2025 Rule of Law Program
Chief Justice David K. Thomson, New Mexico Supreme Court
Butterworth v. Jackson & Smith: Glossary

Note: This Glossary is provided as an aid to understanding selected terms from the pleadings.

- **Abolish**: "To annul, eliminate, or destroy, esp. an ongoing practice or thing; specif., to officially end an established law, system, tradition, etc." *Abolish*, *Black's Law Dictionary* (12th ed. 2024).

- **Affirm**: "To confirm, ratify, or approve (a lower court's judgment) on appeal." *Affirm, Black's Law Dictionary* (12th ed. 2024).

- **Allege**: "To assert as true, esp. that someone has done something wrong, though no occasion for definitive proof has yet occurred." *Allege, Black's Law Dictionary* (12th ed. 2024).

- **Appeal**: "A proceeding undertaken to have a decision reconsidered by a higher authority; esp., the submission of a lower court's or agency's decision to a higher court for review and possible reversal." *Appeal, Black's Law Dictionary* (12th ed. 2024).

- **Appellant**: "A party who appeals a lower court's decision, usu. seeking reversal of that decision." *Appellant, Black's Law Dictionary* (12th ed. 2024).

- **Appellate**: "Of, related to, or involving an appeal or appeals generally." *Appellate, Black's Law Dictionary* (12th ed. 2024).

- **Appellee**: "A party against whom an appeal is taken and whose role is to respond to that appeal, usu. seeking affirmance of the lower court's decision." *Appellee, Black's Law Dictionary* (12th ed. 2024).

- **Breach of duty**: "The violation of a legal or moral obligation; the failure to act as the law obligates one to act." *Breach of duty*, *Black's Law Dictionary* (12th ed. 2024).

- **Brief**: "A written statement setting out the legal contentions of a party in litigation, esp. on appeal." *Brief, Black's Law Dictionary* (12th ed. 2024).

- **Causation**: "The causing or producing of an effect <the plaintiff must prove causation>." *Causation*, *Black's Law Dictionary* (12th ed. 2024).

- **Cause of action**: "A group of operative facts giving rise to one or more bases for suing; a factual situation that entitles one person to obtain a remedy in court from another person." *Cause of action, Black's Law Dictionary* (12th ed. 2024).

- **Certification**: "A procedure by which a[n] . . . appellate court asks . . . the highest state court to review a question of law arising in a case pending before the appellate court and on which it needs guidance." *Certification*, *Black's Law Dictionary* (12th ed. 2024).

- **Choice of law**: "The question of which jurisdiction's law should apply in a given case." *Choice of law*, *Black's Law Dictionary* (12th ed. 2024).

- **Claim**: "A demand for money, property, or a legal remedy to which one asserts a right; esp., the part of a complaint in a civil action specifying what relief the plaintiff asks for." *Claim*, *Black's Law Dictionary* (12th ed. 2024).

- **Common law**: "The body of law derived from judicial decisions, rather than from statutes or constitutions." *Common law, Black's Law Dictionary* (12th ed. 2024).

- **Complaint**: "The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief." *Complaint, Black's Law Dictionary* (12th ed. 2024).

- **Contract**: "An agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law." *Contract*, *Black's Law Dictionary* (12th ed. 2024).

- **Damages**: "Money claimed by, or ordered to be paid to, a person as compensation for loss or injury." *Damages, Black's Law Dictionary* (12th ed. 2024).

- **Defendant**: "A person sued in a civil proceeding or accused in a criminal proceeding." *Defendant, Black's Law Dictionary* (12th ed. 2024).

- **Deliberate**: "(Of a court, jury, etc.) to weigh and analyze all the evidence after closing arguments." *Deliberate, Black's Law Dictionary* (12th ed. 2024).

- **Deposition**: "A statement made in answer to written or oral questions, constituting evidence that might be used in court." *Deposition, Black's Law Dictionary* (12th ed. 2024).

- **Discovery**: "Compulsory disclosure, at a party's request, of information that relates to the litigation." *Discovery*, *Black's Law Dictionary* (12th ed. 2024).

- **Dismiss**: "To send (something) away; specif., to terminate (an action or claim) without further hearing, esp. before the trial of the issues involved." *Dismiss, Black's Law Dictionary* (12th ed. 2024).

- **Divorce**: "The legal ending of a marriage; specif., the legal dissolution of a marriage by a court. — Also termed *marital dissolution*; *dissolution of marriage*." *Divorce*, *Black's Law Dictionary* (12th ed. 2024).

- **Duty**: "A legal obligation that is owed or due to another and that needs to be satisfied; that which one is bound to do, and for which somebody else has a corresponding right." *Duty*, *Black's Law Dictionary* (12th ed. 2024).

- **Element**: "A constituent part of a claim that must be proved for the claim to succeed." *Element*, *Black's Law Dictionary* (12th ed. 2024).

- **Interlocutory appeal**: "An appeal that occurs before the trial court's final ruling on the entire case. Some interlocutory appeals involve legal points necessary to the determination of the case." *Appeal, Black's Law Dictionary* (12th ed. 2024).

- **Intervenor**: "Someone who voluntarily enters a pending lawsuit because of a personal stake in it." *Intervenor, Black's Law Dictionary* (12th ed. 2024).

- **Justice**: "A judge, esp. of an appellate court or a court of last resort." *Justice, Black's Law Dictionary* (12th ed. 2024).

- **Legislation**: "The process of making or enacting a positive law in written form, according to some type of formal procedure, by a branch of government constituted to perform this process." *Legislation*, *Black's Law Dictionary* (12th ed. 2024).

- **Litigation**: "The process of carrying on a lawsuit; the prosecution and determination of a legal dispute before a judicial tribunal." *Litigation*, *Black's Law Dictionary* (12th ed. 2024).

- **Loss of consortium**: "A loss of the benefits that one spouse is entitled to receive from the other, including companionship, cooperation, aid, affection, and sexual relations." *Loss of consortium, Black's Law Dictionary* (12th ed. 2024).

- **Malicious**: "Substantially certain to cause injury[;] . . . Without just cause or excuse." *Malicious, Black's Law Dictionary* (12th ed. 2024).

- **Marriage**: "The legal union of a couple as spouses." *Marriage, Black's Law Dictionary* (12th ed. 2024).

- **Motion**: "A written or oral application requesting a court to make a specified ruling or order." *Motion, Black's Law Dictionary* (12th ed. 2024)

- **Negligence**: "The failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly, or willfully disregardful of others' rights." *Negligence*, *Black's Law Dictionary* (12th ed. 2024).

- **Order**: "A written direction or command delivered by a government official, esp. a court or judge." *Order, Black's Law Dictionary* (12th ed. 2024).

- **Oral argument**: "An advocate's spoken presentation before a court (esp. an appellate court) supporting or opposing the legal relief at issue." *Oral argument, Black's Law Dictionary* (12th ed. 2024).

- **Party**: "One by or against whom a lawsuit is brought; anyone who both is directly interested in a lawsuit and has a right to control the proceedings, make a defense, or appeal from an adverse judgment." *Party, Black's Law Dictionary* (12th ed. 2024).

- **Plaintiff**: "The party who brings a civil suit in a court of law." *Plaintiff, Black's Law Dictionary* (12th ed. 2024).

- **Pleading**: "A formal document in which a party to a legal proceeding (esp. a civil lawsuit) sets forth or responds to allegations, claims, denials, or defenses." *Pleading, Black's Law Dictionary* (12th ed. 2024).

- **Property**: "Collectively, the rights in a valued resource such as land, chattel, or an intangible. [] It is common to describe property as a 'bundle of rights.' These rights include the right to possess and use, the right to exclude, and the right to transfer." *Property*, *Black's Law Dictionary* (12th ed. 2024).

- **Public policy**: "The collective rules, principles, or approaches to problems that affect the commonwealth or (esp.) promote the general good; specif., principles and standards regarded by the legislature or by the courts as being of fundamental concern to the state and the whole of society." *Public policy*, *Black's Law Dictionary* (12th ed. 2024).

- **Quash**: "To annul or make void; to terminate." *Quash, Black's Law Dictionary* (12th ed. 2024).

- **Rebuttal**: "The time given to a party to present contradictory evidence or arguments; esp., the usu. short segment at the end of an oral argument designated for a movant, appellant, or petitioner to counter the other side's arguments." *Rebuttal, Black's Law Dictionary* (12th ed. 2024).

- **Remedy**: "The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief." *Remedy, Black's Law Dictionary* (12th ed. 2024).

- **Reverse**: "To overturn (a judgment or ruling), esp. on appeal." *Reverse, Black's Law Dictionary* (12th ed. 2024).

- **Rule of law**: "The doctrine that every person is subject to the ordinary law within the jurisdiction; the equal subjection of all citizens and classes to the ordinary law of the land." *Rule of law*, *Black's Law Dictionary* (12th ed. 2024).

- **Spouse**: "One's husband or wife by lawful marriage; a married person." *Spouse*, *Black's Law Dictionary* (12th ed. 2024).

- **Subpoena**: "A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply. *Subpoena, Black's Law Dictionary* (12th ed. 2024).

- **Summary judgment**: "A judgment granted on a claim or defense about which there is no genuine issue of material fact and on which the movant is entitled to prevail as a matter of law." *Summary judgment, Black's Law Dictionary* (12th ed. 2024).

- **Third party**: "Someone other than the principal parties in a matter; someone who is not a party to a lawsuit, agreement, or other transaction but who is usu. somehow implicated in it." *Third party*, *Black's Law Dictionary* (12th ed. 2024).

- **Tort**: "A civil wrong, other than breach of contract, for which a remedy may be obtained, usu. in the form of damages; . . . Tortious conduct is typically one of four types: (1) a culpable or intentional act resulting in harm; (2) an act involving culpable and unlawful conduct causing unintentional harm; (3) a culpable act of inadvertence involving an unreasonable risk of harm; and (4) a nonculpable act resulting in accidental harm for which, because of the hazards involved, the law imposes strict or absolute liability despite the absence of fault." *Tort, Black's Law Dictionary* (12th ed. 2024).

    - **Alienation of affections**: "A tort claim for willful or malicious interference with a marriage by a third party without justification or excuse. [] Where the cause of action still exists, the elements are (1) some wrongful conduct by the defendant with the plaintiff's spouse, (2) the loss of affection or loss of consortium of the plaintiff's spouse, and (3) a causal relationship between the defendant's conduct and the loss of consortium." *Alienation of affections*, *Black's Law Dictionary* (12th ed. 2024).

    - **Intentional infliction of emotional distress**: "The tort of intentionally or recklessly causing another person severe emotional distress through one's extreme or outrageous acts." *Intentional infliction of emotional distress*, *Black's Law Dictionary* (12th ed. 2024).

    - **Intentional tort**: "A tort committed by someone acting with general or specific intent." *Tort*, *Black's Law Dictionary* (12th ed. 2024).

    - **Prima facie tort**: "An unjustified, intentional infliction of harm on another person, resulting in damages, by one or more acts that would otherwise be lawful. [] Some jurisdictions have established this tort to provide a remedy for malicious deeds . . . that are not actionable under traditional tort law." *Tort*, *Black's Law Dictionary* (12th ed. 2024).

    - **Tortious interference with contractual relations**: "A third party's intentional inducement of a contracting party to break a contract, causing damage to the

relationship between the contracting parties. — Also termed *unlawful interference with contractual relations*; *interference with a contractual relationship*; *interference with contract*; *inducement of breach of contract*; *procurement of breach of contract*; *interference with economic interests*." *Tortious interference with contractual relations*, *Black's Law Dictionary* (12th ed. 2024).

- **Viable**: "Capable of independent existence or standing <a viable lawsuit>." *Viable*, *Black's Law Dictionary* (12th ed. 2024).