

Court Records Glossary

Documents

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| Affidavit | A written or printed statement made under oath. |
| Answer | The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense. |
| Appeal | A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee." |
| Brief | A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments. |
| Case File | A complete collection of every document filed in court in a case. |
| Complaint | A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant. |
| Deposition | An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial. See discovery. |
| Docket | A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings. |
| Indictment | The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies. |
| Interrogatories | A form of discovery consisting of written questions to be answered in writing and under oath. |
| Injunction | A court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified. |
| Judgment | The official decision of a court finally resolving the dispute between the parties to the lawsuit. |
| Opinion | A judge's written explanation of the decision of the court. |
| Pleadings | Written statements filed with the court which describe a party's legal or factual assertions about the case. |
| Praecipe | An order, written out and signed, addressed to the clerk of the court, and requesting him to issue a particular writ. |

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| Subpoena | A command, issued under a court's authority, to a witness to appear and give testimony. |
| Subpoena duces tecum | A command to a witness to appear and produce documents. |
| Transcript | A written, word-for-word record of what was said, either in a proceeding such as a trial, or during some other formal conversation, such as a hearing or oral deposition. |
| Warrant | Court authorization, most often for law enforcement officers, to conduct a search or make an arrest. |
| Writ | A written court order directing a person to take, or refrain from taking, a certain act. |
| Writ of certiorari | An order issued by the U.S. Supreme Court directing the lower court to transmit records for a case which it will hear on appeal. |

Latin Terms

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| <i>Amicus Curiae</i> | Latin for "friend of the court." It is advice formally offered to the court in a brief filed by an entity interested in, but not a party to, the case. |
| <i>De Facto</i> | Latin, meaning "in fact" or "actually." Something that exists in fact but not as a matter of law. |
| <i>De Jure</i> | Latin, meaning "in law." Something that exists by operation of law. |
| <i>De Novo</i> | Latin, meaning "anew." A trial de novo is a completely new trial. Appellate review de novo implies no deference to the trial judge's ruling. |
| <i>Ex Parte</i> | A proceeding brought before a court by one party only, without notice to or challenge by the other side. |
| <i>Habeas Corpus</i> | Latin, meaning "you have the body." A writ of habeas corpus generally is a judicial order forcing law enforcement authorities to produce a prisoner they are holding, and to justify the prisoner's continued confinement. Federal judges receive petitions for a writ of habeas corpus from state prison inmates who say their state prosecutions violated federally protected rights in some way. |
| <i>In Camera</i> | Latin, meaning in a judge's chambers. Often means outside the presence of a jury and the public. In private. |
| <i>Nolo contendere</i> | No contest. A plea of nolo contendere has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose. |

People

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| Clerk of Court | The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system. |
| Counsel | Legal advice; a term also used to refer to the lawyers in a case. |
| Defendant | In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime. |
| Federal public defender | An attorney employed by the federal courts on a full-time basis to provide legal defense to defendants who are unable to afford counsel. The judiciary administers the federal defender program pursuant to the Criminal Justice Act. |
| Grand Jury | A body of 16-23 citizens who listen to evidence of criminal allegations, which is presented by the prosecutors, and determine whether there is probable cause to believe an individual committed an offense. See also INDICTMENT and U. S. ATTORNEY . |
| Judge | An official of the judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices. |
| Jury | The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact. See also GRAND JURY . |
| Magistrate judge | A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges, and decides civil cases with the consent of the parties. |
| Petit Jury | A group of citizens who hear the evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons. Federal civil juries consist of at least six persons. |
| Plaintiff | A person or business that files a formal complaint with the court. |
| U.S. Attorney | A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government. The U.S. Attorney employs a staff of Assistant U.S. Attorneys who appear as the government's attorneys in individual cases. |
| Witness | A person called upon by either side in a lawsuit to give testimony before the court or jury. |

General Terms

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| Acquittal | A jury verdict that a criminal defendant is not guilty, or the finding of a judge that the evidence is insufficient to support a conviction. |
| Appellate | About appeals; an appellate court has the power to review the judgment of a lower court (trial court) or tribunal. For example, the U.S. circuit courts of appeals review the decisions of the U.S. district courts. |
| Arraignment | A proceeding in which a criminal defendant is brought into court, told of the charges in an indictment or information, and asked to plead guilty or not guilty. |
| Bench Trial | A trial without a jury, in which the judge serves as the fact-finder. |
| Case Law | The law as established in previous court decisions. A synonym for legal precedent. Akin to common law, which springs from tradition and judicial decisions. |
| Conviction | A judgment of guilt against a criminal defendant. |
| Count | An allegation in an indictment or information, charging a defendant with a crime. An indictment or information may contain allegations that the defendant committed more than one crime. Each allegation is referred to as a count. |
| Damages | Money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct). |
| Discovery | Procedures used to obtain disclosure of evidence before trial. |
| Dismissal with Prejudice | Court action that prevents an identical lawsuit from being filed later. |
| Dismissal without Prejudice | Court action that allows the later filing. |
| Equitable | Pertaining to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy. See DAMAGES . A separate court of "equity" could order someone to do something or to cease to do something. See, e.g., INJUNCTION . In American jurisprudence, the federal courts have both legal and equitable power, but the distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases. |
| Evidence | Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other. |

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| Felony | A serious crime, usually punishable by at least one year in prison. |
| File | To place a paper in the official custody of the clerk of court to enter into the files or records of a case. |
| Hearsay | Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial. |
| Impeachment | The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached;" |
| Jurisdiction | The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases. |
| Jurisprudence | The study of law and the structure of the legal system. |
| Misdemeanor | An offense punishable by one year of imprisonment or less. See also FELONY . |
| Mistrial | An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury. |
| Moot | Not subject to a court ruling because the controversy has not actually arisen, or has ended. |
| Motion | A request by a litigant to a judge for a decision on an issue relating to the case. |
| Oral argument | An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions. |
| Petty offense | A federal misdemeanor punishable by six months or less in prison. |
| Plea | In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. See also NOLO CONTENDERE . |
| Precedent | A court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" — meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case. |
| Prosecute | To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government. |
| Record | A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case. |

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| Sentence | The punishment ordered by a court for a defendant convicted of a crime. |
| Settlement | Parties to a lawsuit resolve their dispute without having a trial. Settlements often involve the payment of compensation by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault. |
| Sequester | To separate. Sometimes juries are sequestered from outside influences during their deliberations. |
| Statute | A law passed by a legislature. |
| Summary judgment | A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case. Summary judgment is granted when — on the undisputed facts in the record — one party is entitled to judgment as a matter of law. |
| Testimony | Evidence presented orally by witnesses during trials or before grand juries. |