

SPANISH-ENGLISH DICTIONARY OF LAW AND BUSINESS

2nd edition. Revised, corrected and expanded.



Thomas L. West III

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Revised, corrected and expanded

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by Thomas L. West III
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Preface to the Second Edition (2012)

Why a new edition?

Many of the key laws in Spanish-speaking jurisdictions have been replaced since the publication of the first edition of the *Spanish-English Dictionary of Law and Business*. For example, Spain has a new *Ley de Enjuiciamiento Civil* and a new *Código Penal*. In Mexico, the *Código Penal para el Distrito Federal en Materia de Fuero Común y para toda la República en Materia de Fuero Federal* has been replaced by the new *Código Penal para el Distrito Federal*. Chile, Colombia, Ecuador and Venezuela have new codes of criminal procedure. There is a new *Ley General de Sociedades Comerciales* in the Dominican Republic that replaced Title III of the Dominican Commercial Code, which was based on a calqued translation of a French law dating back to 1867. The name of the supreme court in Venezuela was changed from *Corte Suprema de Justicia* to *Tribunal Supremo de Justicia* in 1999, while the name of the highest court in Ecuador was changed from *Corte Suprema de Justicia* to *Corte Nacional de Justicia* in 2008. Wherever possible, I have marked terms that have been replaced by new laws as obsolete (*obs*), but have not deleted them from the dictionary, since translators are often required to translate documents created in the past. When I set out to write the first edition, my goal was to provide translators with a dictionary of terminology that they could not find elsewhere. In the years since then, I have constantly worked to expand, correct and revise the dictionary to make it a stand-alone resource. Obviously, no dictionary can contain every legal and financial term that a translator will ever meet, but my goal now is for this book to be the first place every translator of Spanish-language legal and financial texts will look (and find what they are looking for).

What is new in the second edition?

I have indicated the area of law from which terms are drawn and in many cases have added references to precise articles of statutes and codes. To my knowledge, this new edition is the first bilingual law dictionary to incorporate the legal language of Puerto Rico and the Dominican Republic. Both Puerto Rican and Dominican terms pose a unique challenge to the legal translator because the legal Spanish used in those jurisdictions is often a literal translation (i.e., one made without regard for meaning) from English (in the case of Puerto Rico) or French (in the case of the Dominican Republic). In *Cuestiones de terminología procesal* (Universidad Nacional Autónoma de México, 1972), Niceto Alcalá-Zamora y Castillo explains the situation in the Dominican Republic:

A consecuencia de los años en que la hoy República Dominicana estuvo unida o dominada por Haití, a la primera se trasplantó la legislación civil, penal, mercantil y procesal que a través de la segunda le llegó de Francia. Circunscribiéndome aquí a la última de esas ramas legislativas, en seguida se advierte que el código

de procedimiento civil está plagado de galicismos, y entre ellos el consistente en hablar de “sentencias en defecto” (en francés: *jugements par défaut*) en lugar de hacerlo de rebeldía o contumacia.... Todo ello obedece al espantoso galimatías en que está redactado el Código Procesal Dominicano de 1884, que a consecuencia de la época en que Santo Domingo estuvo sometido a Haití, es el único de los hispanoamericanos de su especie que no ha experimentado el influjo de la ley de enjuiciamiento civil española, y sí, en cambio, el del Código de Procedimiento Civil francés, altamente perturbador desde el punto terminológico.

More examples are given in the following chart:

Dominican Spanish	French	Standard Spanish
a cargo de apelación	à charge d'appel	apelable
acto de abogado a abogado	acte d'avocat à avocat	[no existe]
acto introductivo de instancia	acte introductif d'instance	demanda
apoderamiento del tribunal	saisine du tribunal	radicación de la demanda en el tribunal
asiento social	siège social	sede social
audiencia en cámara de consejo	audience en chambre de conseil	audiencia a puertas cerradas
cámara civil	chambre civile	sala civil
en último recurso	en dernier ressort	en última instancia
juez de referimiento	juge des référés	juez en un caso urgente
sentencia en defecto	jugement par défaut	sentencia en rebeldía

How is the dictionary alphabetized?

The entries are in strict alphabetical order. This means that *abogado de secano* comes before *abogado del Estado*, which in turn precedes *abogado patrocinante*. Note that the letter ñ is still a separate letter of the Spanish alphabet and thus comes after «n» and before «o.» Accordingly, the word *seña* comes after the word *sentencia*.

How are the entries organized?

The lemma is in large bold type. When it is commonly used in a certain country or countries, that country is indicated by a three-letter abbreviation. Note that the country indication does not necessarily mean that the term is only used in that country or is necessarily the only term used in that country. The applicable area of law is then indicated in square brackets. Some terms include a definition (indicated

by DEF) and an example of usage (e.g. < >). Synonyms are given for most terms (indicated by SYN). These synonyms are important for two reasons: first, because writers of legal Spanish use much *elegant variation*, whereas consistency, i.e., repetition of terms is mandatory in legal English, where sudden use of a synonym implies reference to a new/different concept. Second, it is important to recognize synonyms because sometimes the word “o” (or) is used to indicate synonyms (X or Y meaning “X, also known as Y”). The translator who does not realize this can waste a lot of time trying to distinguish between two words that actually mean the same thing. For example, in the following sentence, both “canon” and “regalía” mean “royalty”: Tienen la consideración de **cánones o regalías** las cantidades de cualquier clase pagadas por el uso de patentes o marcas de fábrica.

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Abbreviations

BAN	BANCA
BOL	BOLSA
COM EXT	COMERCIO EXTERIOR
CONTA	CONTABILIDAD
DER ADMIN	DERECHO ADMINISTRATIVO
DER CIV	DERECHO CIVIL
DER COMUNITA	DERECHO COMUNITARIO
DER CONC	DERECHO CONCURSAL
DER CONST	DERECHO CONSTITUCIONAL
DER FAM	DERECHO DE FAMILIA
DER FIS	DERECHO FISCAL
DER INT	DERECHO INTERNACIONAL
DER INT PRI	DERECHO INTERNACIONAL PRIVADO
DER LAB	DERECHO LABORAL
DER MAR	DERECHO MARÍTIMO
DER MER	DERECHO MERCANTIL
DER PRO	DERECHO PROCESAL
DER SOC	DERECHO SOCIETARIO
DER SUC	DERECHO DE SUCESIONES
ECON	ECONOMÍA
EDU	EDUCACIÓN
FIN	FINANZAS
PRO CIV	DERECHO PROCESAL CIVIL
PRO PEN	DERECHO PROCESAL PENAL
PRO IND	PROPIEDAD INDUSTRIAL
PRO INT	PROPIEDAD INTELECTUAL
SEG	SEGUROS
Am Lat	América Latina
Arg	Argentina
Bol	Bolivia
Can	Canada
CC	Código Civil
CCF	Código Civil Federal (Mex)
CCom	Código de Comercio
CE	Constitución Española
CGP	Código General del Proceso (Uru)
Chi	Chile
Col	Colombia
COPP	Código Orgánico Procesal Penal (Ven)
Cos	Costa Rica

COT	Código Orgánico de Tribunales (Chi)
CP	Código Penal
CPC	Código de Procedimiento Civil
CPCCN	Código Procesal Civil y Comercial de la Nación (Arg)
CPDF	Código Penal para el Distrito Federal (Mex)
CPPN	Código Procesal Penal de la Nación (Arg)
Cub	Cuba
Dom	República Dominicana
Ecu	Ecuador
Esp	España
ET	Estatuto de los Trabajadores (Esp)
Gua	Guatemala
Hon	Honduras
LA	Ley Aduanera (Mex)
LC	Ley Concursal (Esp)
LCM	Ley de Concursos Mercantiles (Mex)
LCT	Ley de Contrato de Trabajo (Arg)
LEC	Ley de Enjuiciamiento Civil (Esp)
LECr	Ley de Enjuiciamiento Criminal (Esp)
LFT	Ley Federal del Trabajo (Mex)
LGC	Ley General de Corporaciones de 2009 (Pue)
LGT	Ley General Tributaria (Esp)
LOPJ	Ley Orgánica del Poder Judicial
LPRA	Leyes de Puerto Rico Anotadas
LSC	Ley de Sociedades de Capital (Esp)
Mex	México
Nic	Nicaragua
obs	obsoleto
Pan	Panamá
Par	Paraguay
Per	Peru
Pue	Puerto Rico
RPC	Reglas de Procedimiento Civil (Pue)
RTS	Reglas del Tribunal Supremo de Puerto Rico
Sal	El Salvador
UK	United Kingdom
Uru	Uruguay
USA	United States of America
Ven	Venezuela

A

a buena fe guardada *Mex in good faith*

a cambio de *in exchange for, in consideration of*

a cargo de (1) entrusted to, the responsibility of <Tiene a su cargo la redacción del informe. She is responsible for drafting the report.> **(2) payable by, to be paid by** <Son a cargo del Locatario las expensas comunes Arg – The Tenant shall pay the property maintenance fees.>

a cargo de apelación *Dom appealable, subject to appeal* (Calque of the French phrase “à charge d’appel.” The standard terms are “apelable, recurrible, susceptible de recurso.”)

a cargo de cierto banco *drawn on a certain bank*

a consignación *on consignment*

a continuación *below, hereinafter*

a contrario sensu *conversely (DEF)* method of interpreting legal rules whereby the factual situation directly opposed to the one expressly covered by the rule in question is deemed to be governed by the rule that is exactly opposite to the rule in question. For example, if a legal rule states that a permit must be obtained in order to store more than 5 tons of hazardous waste, then conversely it would follow that no permit is needed in order to store less than 5 tons of such waste.

a corto plazo *in the short term; on a short-term basis*

a crédito *on credit (SYN) al fiado, al crédito*

a cualquier título *on any basis, in any way whatsoever, in any capacity*

a cuenta nueva *carried forward*

a descubierto *unsecured (not backed by collateral)*

a destajo *payable by the piece*

a disposición de la justicia *in the hands of the law*

a efectos de *for purposes of*

a ese fin *to that end, for that purpose (SYN) con esa finalidad*

a falta de *for lack of, in the absence of*

a favor de *in favor of, for the benefit of*

a fin de cuentas *when all is said and done, in the final analysis, at the end of the day*

a fojas 8 *on page 8*

a fojas 8 vuelta *on the back of page 8*

a fondo perdido *non-reimbursable, non-refundable, sunk costs*

a fortiori *all the more so, with stronger reason*

a granel *in bulk*

a instancia de parte *at the request of one of the parties (as opposed to “sua sponte” (at the court’s initiative), which is “de oficio” in Spanish) (SYN) a petición de parte*

a instancias de *at the request of, on the petition of (SYN) a solicitud de, a requerimiento de*

a la letra *verbatim, literally* <según el artículo 5, que a la letra dispone – according to Article 5, which reads as follows verbatim>

a la mayor brevedad *as soon as possible, at your earliest convenience (SYN) con la mayor brevedad*

a la vista *at sight, upon presentment*

a largo plazo *in the long term*

a los efectos de *for purposes of*

a mayor abundamiento *furthermore, moreover, more specifically*

a medio plazo *in the medium term*

a menos que *unless* <a menos que aquí se especifique otra cosa – except as otherwise specified herein> <a menos que se estipule lo contrario por escrito – except as otherwise provided in writing>

a mi cargo *entrusted to me*

a mi leal saber y entender *to the best of my knowledge and belief*

a partir de *as of, starting*

- a petición de parte** *at the request of one of the parties* (as opposed to “*sua sponte*” (at the court’s initiative) which is “*de oficio*” in Spanish) (SYN) **a instancia de parte**
- a plazo vencido in arrears** (DEF) “After the fact,” as opposed to “in advance.” Salary is usually paid in arrears, meaning “after the period worked,” whereas rent is usually paid in advance. (SYN) **por período vencido**
- a plazos in installments**
- a posteriori** (1) *subsequently* (2) *inductively, reasoning from effect to cause* (3) *beforehand, in advance*
- a priori** (1) *in principle* (2) *deductively, reasoning from cause to effect* (3) *beforehand, in advance*
- a propuesta de** *on the recommendation of*
- a prueba de balas** *bulletproof*
- a quien corresponda** *to whom it may concern* (SYN) **a quien pueda interesar**
- a quien pueda interesar** *to whom it may concern* (SYN) **a quien corresponda**
- a quo** *the trial court judge, the court below* (DEF) A judge whose judgment is being appealed. The court of appeals may refer to the court of first instance as “the court below” because it is below the court of appeals in the hierarchy of courts. (SYN) **tribunal a quo, juez a quo, juez del fondo, juez de la causa, juez de los autos, juzgado de procedencia**
- a razón del 3% anual** *at 3% p.a.*
- a requerimiento de** *at the request of, on the petition of* (SYN) **a solicitud de, a instancias de a saber** *namely, to wit, viz.*
- a sabiendas** *knowingly*
- a simple requerimiento** *on demand*
- a simple vista** *on its face*
- a solicitud de** *at the request of, on the petition of* (SYN) **a requerimiento de, a instancias de a sus autos el escrito de cuenta** *Mex/ el ocurso Mex Add the pleading/motion to the record.* (The word “*agréguese*” is understood at the beginning of this phrase.)
- a tantos días vista** *payable on the date stated*
- a título consultivo** *in an advisory capacity* (SYN) **en calidad de asesor**
- a título de adelanto** *as an advance*
- a título de donación** *as a gift*
- a título de préstamo** *as a loan*
- a título enunciativo mas no limitativo** *by way of example and not limitation, including but not limited to* (SYN) **en forma enunciativa y no limitativa, en forma enunciativa y no taxativa**
- a título excepcional** *on a one-time basis, by way of exception*
- a título gratuito** *for free, free of charge, without valuable consideration, as a gift* (SYN) **a título lucrativo** *Esp*
- a título lucrativo** *Esp for free, free of charge, without valuable consideration, as a gift* (DEF) It is not clear why “lucrativo” means “gratuito” (free of charge) here, but this meaning is confirmed by the Diccionario de la Real Academia Española. <Cada uno de los herederos forzosos tiene la obligación de colocar en el conjunto de la masa aquellos bienes que hubiera recibido a título lucrativo en vida del causante. Every forced heir is required to bring into hotchpot any assets that he or she received as a gift during the decedents lifetime. > (SYN) **a título gratuito**
- a título oneroso** *against payment, for valuable consideration, for value* (SYN) **onerosamente**
- a título particular** *of one or more specific items of property*
- a título precario** *at sufferance, revocable, subject to unilateral revocation*
- a título subsidiario** *in the alternative*
- a una hora avanzada de la noche** *late at night, well into the night*
- a un solo efecto** *both equally authentic, all equally authentic*
- A usted, C. Juez, atentamente pido se sirva** *Mex plaintiff/defendant prays that this Honorable Court* (depending on whether the document is filed by the plaintiff or the defendant. Note that documents are addressed to the judge in Spanish-speaking countries and to the court in the United States.)
- a verdad sabida y buena fe guardada** *Mex based on findings of fact and in good faith*
- a vuelta de correo** *by return mail*
- ab intestato** *intestate* (DEF) Dying without a will.

abajo firmado / firmante *the undersigned* (SYN) **el suscrito, el infrascrito**

abandono [PRO CIV] **abandonment** (DEF) If a plaintiff fails to prosecute a lawsuit, this is known as “abandono,” as opposed to “desistimiento,” in which a plaintiff withdraws his claims. Abandono is passive and desistimiento is active.

abandono a beneficio fiscal [DER FIS] **forfeiture to the Treasury**

abandono de apelación [PRO CIV] **abandonment of an appeal**

abandono de atropellado Mex [DER PEN] **hit and run**

abandono de bienes muebles Mex [DER CIV] **dereliction, abandonment of personal property** (resulting in its becoming “*bienes mostrencos*” i.e. abandoned property) (SYN) **abandono de cosas muebles**

abandono de cargo Bol [DER PEN] **desertion of public office** → Art. 156 CP Bol

abandono de cónyuge [DER PEN] **abandonment/desertion of husband or wife**

abandono de destino Chi, Esp [DER PEN] **desertion of public office** → Art. 254 CP Chi, Art. 407 CP Esp

abandono de familia [DER PEN] **desertion of family** → Art. 226 CP Esp

abandono de funciones públicas Per [DER PEN] **desertion of public office** (SYN) **abandono de servicio** Mex, **abandono de cargo** Bol, **abandono de destino** Chi, Esp

abandono de la acción [DER CIV] **abandonment of an action** <El abandono se produce cuando una de las partes deja de hacer un acto procesal imprescindible. Abandonment occurs when one of the parties fails to take an indispensable procedural step.>

abandono de la instancia [DER CIV] **abandonment of a lawsuit** (by failing to prosecute it) (SYN) **abandono del procedimiento** Chi

abandono de menores [DER PEN] **abandonment of children** → Art. 278 CP Bol

abandono de recurso **abandonment of an appeal** (SYN) **abandono de apelación**

abandono de servicio Mex **abandonment of office** (SYN) **abandono de funciones públicas** Esp, **abandono de cargo** Per

abandono del procedimiento Chi [PRO CIV] **abandonment of a lawsuit** (by failing to prosecute it) (DEF) Formerly known as “abandono de la instancia” in Chile. → Art. 152 CPC Chi

abandono por causa de honor [DER PEN] **abandonment of a newborn to save one's own reputation** → Art. 279 CP Bol

abarrotoado **crammed, packed, bursting with, stuffed full of**

abarrotoado de mercaderías / mercancías **overstocked**

abarrotoado de pedidos **with a large backlog of orders**

abarrotoado de trabajo **overworked**

abigeato [DER PEN] **theft of livestock, cattle rustling**

abocarse a algo **to address oneself to something, to direct one's efforts toward something**

<La Administración se abocará a resolver los problemas de los niños. The Government will devote its efforts towards solving (will attempt to solve) the problems of children.> (DEF) This verb should not be confused with “avocar(se),” which means “to exercise reach-down jurisdiction over a case.” (SYN) **dedicarse a algo**

abogacía **the practice of law** (SYN) **ejercicio de la abogacía, ejercicio de la profesión de abogado**

abogadismo **excessive interference of lawyers, overlawyering**

abogado lawyer, attorney, counsel <los abogados principales del demandante – lead counsel for the plaintiff> (SYN) **letrado**

abogado acusador **attorney for the plaintiff bringing civil charges in a criminal lawsuit** (DEF) This plaintiff is called the “parte civil.” (SYN) **abogado querellante**

abogado colegiado **attorney admitted to the bar, member of the bar, bar member**

abogado constituido Dom, Ven **attorney of record**

abogado consultor **legal advisor, counsel**

abogado criminalista **criminal lawyer, criminal defense attorney** (DEF) A lawyer specializing in criminal law. (SYN) **abogado penalista**

abogado de empresa **in-house lawyer, in-house counsel** (SYN) **abogado interno**

abogado de familia **family lawyer** (DEF) A lawyer specializing in family law.

abogado defensor (1) defense counsel, counsel for the defense (SYN) abogado de la defensa (2) attorney representing him/her Sometimes documents will say “el demandante, defendido por el Letrado Fulano,” in which case in English we must write “the plaintiff represented by attorney so-and-so” because the verb “defend” is always associated with the defendant in English. See Alcaraz Varó (2001), p. 240.

abogado de la contraparte opposing counsel (SYN) abogado de la parte contraria abogado de la defensa defense counsel, counsel for the defense (SYN) abogado defensor, defensor

abogado de la parte contraria opposing counsel (SYN) abogado de la contraparte abogado de oficio [DER PRO] *court-appointed attorney, attorney providing legal aid (DEF)*

Poor litigants are not required to pay these attorneys unless they win the lawsuit, in which case the attorney will receive part of the costs awarded. Abogados de oficio/de pobres also represent parties on appeal and cassation. **(SYN) abogado de pobres**

abogado de patentes patent lawyer, patent attorney (DEF) A lawyer who specializes in patents.

abogado de pobres court-appointed attorney, attorney providing legal aid (SYN) abogado de oficio

abogado de récord *Pue attorney of record (SYN) abogado constituido, abogado patrono abogado de secano shyster, ambulance chaser (DEF)* An unscrupulous lawyer. **(SYN) leguleyo, ave negra Arg, picapleitos, coyote Mex, rábula**

abogado del Estado *Esp government attorney, counsel for the government (DEF)* Legal representative of the State, acting as counsel for the State in civil or criminal cases.

abogado en ejercicio practicing attorney

abogado en prácticas *Esp law clerk (SYN) pasante de derecho Mex*

abogado externo outside counsel

abogado fiscal prosecutor, district attorney (SYN) procurador Mex, representante social Mex

abogado igualado attorney on retainer

abogado integrante *Chi associate judge (DEF)* Practicing attorney who sometimes sits on the Chilean Courts of Appeals or the Chilean Supreme Court and serves as a judge in cases where he or she has special expertise. This practice is controversial because these attorneys have been allowed to be part of a three-judge panel one day and then argue a case the next day before some of those same panel members.

abogado interno in-house lawyer (SYN) abogado de empresa

abogado laboralista labor lawyer (DEF) A lawyer specializing in labor law.

abogado litigante trial lawyer, litigator (DEF) Note that the “litigants” in English are the parties to the case, not the lawyers (“litigators”).

abogado patrocinante *Arg, Chi, Par, Per, Uru / patrono Mex [PRO CIV] attorney of record*

abogado penalista criminal lawyer, criminal defense attorney (DEF) A lawyer specializing in criminal law. **(SYN) abogado criminalista**

abogado postulante *Mex lawyer in private practice (as opposed to one who works for the government)*

abogado querellante attorney for the plaintiff bringing civil charges in a criminal lawsuit (SYN) abogado acusador

abogado tributarista tax lawyer, tax attorney (DEF) A lawyer specializing in tax law.

abolengo (1) ancestry, lineage (SYN) linaje (2) inheritance (SYN) patrimonio

abonar (1) to credit, to make a credit entry <Hemos abonado en su cuenta las siguientes cantidades – We have credited the following amounts to your account.> **(SYN) asentar al haber, acreditar (2) to pay** <Le abonaron una buena cantidad como indemnización. They paid her a large sum in compensation.> **(SYN) pagar, cancelar Chi (3) to vouch for** <Su antiguo jefe lo abona. His former boss vouches for him.> **(SYN) avalar, acreditar (4) to fertilize**

abonaré promissory note, note (DEF) A written promise to pay money. The two parties to a promissory note are the maker (*suscriptor, firmante*) and the payee (*beneficiario*). **(SYN) pagaré**

abono (1) *payment* (SYN) pago (2) *crediting money to an account* (3) *installment* (SYN) cuota, exhibición Mex, partida (4) *fertilizer* (5) *subscription* (6) *season tickets* (to the opera or symphony)

abono a cuenta [DER MER] *payment on account* (DEF) Payment made by a debtor as partial settlement of an obligation, prior to paying off the total amount. Different from an installment in that the total amount due is unknown. (SYN) pago a cuenta, abono parcial

abono de condena [PRO PEN] *credit for time served* (SYN) abono de tiempo de prisión, abono de prisión preventiva

abono de horas extras Esp [DER LAB] *overtime pay* → Art. 35 ET Esp (SYN) sobresueldo Chi

abono de intereses *interest payment* (SYN) pago de intereses

abono de testigos *certificate of witnesses' good character* (DEF) Third-party evidence showing the reliability of witnesses who made sworn statements and are now absent or dead.

abono de tiempo de prisión [PRO PEN] *credit for time served* (SYN) abono de condena

abono mensual *monthly payment, monthly installment* (SYN) mensualidad, mesada Col

abono parcial [DER MER] *payment on account, partial payment* (DEF) Payment made by a debtor as partial settlement of an obligation, prior to paying off the total amount. Different from an installment in that the total amount due is unknown. (SYN) pago a cuenta, abono a cuenta

abordaje [DER MAR] *collision* (of ships) → Art. 826 CCom Esp

abordaje casual [DER MAR] *unavoidable collision of ships* (no misconduct or negligence on the part of the captain) (SYN) abordaje fortuito

abordaje culpable [DER MAR] *collision of ships due to negligence*

abordaje dudoso [DER MAR] *situation where it is impossible to determine which ship caused the collision*

abordaje fortuito [DER MAR] *unavoidable collision of ships* (no misconduct or negligence on the part of the captain) (SYN) abordaje casual

abrir (1) (una carta de crédito, una cuenta, un sumario) *to open* (a letter of credit, an account, a criminal investigation) (2) (una sesión) *to call a meeting to order* <Se abre la sesión – The meeting will come to order or Court is now in session or We're on the record.> (3) (el juicio a pruebas) *to bring the case to trial, to proceed to the trial of the case* (SYN) recibir la causa a prueba, recibir el pleito a prueba, elevar la causa a juicio

abrogación *repeal* (of a law by enacting a new law to replace it, which may expressly repeal it or constructively repeal it)

abrogación de una ley *repeal of a law* (in its entirety—as opposed to “derogación,” which is repeal of only certain sections of a law)

abrogación expresa de una ley *express repeal of a law* (DEF) A new law expressly states that it repeals the previous law (as opposed to “constructive repeal”) (SYN) abrogación por ley nueva

abrogación por ley nueva *express repeal of a law* (DEF) A new law expressly states that it repeals the previous law (as opposed to “constructive repeal”). (SYN) abrogación expresa de una ley

abrogación tácita de una ley *constructive repeal of a law* (as opposed to “express repeal”)

abrogar (1) *to repeal* (a law) (2) *to revoke* (a power of attorney, a will) (SYN) revocar

absentismo Esp (1) [DER LAB] *absenteeism* (if unjustified); *absence from work* (if justified) (DEF) The opposite, i.e., attendance at work, is called “presentismo” in Spanish. (SYN) ausentismo Am Lat, falta al trabajo (2) *absentee landownership, being an absentee landlord*

absolución (1) [PRO CIV] *judgment for the defendant* (SYN) sentencia desestimatoria, sentencia absolutoria (2) [PRO PEN] *acquittal, judgment of acquittal* (SYN) sentencia declarativa de inocencia Bol, descargo

absolución condicionada / con reserva [PRO CIV] *dismissal of the plaintiff's case without prejudice* (DEF) When the suit is dismissed without prejudice, the plaintiff can file it again.

absolución de la demanda [PRO CIV] *judgment for the defendant* (SYN) desestimación de la demanda

absolución de la instancia [DER PRO] **dismissing the case without deciding it (DEF)** In criminal cases in Mexico, absolución de la instancia is unconstitutional (Art. 23 of Mex Const) because criminal defendants have a right to a decision of guilty or not guilty. In civil cases, a judgment can be null and void because of “absolución de la instancia”. <Será nula la sentencia por haber absuelto de la instancia. A judgment that fails to decide the case in favor of one of the parties shall be null and void.>

absolución de posiciones [PRO CIV] **answering of an oral request for admissions (administered by the judge upon written questions) (DEF)** The traditional translation of this term “answering of interrogatories” is not correct because in the U.S., interrogatories are always answered in writing, outside of court, never orally, and include questions such as “name everyone in your company who has knowledge of the events in this case.” Posiciones, by contrast, are similar to a “request for admissions” in the United States. In Mexico, a set of “posiciones” typically begins with the phrase “Dirá el absolvente si es cierto como lo es” (admit that it is true that...), which is similar to a request for admissions in the U.S. The term “absolución de posiciones” no longer exists in Spain, where it has been replaced by the “interrogatorio de las partes,” which often begins with the phrase “Diga ser cierto que sabe y le consta que” i.e. Admit that it is true that ... Note that only the parties can “absolver posiciones”; nonparty witnesses testimony is called “prueba testimonial” or “prueba testifical.” (SYN) **confesión en juicio, confesión judicial, prueba confesional**

absolución incondicionada [PRO CIV] **dismissal of the plaintiff's case with prejudice (DEF)** When the suit is dismissed with prejudice, the plaintiff cannot file it again.

absolución perentoria [PRO CIV] **summary dismissal**

absolución por poder ejecutivo **executive pardon**

absolvente [PRO CIV] **deponent (the person answering an oral request for admissions)**

absolver (1) [PRO PEN] **to acquit (a criminal defendant) (SYN) exonerar, exculpar (2)** [PRO CIV] **to dismiss (a civil claim) (3) to release (a person from a position) (4) to discharge (a person from an obligation) (SYN) liberar (5) to answer (requests for admissions called “posiciones”)**

absolver consultas **to provide the requested information**

absolver de la instancia [DER PRO] **to dismiss the case without deciding it (DEF)** This is unconstitutional in criminal cases and results in an invalid ruling in civil cases.

absolver en la demanda [PRO CIV] **to find in favor of the defendant** <si el demandado fuere absuelto en la demanda – if the court finds in favor of the defendant>

absolver posiciones [PRO CIV] **to answer a request for oral admissions (DEF)** In Mexico, a set of “posiciones” typically begins with the phrase “Dirá el absolvente si es cierto como lo es” (= admit that it is true that...), which is similar to a request for admissions in the U.S.

abstención [DER PRO] **self-recusal (DEF)** Situation where a judge, at his own initiative, declines to hear a case because he lacks impartiality, as opposed to “recusación,” which is recusal (at the parties' initiative) (SYN) **excusa**

abstención de opinión [CONTA] **disclaimer of opinion (DEF)** The opinion expressed by an auditor when the audit report is being qualified as a result of the effect of a limitation on the scope of an audit. If the limitation of scope is so material that the auditor has not been able to obtain sufficient evidence to support an opinion on the financial statements, he or she must express a disclaimer of opinion. (SYN) **denegación de opinión**

abstencionismo electoral **failure to vote (SYN) absentismo, absentismo electoral (DEF)** Failure to vote is an offense in some Latin American countries.

abstenerse to recuse oneself from hearing a case (self-recusal is called “abstención” or “excusa”)

absuelto de culpa y cargo **acquitted**

abuso **abuse**

abuso de autoridad/ cargo [DER PEN] **abuse of authority, official misconduct (such as police brutality) (SYN) desviación de poder, abuso de poder**

abuso de confianza (1) [DER PEN] **embezzlement, misappropriation of funds (SYN) apropiación ilícita, apropiación indebida, distracción de fondos, desfalco, malversación (2)** [DER PEN] **Chi, Esp, Hon criminal breach of trust (DEF)** In some countries abuso de confianza is not a crime but an aggravating circumstance (‘circunstancia agravante’). → Art. 12 CP Chi, Art. 22.6 CP Esp, Art. 27 CP Hon

- abuso de derecho** *abusive exercise of a right, misuse of a right* (DEF) A person may be liable for harm caused by doing something which he actually had a right to do, if the right (1) was principally intended to cause harm, (2) was used without a legitimate interest justifying judicial protection, (3) was used in bad faith, or (4) was contrary to basic rules of morality or fairness
- abuso de descubrimiento de prueba** *Pue* [PRO CIV] *abuse of discovery*
- abuso de discreción** *Pue* *abuse of discretion* (SYN) **abuso de libre albedrío**
- abuso de firma en blanco** *fraudulent misuse of a document signed in blank*
- abuso de libre albedrío** *abuse of discretion* (SYN) **abuso de discreción** *Pue*
- abuso de menores** *undue influence upon minors, taking advantage of minors* (DEF) An example is forcing a minor to sign a document he or she does not understand.
- abuso de poder** [DER PEN] *abuse of authority, official misconduct* (such as police brutality) (SYN) **abuso de autoridad, desviación de poder, abuso de cargo**
- abuso de posición dominante** *abuse of a dominant position* (DEF) A situation that arises when a company enjoying a dominant position on the market abuses its power to impose unfair restrictions.
- abuso de terceros** *fraud on a third party*
- abuso deshonesto** *Arg obs, Bol, Cos, Mex obs, Per/sexual* *Arg, Mex* [DER PEN] *illicit/unwanted sexual advances* (DEF) Taking indecent liberties (such as fondling without consent) with a person of the opposite sex. The crime formerly called “abuso deshonesto” is now referred to as “abuso sexual simple” in Arg. → Art. 119 CP Arg, Art. 176 CPDF Mex (SYN) **ultraje al pudor** *Per, atentado al pudor* *Mex, Per, acto contra el pudor* *Per*
- abuso sexual mediante aprovechamiento de la condición de la víctima** *Arg* [DER PEN] *statutory rape* → Art. 120 CP Arg (SYN) **estupro**
- acaparamiento** *cornering the market, buying up all of something, hoarding, stockpiling*
- acápite** *Am Lat section* (SYN) **apartado, fracción** *Mex*
- acarreos** *transportation expenses* (SYN) **gastos de acarreo**
- acatamiento de la ley** *compliance with the law* (SYN) **observancia de la ley, cumplimiento de la ley**
- acatar** *to comply with, to abide by, to obey, to honor* (SYN) **atenerse a acatar órdenes to obey orders**
- acatar una orden judicial** *to comply with a court order, to honor a court order*
- acceder a un pedido** *to grant a request, to agree to a request* (SYN) **dar cabida a un pedido**
- accesorio** *ancillary* <Si un título de crédito es pagado solo parcialmente o en lo accesorio, debe hacerse mención del pago en el título mismo. If partial payment is made on a negotiable instrument, or if only the accrued interest is paid, such payment must be recorded on the instrument.>
- accesorios financieros insolutos** *Mex* [DER CONC] *unpaid financing charges (interest, late fees, etc.)*
- accidente** *accident*
- accidente corporal** *personal injury*
- accidente de trabajo** [DER LAB] *on-the-job injury, occupational accident, occupational injury, work-related injury, workplace injury*
- accidente de tránsito** *traffic accident*
- accidente en el trayecto/ in itinere** [DER LAB] *accident on the way to or from work* (DEF) This is considered an “on-the-job injury” in Spanish-speaking countries, but in the United States, under the “going-and-coming” rule, a person is not covered by workers’ compensation for accidents on the way to or from work.
- acción (1)** [DER PRO] *action, suit, lawsuit* (2) [DER SOC] *share, share of stock* For compounds see “acciones.”
- acción accesoría** [PRO CIV] *subsidiary action, collateral action* There are three kinds: acción preparatoria, acción preventiva, acción incidental.
- acción ad exhibendum** [PRO CIV] *action to compel production, action to compel the defendant to produce something in his possession* (DEF) action to have the defendant turn over the item of personal property that is the subject of the action in rem that the plaintiff wishes to file (SYN) **acción exhibitoria**