

Court 101: Common court terms you may not know

AD LITEM

For the purposes of the lawsuit. E.g., a guardian ad litem is appointed on behalf of an incapacitated person or a minor.

BENCH WARRANT

Arrest warrant issued directly by a judge, typically when the defendant fails to appear for a hearing or trial.

AFFIDAVIT

Voluntary written statement of facts given under oath. In criminal cases affidavits are often used by police officers seeking to obtain search or arrest warrants. In civil cases affidavits of witnesses are often used to support motions for summary judgment.

CASELAW

Collection of reported cases that form the body of law within a jurisdiction.

BAIL



Money or other security given to a court to temporarily secure a person's release from custody and assure his or her appearance in court. May be forfeited if the person fails to appear before the court.

CASELOAD

Total number of cases filed in a given court or before a given judicial officer for a given period of time.

BENCH TRIAL

Trial with no jury, in which the judge decides the facts.

CEASE AND DESIST ORDER



Order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

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CERTIORARI

Writ issued by appellate court directing lower court to deliver record of case for review. Often referred to as "granting cert."

CONSENT DECREE

Disposition in juvenile court in which proceedings are suspended and child is continued under supervision in his/her own home under terms and conditions negotiated with probation services and agreed to by all parties concerned. Also, a court decree to which all parties agree.

CLASS ACTION

Lawsuit brought by one or more persons authorized by the court to represent the interests of a larger group.



CONTEMPT OF COURT

Disobedience of judge's command or official court order. Usually punishable by a fine or imprisonment.

DE FACTO

In fact. Exercising power as if legally constituted though may not be formally or legally recognized.

Clerk of courts

The official in each county (irrespective of formal title) who has responsibility to keep and maintain criminal case records of the Court of Common Pleas. The person may be elected or appointed depending on the jurisdiction.



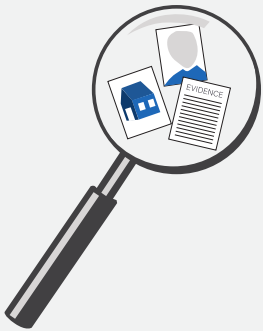
DECREE

Order of the court. A final decree settles the rights of the parties and disposes of all issues in controversy. An interlocutory decree settles preliminary or subordinate points or pleas, but not the entire case.

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DEPOSITION

Sworn testimony of a witness taken under oath outside of court that can be used later in court. Also, the session at which such testimony is recorded.

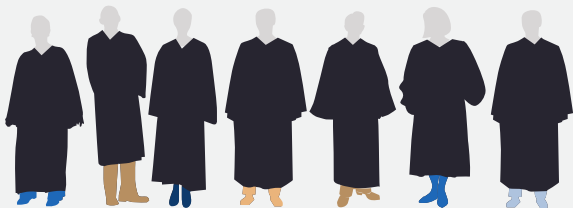


DISCOVERY

Procedures used to obtain disclosure of evidence before the trial.

DOCKET

A docket is the way the court keeps track of a case. It's essentially a list of cases to be heard by the court. Docket sheets log brief entries of court proceedings.



EN BANC

All judges of a court sitting together. Appellate courts often hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

EXCULPATE

To free from blame or accusation.

FELONY

Serious crime punishable by imprisonment for more than a year or death and/or substantial fines.

IN CAMERA

In the judge's private chambers, or in private. A hearing in camera takes place in the judge's chambers, outside of the presence of jury and public.

INDICTMENT

Formal written accusation by a grand jury charging a person with a crime.

INJUNCTION

Court order preventing or requiring a specific action.

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KING'S BENCH POWER

Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume adjudication of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

MASTER

Official appointed by a court to assist with its proceedings. Masters may take testimony, rule on pre-trial issues, enter temporary orders, handle uncontested divorces, etc. Usually must present written report to court.

MISDEMEANOR

Criminal offenses generally punishable by fine or jail term.



MISTRIAL

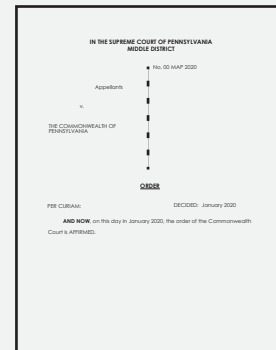
A declaration by the court before a verdict is reached that a trial is invalid and may be reheard with a new jury.

NOLLE PROSEQUI

I do not choose to prosecute. Decision by prosecutor or plaintiff not to go forward with an action. Called "nol pros" for short.

NOLO CONTENDERE

I do not wish to contend. Criminal defendant's plea, whereby he/she accepts punishment without admission of guilt. Also called no contest.



OPINION

Court's written decision of a case. A majority opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. Dissenting opinion states opinion of judges who disagree with majority. Per curiam opinion is an unsigned opinion of an appellate court.

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OYEZ, OYEZ, OYEZ



OYEZ (OH YAY)

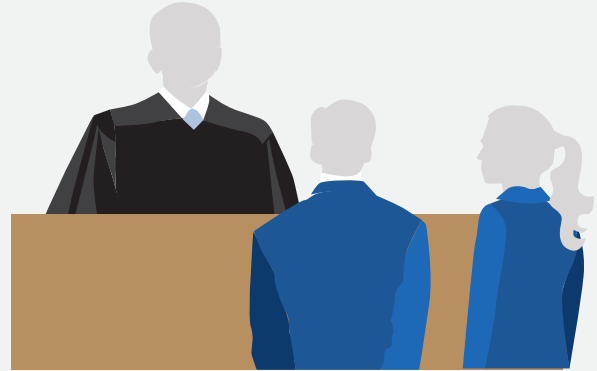
Oyez means “hear ye” and is traditionally said two or three times in succession to introduce the opening of court and command attention and silence.

PRE-SENTENCING REPORT

Report to sentencing judge containing background information about defendant to assist judge in making his/her sentencing decision.

PRE-TRIAL CONFERENCE

Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.

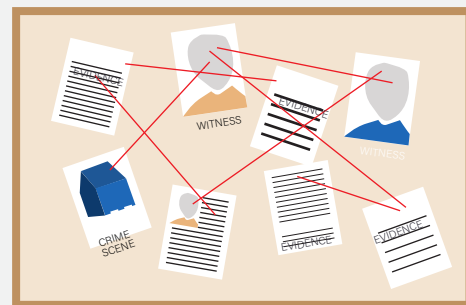


PRELIMINARY HEARING

Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant prosecuting him/her.

PREPONDERANCE OF EVIDENCE

Greater weight of evidence, a common standard of proof in civil cases. Jury is instructed to find for the party which has the stronger evidence, however slight that may be.



PRIMA FACIE (PRY MAH FAY SHAH)

Refers to the minimum amount of evidence needed to continue moving forward in the judicial process.

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PRO SE

An individual who represents himself/herself in court without a lawyer.

PROMULGATE

To put (a law) into action or effect.
To make known or public.

PROTHONOTARY

The official in each county (irrespective of formal title) who has responsibility to keep and maintain most civil case records of the Court of Common Pleas.

In some counties one official may serve the functions of both the clerk of courts and the prothonotary. The person may be elected by voters or appointed by the court or another elected official.



REJOINDER

Defendant's answer to the plaintiff's reply.

REMITTITUR

Judge's reduction of damages awarded by jury.

RULES OF EVIDENCE

Standards governing whether evidence is admissible.

STIPULATION

Agreement by parties on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date.

RECIDIVISM

Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual individual who commits crimes is a recidivist.

SUA SPONTE

On one's own behalf. Voluntary, without prompting or suggestion.

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SUBROGATION

Substituting one person in place of another in asserting a lawful claim, demand or right.

SUMMARY OFFENSE

In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

SUPERSEDEAS

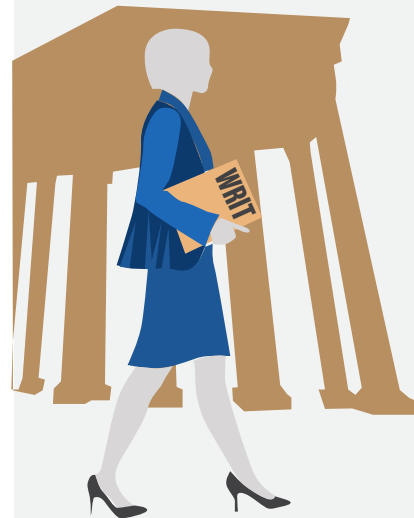
Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

More legal terms defined:
<http://www.pacourts.us/learn/legal-glossary>



VOIR DIRE (VWAHR DEER)

Process of questioning potential jurors to determine their qualifications and suitability to serve on a jury.



WRIT OF HABEAS CORPUS

A formal, written document (writ) ordering a person to appear before a judge – usually to determine if he or she is being legally detained or imprisoned.