

# THE PEOPLE'S LAW DICTIONARY

TAKING THE MYSTERY  
OUT OF LEGAL LANGUAGE

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& NOBLE**  
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—Jud*

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—Charles*

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## counsel

**counsel:** 1) n. a lawyer, attorney, attorney-at-law, counsellor, counselor-at-law, solicitor, barrister, advocate or proctor (a lawyer in admiralty court), licensed to practice law. In the United States they all mean the same thing. 2) v. to give legal advice. 3) v. in some jurisdictions, to urge someone to commit a crime, which in itself is a crime. (See: **attorney**)

**counsellor:** n. a licensed attorney. (See: **counsel**)

**count:** n. each separate statement in a complaint which states a cause of action which, standing alone, would give rise to a lawsuit, or each separate charge in a criminal action. For example, the complaint in a civil (non-criminal) lawsuit might state: First Count (or cause of action) for negligence, and then state the detailed allegations; Second Count for breach of contract; Third Count for debt and so forth. In a criminal case each count would be a statement of a different alleged crime. There are also so-called common counts which cover various types of debt. (See: **cause of action, common counts**)

*Legal process is an essential part of the democratic process.  
—Justice Felix Frankfurter*

**counterclaim:** n. a retaliatory claim by a defendant against a plaintiff in a lawsuit included in the defendant's answer and intending to offset and/or reduce the amount of the plaintiff's original claim against the defendant. For example, Hotdog Products sues Barbecue Bill's Eatery for \$40,000 for meat deliv-

ered to Bill's but not paid for, and Bill counterclaims that Hotdog owes him \$20,000 for a load of bad chicken livers, so Hotdog is only entitled to \$20,000. In many states the counterclaim is no longer allowed, in which case a cross-complaint, which is a separate complaint, must be filed by the defendant, but as part of the same lawsuit. On the other hand, in federal cases, if the defendant believes he/she/it has a legitimate counterclaim to reduce damages it must be alleged (stated) in the answer or it is barred from being considered. (See: **answer, cross-complaint**)

**counterfeit:** 1) adj. describing a document, particularly money, which is forged or created to look real and intended to pass for real. 2) v. to criminally forge or print a false copy of money, bonds, or other valuable documents, intending to profit from the falsity. 3) n. shorthand for phoney money passed for real. (See: **forgery, utter**)

**counter offer:** n. an offer made in response to a previous offer by the other party during negotiations for a final contract. Making a counter offer automatically rejects the prior offer, and requires an acceptance under the terms of the counter offer or there is no contract. Example: Susan Seller offers to sell her house for \$150,000, to be paid in 60 days; Bruce Buyer receives the offer and gives Seller a counter offer of \$140,000, payable in 45 days. The original offer is dead, despite the shorter time for payment since the price is lower. Seller then can choose to accept at \$140,000, counter again at some compromise price, reject the counter offer, or let it expire. (See: **contract, offer**)

**counterpart:** n. in the law of contracts, a written paper which is one of several documents which constitute a contract, such as a written offer and a written acceptance. Often a contract is in several counterparts which are the same but each paper is signed by a different party, particularly if they are in different localities. (See: **contract**)

**course:** n. in the midst of or actively involved in at that time, as "in the course of business, course of employment, course of trade."

**course of employment:** adj. actively involved in a person's employment at a particular time, most likely when an accident occurred, which is required to make a claim for work-related injury under state Worker's Compensation Acts. (See: **scope of employment**)

**court:** n. 1) the judge, as in "The court rules in favor of the plaintiff." 2) any official tribunal (court) presided over by a judge or judges in which legal issues and claims are heard and determined. In the United States there are essentially two systems: federal courts and state courts. The basic federal court system has jurisdiction over cases involving federal statutes, constitutional questions, actions between citizens of different states, and certain other types of cases. Its trial courts are District Courts in one or more districts per state, over which there are District Courts of Appeal (usually three-judge panels) to hear appeals from judgments of the District Courts within the "circuit." There are 10 geographic circuits