: A law that is handed down from judge to judge. Common laws are different than statutes, which are laws enacted by legislatures. Much of Ohio's property law is common law, such as the



Key Points

- Legal terms are not the same as the words we use in everyday conversation.
- Knowing basic legal terms can be helpful when you deal with the law.
- Take time to review this list of common legal terminology.

laws establishing ownership of riverbeds.

Deposition: A deposition is a sort of interview used in litigation to obtain in-

formation another person may have. An attorney representing one of the parties in the litigation will ask a series of questions hoping to solicit answers that will be beneficial to his or her case. The person being deposed does so under oath and is subject to perjury if he or she provides intentionally false answers.

Discovery: The process of obtaining information involved in a lawsuit. A party involved in a lawsuit can use various methods to obtain needed information, including depositions, written question-

naires and subpoenas.

Mediation: A form of dispute resolution in which the parties bring their dispute to a neutral third party who helps them agree on a settlement.

No contest: In a criminal proceeding, an admission of the facts but not guilt. A defendant who pleads "no contest" is essentially agreeing to the penalties of being guilty without admitting guilt. The advantage of a no contest plea instead of a guilty plea is that it cannot be used against the defendant in a later court action.

Pro se: Representing one's self in a legal proceeding. A person is not required to hire an attorney to represent him in legal proceedings. People who opt to represent themselves are pro se.

Subpoena: An order from the court for a person to appear at a court proceeding or to provide requested documents. Subpoenas are used by the court to require people to assist in the resolution of litigation. The court may issue a subpoena to require a key witness to show up and testify at trial. The court also may require people or companies to provide documents in their possession. Failure to comply with a subpoena can result in contempt of court.

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