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**K.** *abbr.* Contract.

**k/a.** *abbr.* Known as.

**Kaldor-Hicks efficiency.** See WEALTH MAXIMIZATION.

**kalendar.** *Archaic.* See CALENDAR.

**kalendarium** (kal-ən-dair-ee-əm). *Roman law.*  
**1.** A book of accounts in which a moneylender recorded the names of debtors and the principal and interest due. **2.** A written register of births, recorded daily.

**kalends.** See CALENDIS.

**kangaroo court.** See COURT.

**K.B.** *abbr.* KING'S BENCH.

**K.C.** *abbr.* KING'S COUNSEL.

**keelage** (keel-ij). *Hist.* **1.** The right to the demand payment of a toll by a ship entering or anchoring in a harbor. **2.** The toll so paid.

**keelhaul** (keel-hawl), *vb.* **1.** *Hist.* To drag (a person) through the water under the bottom of a ship as punishment or torture. **2.** To rebuke or reprimand harshly.

**keeper.** One who has the care, custody, or management of something and who usu. is legally responsible for it <a dog's keeper> <a keeper of lost property>.

**Keeper of the Briefs.** See CUSTOS BREVIUM.

**Keeper of the Broad Seal.** See KEEPER OF THE GREAT SEAL.

**Keeper of the Great Seal.** In England and Scotland, an officer who has custody of the Great Seal and who authenticates state documents of the highest importance. ● In England, the duties of the Keeper of the Great Seal are now discharged by the Lord Chancellor. — Also termed *Lord Keeper of the Great Seal*; *Lord*

*Keeper*; *Keeper of the Broad Seal*; *Custos Sigilli*.

**Keeper of the King's Conscience.** See LORD CHANCELLOR.

**Keeper of the Privy Seal** (priv-ee). **1.** LORD PRIVY SEAL. **2.** In Scotland and Cornwall, an officer similar to the English Lord Privy Seal.

**Keeper of the Rolls.** See CUSTOS ROTULORUM.

**Keogh plan** (kee-oh). A tax-deferred retirement program developed for the self-employed. ● This plan is also known as a *H.R. 10 plan*, after the House of Representatives bill that established the plan. — Also termed *self-employed retirement plan*. See INDIVIDUAL RETIREMENT ACCOUNT.

**KeyCite**, *vb.* To determine the subsequent history of (a case, statute, etc.) by using the online citator of the same name to establish that the point being researched is still good law. — **KeyCiting**, *n.*

**key-employee insurance.** See INSURANCE.

**key-executive insurance.** See *key-employee insurance* under INSURANCE.

**key man.** See KEY PERSON.

**key-man insurance.** See *key-employee insurance* under INSURANCE.

**key money.** **1.** Payment (as rent or security) required from a new tenant in exchange for a key to the leased property. **2.** Payment made (usu. secretly) by a prospective tenant to a landlord or current tenant to increase the chance of obtaining a lease in an area where there is a housing shortage. ● Key money in the first sense is a legal transaction; key money in the second sense is usu. an illegal bribe that violates housing laws.

**key-number system.** A legal-research indexing system developed by West Publishing Company

(now the West Group) to catalogue American caselaw with headnotes. • In this system, a number designates a point of law, allowing a researcher to find all reported cases addressing a particular point by referring to its number.

**key person.** An important officer or employee; a person primarily responsible for a business's success. — Also termed *key man*.

**key-person insurance.** See *key-employee insurance* under INSURANCE.

**kickback, n.** A return of a portion of a monetary sum received, esp. as a result of coercion or a secret agreement <the contractor paid the city official a 5% kickback on the government contract>. — Also termed *payoff*. Cf. BRIBERY.

**kicker. 1.** An extra charge or penalty, esp. a charge added to a loan in addition to interest. **2.** An equity participation that a lender seeks as a condition for lending money, so that the lender may participate in rentals, profits, or extra interest.

**kickout clause.** A contractual provision allowing a party to end or modify the contract if a specified event occurs <under the kick-out clause, the company could refuse to sell the land if it were unable to complete its acquisition of the new headquarters>.

**kiddie tax.** See TAX.

**kidnap, vb.** To seize and take away (a person) by force or fraud, often with a demand for ransom.

**kidnapping.** The crime of seizing and taking away a person by force or fraud, often with a demand for ransom. — Also termed (archaically) *manstealing*.

“At early common law, kidnapping required a forcible asportation of the victim to another country. Under modern statutes, the asportation need not be this extensive.” Arnold H. Loewy, *Criminal Law in a Nutshell* 64 (2d ed. 1987).

**aggravated kidnapping.** Kidnapping accompanied by some aggravating factor (such as a demand for ransom or injury of the victim).

**child-kidnapping.** The kidnapping of a child, often without the element of force or fraud (as when someone walks off with another's baby stroller). — Also termed *child-stealing*; *baby-snatching*.

**parental kidnapping.** The kidnapping of a child by one parent in violation of the other parent's custody or visitation rights.

**simple kidnapping.** Kidnapping not accompanied by an aggravating factor.

**killer amendment.** See AMENDMENT (1).

**killing by misadventure.** See ACCIDENTAL KILLING.

**kin, n. 1.** One's relatives; family. — Also termed *kindred*. **2.** A relative by blood, marriage, or adoption, though usu. by blood only; a kinsman or kinswoman.

**kind arbitrage.** See ARBITRAGE.

**kindred, n. 1.** One's relatives; KIN (1). **2.** Family relationship; KINSHIP.

**King. English law.** The British government; the Crown.

“In modern times it has become usual to speak of the Crown rather than of the King, when we refer to the King in his public capacity as a body politic. We speak of the property of the Crown, when we mean the property which the King holds in right of his Crown. So we speak of the debts due by the Crown, of legal proceedings by and against the Crown, and so on. The usage is one of great convenience, because it avoids a difficulty which is inherent in all speech and thought concerning corporations sole, the difficulty, namely, of distinguishing adequately between the body politic and the human being by whom it is represented and whose name it bears.” John Salmond, *Jurisprudence* 341–42 (Glanville L. Williams ed., 10th ed. 1947).

**King's advocate.** See LORD ADVOCATE.

**King's Bench.** Historically, the highest common-law court in England, so called during the reign of a king. • In 1873, the court's jurisdiction was transferred to the Queen's Bench Division of the High Court of Justice. — Abbr. K.B. — Also termed *Court of King's Bench*; *Coram Rege Court*. Cf. QUEEN'S BENCH; QUEEN'S BENCH DIVISION.

“The court of *King's Bench* is the highest court of ordinary justice in criminal cases within the realm, and paramount to the authority of justices of gaol delivery, and commissions of oyer and terminer. It has jurisdiction over all criminal causes, from high treason down to the most trivial misdemeanor or breach of the peace.” 1 Joseph Chitty, *A Practical Treatise on the Criminal Law* 156 (2d ed. 1826).

**King's Chambers.** In the United Kingdom, waters lying within an imaginary line drawn from

headland to headland around the coast of Great Britain.

**King's Counsel.** In the United Kingdom, Canada, and territories that have retained the rank, an elite, senior-level barrister or advocate appointed to serve as counsel to the king. — Also termed *senior counsel*. — Abbr. K.C. Cf. QUEEN'S COUNSEL.

**King's Court.** See CURIA REGIS.

**King's evidence.** See *Queen's evidence* under EVIDENCE.

**King's Great Sessions in Wales.** See COURT OF GREAT SESSIONS IN WALES.

**King's peace.** *Hist.* A royal subject's right to be free from crime (to "have peace") in certain areas subject to the king's immediate control, such as the king's palace or highway. • A breach of the peace in one of these areas subjected the offender to punishment in the king's court. Over time, the area subject to the king's peace grew, which in turn increased the jurisdiction of the royal courts. — Also written *King's Peace*. Cf. AGAINST THE PEACE AND DIGNITY OF THE STATE.

"A breach of the King's Peace was at one time the most comprehensive of all offences against the Crown; it indeed included, and still includes, all the more serious crimes. At one time, in fact, every indictment charged the accused with an offence 'against the peace of our Sovereign Lord the King'; and, though this form is no longer employed, that is mainly because the imperative duty of not disturbing the King's Peace has by now evolved into an elaborate system of Criminal Law." Edward Jenks, *The Book of English Law* 134 (P.B. Fairest ed., 6th ed. 1967).

**King's proctor.** See QUEEN'S PROCTOR.

**King's silver.** *Hist.* Money paid in the Court of Common Pleas for a license to levy a feudal fine; an amount due on granting a *congé d'accorder* in levying a fine of lands. • It amounted to three-twentieths of the supposed annual value of the land, or ten shillings for every five marks of land. — Also termed *post-fine*. See CONGÉ D'ACCORDER; FINE (1).

**kinship.** Relationship by blood, marriage, or adoption. — Also termed *kindred*.

**kintal.** See QUINTAL.

**kissing the Book.** *Hist.* The practice of touching one's lips to a copy of the Bible (esp. the

New Testament) after taking an oath in court.

• This practice — formerly used in England — was replaced by the practice of placing one's hand on the Bible while swearing.

**kitchen cabinet.** See CABINET.

**kiting.** See CHECK-KITING.

**Klaxon doctrine** (*klak-sən*). *Conflict of laws*.

The principle that a federal court exercising diversity jurisdiction must apply the choice-of-law rules of the state where the court sits. • In *Klaxon Co. v. Stentor Elec. Mfg. Co.*, the Supreme Court extended the rule of *Erie v. Tompkins* to choice-of-law issues. 313 U.S. 487, 61 S.Ct. 1020 (1941). — Also termed *Erie/Klaxon doctrine*. See ERIE DOCTRINE.

**kleptomania** (*klep-tə-may-nee-ə*), *n.* A compulsive urge to steal, esp. without economic motive. — **kleptomaniac**, *n. & adj.*

**knight.** **1.** *Hist.* In the Middle Ages, a person of noble birth who, having been trained in arms and chivalry, was bound to follow an earl, baron, or other superior lord into battle. **2.** In modern Britain, a man upon whom the monarch has bestowed an honorary dignity (knight-hood) as a reward for personal merit of some kind. • The status of knighthood no longer relates to birth or possessions and does not involve military service.

**knight bachelor.** See BACHELOR (3).

**knight service.** *Hist.* A type of tenure in which a knight held land of another person or the Crown in exchange for a pledge of military service. — Also termed *knight's service*. Cf. BASE SERVICE; SOGAGE; YILLEINAGE.

"By far the greater part of England is held of the king by knight's service (*per servitium militare*): it is comparatively rare for the king's tenants in chief to hold by any of the other tenures. In order to understand this tenure we must form the conception of a unit of military service. That unit seems to be the service of one knight or fully armed horseman (*servitium unius militis*) to be done to the king in his army for forty days in the year, if it be called for." 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 254 (2d ed. 1898).

**knight's fee.** *Hist.* The amount of land that gave rise to the obligation of knight service. • The amount varied from less than a hide to more than six hides. See HIDE.

**knight's service.** See KNIGHT SERVICE.

**knock-and-announce rule.** *Criminal procedure.* The requirement that the police knock at the door and announce their identity, authority, and purpose before entering a residence to execute an arrest or search warrant.

**knock-for-knock agreement.** An arrangement between insurers whereby each will pay the claim of its insured without claiming against the other party's insurance.

**knockoff, n.** An unauthorized copy or imitation of another's product, usu. for sale at a substantially lower price than the original.

**knock off, vb. 1.** To make an unauthorized copy of (another's product), usu. for sale at a substantially lower price than the original <the infringer knocked off popular dress designs>. **2.** *Slang.* To murder <the gang leader was knocked off by one of his lieutenants>. **3.** *Slang.* To rob or burglarize <the thieves knocked off the jewelry store in broad daylight>.

**know all men by these presents.** Take note. • This archaic form of address — a loan translation of the Latin *noverint universi per praesentes* — was traditionally used to begin certain legal documents such as bonds and powers of attorney, but in modern drafting style the phrase is generally considered deadwood. See NOVERINT UNIVERSI PER PRAESENTES. Cf. PATEAT UNIVERSIS PER PRAESENTES.

**know-how.** The information, practical knowledge, techniques, and skill required to achieve some practical end, esp. in industry or technology. • Know-how is considered intangible property in which rights may be bought and sold. See TRADE SECRET.

**knowing, adj. 1.** Having or showing awareness or understanding; well-informed <a knowing waiver of the right to counsel>. **2.** Deliberate; conscious <a knowing attempt to commit fraud>. — **knowingly, adv.**

**knowledge. 1.** An awareness or understanding of a fact or circumstance. Cf. INTENT (1); NOTICE; SCIENTER.

"It is necessary . . . to distinguish between producing a result intentionally and producing it knowingly. Intention and knowledge commonly go together, for he who intends a result usually knows that it will follow, and he who knows the consequences of his act usually intends them. But there may be intention without knowledge, the consequence being desired but not foreknown as certain or even probable. Conversely, there may be

knowledge without intention, the consequence being foreknown as the inevitable concomitant of that which is desired, but being itself an object of repugnance rather than desire, and therefore not intended. When King David ordered Uriah the Hittite to be set in the forefront of the hottest battle, he intended the death of Uriah only, yet he knew for a certainty that many others of his men would fall at the same time and place." John Salmond, *Jurisprudence* 380-81 (Glanville L. Williams ed., 10th ed. 1947).

"'Knowingly' or 'knowledge' has a broad sweep when used in connection with the element of a crime, and an untrue representation has been 'knowingly' made if by one who knows it is untrue, believes it is untrue or is quite aware that he has not the slightest notion whether it is true or not." Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 379 (3d ed. 1982).

"[B]ecause there are several areas of the criminal law in which there may be good reason for distinguishing between one's objectives and [one's] knowledge, the modern approach is to define separately the mental states of knowledge and intent . . . . This is the approach taken in the Model Penal Code [§ 2.02(2)(a) & (b)]." Wayne R. LaFare & Austin W. Scott, Jr., *Criminal Law* 218 (2d ed. 1986).

**actual knowledge. 1.** Direct and clear knowledge, as distinguished from constructive knowledge <the employer, having witnessed the accident, had actual knowledge of the worker's injury>. — Also termed *express actual knowledge*. **2.** Knowledge of such information as would lead a reasonable person to inquire further <under the discovery rule, the limitations period begins to run once the plaintiff has actual knowledge of the injury>. — Also termed (in sense 2) *implied actual knowledge*.

"The third issue in section 523(a)(3) is the meaning of 'notice or actual knowledge.' Under the Uniform Commercial Code knowledge means actually knowing something; notice means having received information from which one could infer the existence of the relevant fact. What the adjective 'actual' adds to the idea of 'knowledge' is unclear." David G. Epstein et al., *Bankruptcy* § 7-27, at 516 (1993).

**common knowledge.** See COMMON KNOWLEDGE.

**constructive knowledge.** Knowledge that one using reasonable care or diligence should have, and therefore that is attributed by law to a given person <the court held that the partners had constructive knowledge of the partnership agreement even though none of them had read it>.

**express actual knowledge.** See *actual knowledge* (1).

**firsthand knowledge.** See *personal knowledge*.

**implied actual knowledge.** See *actual knowledge* (2).

**imputed knowledge.** Knowledge attributed to a given person, esp. because of the person's legal responsibility for another's conduct <the principal's imputed knowledge of its agent's dealings>.

**personal knowledge.** Knowledge gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said. • Rule 602 of the Federal Rules of Evidence requires lay witnesses to have personal knowledge of the matters they testify about. An affidavit must also be based on personal knowledge, unless the affiant makes clear that a statement relies on "information and belief." — Also termed *firsthand knowledge*.

**reckless knowledge.** A defendant's belief that there is a risk that a prohibited circumstance exists, regardless of which the defendant goes on to take the risk.

**scientific knowledge.** *Evidence.* Knowledge that is grounded on scientific methods that have been supported by adequate validation. • Four primary factors are used to determine whether evidence amounts to scientific knowledge: (1) whether it has been tested; (2) whether it has been subject to peer review and publication; (3) the known or potential rate of error; and (4) the degree of acceptance

within the scientific community. See DAUBERT TEST; SCIENTIFIC METHOD.

**superior knowledge.** Knowledge greater than that had by another person, esp. so as to adversely affect that person <in its fraud claim, the subcontractor alleged that the general contractor had superior knowledge of the equipment shortage>.

2. *Archaic.* CARNAL KNOWLEDGE.

**knowledge-of-falsity exclusion.** See EXCLUSION (3).

**known creditor.** See CREDITOR.

**known heir.** See HEIR.

**known-loss doctrine.** *Insurance.* A principle denying insurance coverage when the insured knows before the policy takes effect that a specific loss has already happened or is substantially certain to happen. — Also termed *known-risk doctrine*.

**koop** (kohp), *n.* [Dutch] *Dutch law.* Purchase; bargain.

**koopbrief** (kohp-breef). [Dutch] *Dutch law.* A deed of sale.