

# **NEVADA COURTROOM TERMINOLOGY**

## COURTROOM TERMS

- ATTORNEY  
**ATTORNEY** = Technically means an agent or substitute, or one who is appointed and authorize to act on behalf of another; in common usage, the term refers to a **lawyer, attorney at law or counsel**; when a power of attorney is given to a non-lawyer, the person receiving the power of attorney is **an attorney in fact**.  
A lawyer who represents a party in a lawsuit, and whose name appears on the pleadings and in the official court records, is known as the **attorney of record**.
- BAIL  
**BAIL** = Money or other security (such as a bail bond) provided to the court to temporarily allow a person's release from jail and assure his or her appearance in court. Bail and Bond are often use interchangeably.
- BAIL FORFEITURE  
**Bail Forfeiture** = Bail that is kept by the court as a result of not following a court order.
- BAILIFF  
**BAILIFF** = A courtroom clerk or attendant, whose duties include keeping order in the courtroom and maintaining custody of the jury.
- BAR  
**BAR** = The railing in front of the bench, where the attorneys argue. Also refers to attorney's collectively, as in a member of the bar.
- BENCH  
**BENCH** = The desk, platform, and surrounding area where the judge sits. As in, the lawyers should approach the bench. Also refers to all judges collectively, as in a member of the bench.
- BEYOND A REASONABLE DOUBT  
**BEYOND A REASONABLE DOUBT** = The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are moved from the mind of the ordinary person.
- BOX (JURY BOX)  
**BOX** = The chairs and surrounding area where the juror sits.
- CASE LAW (see PRECEDENT)
- CHAMBERS  
**CHAMBERS** = A judge's private office; proceedings conducted in the judge's office are said to be conducted in chambers.
- CLERK OF COURT  
**CLERK OF COURT** = An officer of the court, who is responsible for the clerical part of the court's work (who keeps its records and seal, issues process, enters judgments and orders, provides certified copies, and the like).
- CODE  
**CODE** = A collection or compendium of statutes.

- **COMMON LAW** = The legal system that originated in England and is now in use in the United States. It is based on judicial decisions rather than legislative action.
- **COUNSEL TABLE**
- **COUNSEL TABLE** = Table(s) near the front of the courtroom, reserved for the attorneys in the case
- **COURT COMMISSIONER**
- **COURT COMMISSIONER** = A judicial officer who is lower in rank than a judge, serving as an assistant to the judge and authorized to perform limited judicial functions; similar in function to a magistrate.
- **COURT OF LIMITED JURISDICTION**
- **COURT OF LIMITED JURISDICTION** = A court that hears only certain kind of cases, i.e. a municipal court or small claims court or family court.
- **COURT OF RECORD**
- **COURT OF RECORD** = A court in which proceedings are recorded and made a matter of public record. Most trial courts and appellate courts are courts of record.
- **COURT REPORTER**
- **COURT REPORTER** = A person who records and transcribes the testimony of witnesses during trial.
- **DEPUTY CLERK**
- **DEPUTY CLERK** = A person appointed to act in place, of, or on behalf of, the clerk of court; an employee of the clerk's office.
- **DUE PROCESS**
- **DUE PROCESS** = Fundamental principles of liberty and justice that lie at the base of all civil and political institutions; in litigation, often used to refer to the right to notice and an opportunity to be heard.
- **EQUITY**
- **EQUITY** = A body of law, or field of jurisdiction, differing in its origin, theory, and methods from common law; often used in a general sense to refer to the body of law pertaining to injunctions and restraining orders.
- **JUDGE PRO TEM**
- **JUDGE PRO TEM** = A temporary judge appointed for a particular day or to hear a particular matter; may be a lawyer, court commissioner, or retired judge.
- **JUDICIARY, JUDICIAL SYSTEM**
- **JUDICIARY, JUDICIAL SYSTEM** = General terms referring to the entire court system, i.e. the third branch of government.
- **JURY ROOM**
- **JURY ROOM** = The room in which the jurors wait when they are not present in the courtroom, and when they are deliberating at the end of the trial.
- **LAW**
- **LAW** = General term for rules and principles of conduct established by the constitution, the legislature, or the courts.
- **LOCAL RULES**
- **LOCAL RULES** = Rules of procedure adopted by each court to supplement the statewide rules, usually adopted by the state's highest court.

- **MAGISTRATE** = A judicial officer who is lower in rank than a judge, serving as an assistant to the judge and authorized to perform limited judicial functions; similar in function to a court commissioner. A committing magistrate is a magistrate having the authority to conduct preliminary hearings in criminal cases, and to decide whether defendants should be committed or released until trial.
- **ORDINANCE**
- **ORDINANCE** = Usually refers to a law enacted by a city or county, as distinguished from a statute, which is enacted by the state legislature
- **PRECEDENT**
- **PRECEDENT** = A previously decided case, furnishing an example or authority for determining similar cases in the future. Also known as case law.
- **PRESIDING JUDGE**
- **PRESIDING JUDGE** = The judge who is presiding over a particular trial or proceeding; in multijudge districts, the term is used to refer to the one judge who also has supervisory and administrative responsibilities within the court.
- **RULES OF COURT**
- **RULES OF COURT** = Statewide rules typically adopted by highest court of a particular state, governing practice and procedure in the state courts; in addition, each court may adopt local rules to supplement the statewide rules.
- **STATUTE**
- **STATUTE** = Usually refers to a law enacted by the state legislature, as distinguished from an ordinance, which is enacted by a city or county.
- **STATUTE OF LIMITATIONS**
- **STATUTE OF LIMITATIONS** = A statutory time limit, by which a civil or criminal case must be filed; when the time has expired, the statute of limitations is said to have run or expired.
- **TRIAL COURT**
- **TRIAL COURT** = Court in which trials are actually held; as opposed to an appellate court, which reviews decisions by the trial courts.

## FAMILY COURT VOCABULARY

- ABANDONMENT  
**ABANDONMENT** = A parent's or custodian's act of leaving a child without adequate care, supervision, support, or parental contact for an excessive period of time. Also, the desertion of one spouse by the other with the intent to terminate the marriage relationship.
- ALIMONY  
**ALIMONY** = Older term for money to be paid from one spouse to the other for support, either during or at the conclusion of the dissolution of a marriage; the term is largely obsolete and has been replaced by maintenance.
- ARREARAGES  
**ARREARAGES** = Unpaid child support payments for a past period owed by the non-custodial parent.
- ATTORNEY OF RECORD  
**ATTORNEY OF RECORD** = An attorney who has filed a notice of appearance with court.
- BATTERED CHILD SYNDROME (B.C.S.)  
**B.C.S.** = Physical condition of a child indicating that external or internal injuries result from acts committed by a parent or custodian.
- BATTERY  
**BATTERY** = An offensive touching or use of force on a person without the person's consent.
- BATTERY, SPOUSAL  
**BATTERY, SPOUSAL** = An offensive touching or use of force on one's spouse without the spouse's consent.
- BENCH WARRANT  
**BENCH WARRANT** = A court order for a person's arrest so he/she can be brought to court.
- CALENDAR DESCRIPTION:
  1. Adoption  
**Adoption** = Legal process by which a child's legal rights and duties toward natural parents are terminated and similar rights and duties towards adoptive parents are substituted.
  2. Affidavit to Dissolve TPO
  3. Affidavit to Obtain TPO
  4. Annulment Hearing
  5. Arrearages  
**Arrearages** = Unpaid child support payments for a past period owed by the non-custodial parent
  6. Child Interview
  7. Contempt Show Cause
  8. Cooperative Parenting Class
  9. Custody Evaluation
  10. Defendant's Amended Opposition and Counter-motion
  11. Defendant's Opposition and Counter-motion for Sanctions and Attorney's fees
  12. Defendant's Opposition and Counter-motion to Confirm Custody
  13. Drug Test Results
  14. Emergency Motion for Change in the Visitation Schedule
  15. Emergency Motion to Modify Child Custody and Other Related Relief
  16. Evidentiary Hearing
  17. Genetic Test Review

18. Hearing for Change of Name
19. Hearing for Child Custody
20. Hearing for Custody
21. Hearing to Extend TPO
22. Issue of Exemption
23. Mandatory Calendar Call
24. Mediation
25. Motion for an Order to Show Cause for Contempt
26. Motion for Clarification of the Court's Order
27. Motion for Contempt
28. Motion for Determination of Community Property Interest on Sale
29. Motion for Exclusive Possession
30. Motion for Fees and Allowances
31. Motion for Joint Legal Custody
32. Motion for Reconsideration Regarding Visitation
33. Motion for Sole Legal and Sole Physical Custody of Minor Child
34. Motion for Temporary Order for Child Custody
35. Motion for Temporary Primary Physical Custody of the Subject
36. Motion to Continue Trial
37. Motion to Establish Jurisdiction
38. Motion to Modify Child Custody and Child Support, Visitation
39. Motion to Reduce Child Support
40. Motion to Reduce Lien to Judgment
41. Motion to Relocate
42. Motion to Reschedule Hearing on Motion Establishing Paternity
43. Motion to Set Aside Divorce Decree
44. Motion to Set Aside Last Order Filed on
45. Motion to Strike Peremptory Challenge of Judge
46. Motion to Withdraw as Counsel
47. Non-Jury Trial
48. Notice for Hearing on Applicants Motion and Affidavit to Dissolve TPO
49. Notice of Hearing
50. Notice of Motion for Perfection of Attorney's Lien
51. Objection to Ruling
52. Order for Expedited Hearing on Adverse Party's Motion
53. Order Shortening Time on Applicant's Motion
54. Outsource Custody Evaluation
55. Plaintiff's Motion for Change of Venue
56. Plaintiff's Objection to Report of the Special Master
57. Plaintiff's Opposition and Counter-motion for Termination of Spousal Support
58. Plaintiff's Opposition and Counter-motion to Modify Child Support
59. Plaintiff's Opposition and Counter-motion to Modify Joint Physical Custody
60. Pretrial Conference
61. Remaining Issues
62. Remand from Family Court
63. Request to Quash Bench Warrant
64. Respondent's Request
65. Review and Adjustment
66. Review/In Custody
67. Separate Maintenance Hearing
68. Status Check

- 69. Uncontested Divorce Hearing
- 70. Visitation Resolution
- CASE MANAGER = The person who works on a child support case at the District Attorney's Office of the Family Support Division.
- CASE NUMBER
- CHILD SUPPORT
- CHILD SUPPORT = Money to be paid by one spouse by another for the support of their children.
- COHABITATION
- COHABITATION = Term used to describe living or residing together, usually in reference to unmarried persons.
- COMMUNITY PROPERTY
- COMMUNITY PROPERTY = Property acquired during marriage and owned by both husband and wife.
- COURT CALENDAR
- CUSTODIAN
- CUSTODIAN = Person with legal custody of a child or with whom a child lives; this person is not necessarily the child's parent.
- CUSTODY(legal or physical)
- CUSTODY = In domestic cases, the legal right to take control over and care of a child. In criminal cases, the defendant is said to be in custody if he is detained on authority or otherwise restrained, so that he is not free to come and go at will. See also **parenting plan**.
- DECLARATION OF INVALIDITY
- DECLARATION OF INVALIDITY = A declaration by the court that a marriage is invalid or that no legal marriage existed. In some states called an **annulment**.
- DECREE
- DECREE = The final and formal document upon dissolution of marriage, specifying the rights and obligations of the former spouses. Analogous to a judgment in other cases.
- DISSOLUTION
- DISSOLUTION = The act of legally dissolving a marriage or other legal status; in the context of marriage, formerly called divorce.
- DIVORCE
- DIVORCE = An older term for dissolution (above).
- EMANCIPATION
- EMANCIPATION = Removing a child from a support order because he/she is no longer considered a minor. In Nevada, this occurs at age 18, unless still in high school or age 19, whichever occurs first.
- ENFORCEMENT
- ENFORCEMENT = Obtaining payment of child support or medical support obligation.
- ESTABLISHMENT
- ESTABLISHMENT = Initiating a legal action to obtain a child support obligation.
- GENERAL TESTIMONY
- GENERAL TESTIMONY = A packet completed by the petitioner that identifies who the parties are in a child support case, including the children, and the child support/financial information.
- GENETIC TESTING
- GENETIC TESTING = Analysis of DNA of the mother, child and alleged father to help prove or disprove that a particular man fathered a particular child.

- **GUARDIAN**  
**GUARDIAN** = A person appointed to take care of the person or property of another
- **GUARDIAN AD LITEM**  
**GUARDIAN AD LITEM** = A person appointed by the court to look after interests of a minor or incompetent person during the course of litigation.
- **GUARDIANSHIP**  
**GUARDIANSHIP** = The office, duty or authority of a guardian; also the area of the law pertaining to guardian and ward.
- **INCOMPETENT**  
**INCOMPETENT** = The terms **incompetent person**, **incompetent and mentally incompetent** refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind or other cause, is unable to properly manage and take care of himself or his/her property and consequently is likely to be deceived or imposed upon by artful or designing persons; the term **incompetent** is also used to describe evidence that is inadmissible. The term **incompetent** is also used to describe a person who, by reason of youth or some other cause, is unable to testify as a witness.
- **LETTERS OF CONSERVATORSHIP**  
**LETTERS OF CONSERVATORSHIP** = The instrument by which a person (the conservator) is appointed to take care of the person or property of an adult who by reason of advanced age, illness, injury, mental weakness, intemperance, addiction to drugs or other disability; is unable to properly care for himself or for his/her property or who is likely to be deceived or imposed upon by artful or designing persons or for whom a guardian could be appointed or who voluntarily requested the same and to the satisfaction of the court has established good cause there of; similar in effect to **letters of guardianship** (below).
- **LETTERS OF GUARDIANSHIP**  
**LETTERS OF GUARDIANSHIP** = The instrument by which a person (the guardian) is empowered to take charge of the person or property of a minor or incompetent person; similar in effect to **letters of conservatorship** (above).
- **LOCATE**  
**LOCATE** = The process used to determine the location of a non-custodial parent.
- **MAINTENANCE**  
**MAINTENANCE** = Money to be paid by one spouse to another for support, either during or at the conclusion of the dissolution of a marriage. Called **alimony** in some states.
- **MODIFICATION**  
**MODIFICATION** = The ability to adjust the current child support obligation based on the income of the non-custodial parent. Modification does not include non-modifiable terms which could include spousal support and age of emancipation.
- **NEXT FRIEND**  
**NEXT FRIEND** = A person acting for the benefit of a child or adult, without being formally appointed as a guardian.
- **NON-CUSTODIAL PARENT**  
**NON-CUSTODIAL PARENT** = The parent who does not live with or have custody of a child but does have a responsibility for financial support of that child.
- **NOTICE OF HEARING**  
**NOTICE OF HEARING** = A legal document served on the opposing parties giving them notice of a court hearing.
- **OBLIGEE/PAYEE**  
**OBLIGEE/PAYEE** = The person to whom child support is owed.

- **OBLIGOR/PAYOR**
- ***OBLIGOR/PAYOR*** = The person who owes child support.
- **PARENTAGE**
- ***PARENTAGE*** = Legal determination of fatherhood.
- **PARENTAGE ACTION**
- ***PARENTAGE ACTION*** = See **paternity action**.
- **PATERNITY ACTION**
- ***PATERNITY ACTION*** = Action in which a man is alleged to be the father of the child and that he has a duty to support the child; also called a **filiation action**; also called a **parentage action**.
- **PETITION**
- ***PETITION*** = Written application asking the court to grant a specified remedy; used in place of a complaint in certain actions, such as marriage dissolutions.
- **PETITIONER**
- ***PETITIONER*** = One who files a petition (above). The party that opens a case.
- **PUTATIVE FATHER**
- ***PUTATIVE FATHER*** = The alleged or reputed father of an illegitimate child.
- **RESPONDENT**
- ***RESPONDENT*** = The party that is responding to an action.
- **QUASHING A BENCH WARRANT**
- ***QUASHING A BENCH WARRANT*** = A court order which eliminates a bench warrant.
- **STIPULATION**
- ***STIPULATION*** = Out of court order to pay child support and/or to provide medical insurance as required.
- **SUPPORT**
- ***SUPPORT*** = See child support.
- **UN-REIMBURSED MEDICAL**
- ***UN-REIMBURSED MEDICAL*** = Medical costs which are not covered by insurance co-pays or deductibles.
- **WARD**
- ***WARD*** = A person, typically a child placed under the care of a guardian.

# **JUVENILE COURT VOCABULARY**

- **APPOINTMENT LISTING**
- **ARREST ID**
- **CITATION**
- **CHARGE(S)**
- ***CHARGE*** = a formal accusation of an offense as a preliminary step to prosecution i.e. a murder charge; to accuse (a person) of an offense i.e. the police charged him with murder
- **ACCIDENTS – NO PERSONAL INJURY**
- ***ACCIDENT*** = an unintended and unforeseen injurious occurrence; something that does not occur in the usual course of events or that could not be reasonably anticipated.
- **AFFRAY / FIGHTING**
- ***AFFRAY*** = the fighting by mutual consent, of two or more persons in some public place, to the terror of onlookers. The fighting must be mutual. If one person unlawfully attacks another who resorts to self-defense, the first is guilty of assault and battery, but there is no affray.
- **ALLOWING UNLICENSED DRIVER TO DRIVE**
- **ARSON – 3rd Degree**
- ***ARSON*** = at common law, the malicious burning of someone else's dwelling house or outhouse that is either appurtenant to the dwelling house or within the curtilage. Under modern statutes, the intentional and wrongful burning of someone else's property (as to destroy building) or one's own property.
- **ASSAULT**
- ***ASSAULT*** = the threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive contact; the act of putting another person in reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or threat to commit a battery.
- **BATTERY**
- ***BATTERY*** = the use of force against another, resulting in harmful and offensive contact.
- **BATTERY ON A SCHOOL EMPLOYEE**
- **BATTERY WITH SUBSTANTIAL BODILY HARM**
- **BURGLARY**
- ***BURGLARY*** = the common law offense of breaking and entering another's dwelling at night with the intent to commit a felony. The modern statutory offense of breaking and entering any building – not just a dwelling, and not only at night – with the intent to commit a felony.
- **CARRYING CONCEALED WEAPON (1st OFFENSE)**
- **CHALLENGE TO FIGHT**
- **CONSPIRACY TO COMMIT GRAND LARCENY**
- **CONTRIBUTING TO DELIQUENCY OF A MINOR**
- **COERCION (No Force or Threat)**
- ***COERCION*** = compulsion by physical force or threat of physical force. An act such as signing a will is not legally valid if done under coercion. And since a valid marriage requires voluntary consent, coercion or duress is grounds for invalidating a marriage.

- CURFEW – GENERAL
- CURFEW = Hist. A law requiring that all fires be extinguished at a certain time in the evening, usu. Announced by the ringing of a bell.  
A regulation that forbids people (or certain classes of them, such as minors) from being outdoors or in vehicles during specified hours.
- DAMAGE TO SCHOOL PROPERTY
- DEFRAUDING AN INNKEEPER
- DEFRAUD = to cause injury or loss to (a person) by deceit.
- DISCHARGING A FIREARM INTO A VEHICLE OR STRUCTURE (Occupied)
- DISORDERLY CONDUCT
- DISTURBING THE PEACE
- DISTURBING THE PEACE (also termed breach of the peace; disturbance of the peace; public disturbance) = the criminal offense of creating a public disturbance or engaging in disorderly conduct, particularly by making an unnecessary or distracting noise
- DRIVING ON SUSPENDED LICENCE
- DRIVING WITHOUT A LICENCE (3rd Offense)
- DRAW/EXHIBIT DEADLY WEAPON IN A THREATENING MANNER
- DUI – Alcohol
- EVADE POLICE OFFICER
- EMBEZZLEMENT
- EMBEZZLEMENT = the fraudulent taking of personal property with which one has been entrusted, esp. as a fiduciary
- ENDAGGERING PERSON
- ENTER PROPERTY WITH INTENT TO DAMAGE PROPERTY
- FAIL URE TO DRIVE ON RIGHT SIDE
- FAILURE TO OBEY RED LIGHT
- FAILURE TO OBEY STOP SIGN
- FALSE CRIME REPORT
- FALSE FIRE ALARM
- FALSE INFORMATION TO POLICE OFFICER
- FALSE 911 ALARM
- FORGERY
- GRAFFITI
- GRAND LARCENY
- GRAND LARCENY = larceny of property worth more than a statutory cutoff amount, usu. \$100.00
- HARRASMENT (1st Offense)
- HARRASMENT = words, conduct, or action (usu. repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose.
- HIT AND RUN
- INCITE A RIOT
- INCITE = to provoke or to stir up (someone to commit a criminal act, or the criminal act itself).
- INHALE HARMFUL VAPORS
- INJURY
- INJURY = the violation of another's legal right, for which the law provides a remedy; a wrong or injustice; any harm or damage

- INTIMIDATING AN OFFICER – No Force or Threat
- LARCENY  
*LARCENY = the unlawful taking and carrying away of someone's else's personal property with the intent to deprive the possessor of it permanently*
- LEAVING THE SCENE OF AN ACCIDENT
- LEWD OR LASCIVIOUS CONDUCT  
*LEWD = obscene or indecent; tending to moral impurity or wantonness*  
*LASCIVIOUS = (of conduct) tending to excite lust; lewd; indecent; obscene*
- LICENSING/REGISTRATION VIOLATION
- LITTERING
- LODGING WITHOUT CONSENT
- LOITERING FOR DRUG ACTIVITY
- LOITERING = the criminal offense of remaining in a certain place (such as public streets) for no apparent reason
- LOITERING FOR PROSTITUTION
- LOITERING ON SCHOOL GROUNDS
- MALICIOUS DESTRUCTION OF PROPERTY  
*MALICIOUS = intentional, wrongful, without legal justification or excuse*  
*DESTRUCTION = the act of destroying or demolishing; the ruining of something*
- NO INSURANCE/NO PROOF OF INSURANCE
- OBSTRUCTING AN OFFICER
- OBSTRUCTION = something that impedes or hinders, as in a street, river, or design; an obstacle; the act of impeding or hindering something
- OBTAINING MONEY, PROPERTY, RENT, OR LABOR UNDER FALSE PRETENSES
- FALSE PRETENSES = the crime of knowingly obtaining title to another's personal property by misrepresenting a fact with the intent to defraud
- OPEN LIQUOR CONTAINER IN VEHICLE
- PEDESTRIAN VIOLATION
- PETTY LARCENY  
*PETTY LARCENY = larceny of property worth less than an amount fixed by statute, usu. \$100.00*
- POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL  
*CONTROLLED SUBSTANCE = any type of drug whose possession and use is regulated by law, including a narcotics, a stimulant, or a hallucinogen*
- POSSESSION OF DANGEROUS DRUG (1st Offense)  
*DANGEROUS DRUG = a drug that has potential for abuse or injury, usu. requiring a label warning that it cannot be dispensed without a prescription*
- POSSESSION OF DANGEROUS DRUG NOT TO BE INTRODUCED INTO INTERSTATE COMMERCE
- POSSESSION OF DANGEROUS WEAPON (1st Offense)  
*DANGEROUS WEAPON = an object or device that, because of the way it is used, is capable of causing serious bodily injury*
- POSSESSION OF DRUG PARAPHERNALIA  
*DRUG PARAPHERNALIA = anything used, intended for use, or designed for use with controlled substance*
- POSSESSION OF FALSE ID
- POSSESSION OF FIREARM
- POSSESSION OF FIREWORKS

- POSSESSION OF HYPODERMIC DEVICE
- POSSESSION OF MARIJUANA
- POSSESSION OF SPRAY PAINT
- POSSESSION OF STOLEN PROPERTY
- POSSESSION OF STOLEN VEHICLE
- POSSESSION OF WEAPON ON SCHOOL PROPERTY
- POSSESSION OR CONSUMPTION OF ALCOHOL
- PROVOKING ASSAULT
- PUBLIC NUISANCE
- RECKLESS DRIVING
- **RECKLESS DRIVING** = the criminal offense of operating a motor vehicle in a manner that shows conscious indifference to the safety of others
- RESISTING OFFICER
- SALE OF CONTROLLED SUBSTANCE
- SCHOOL DISTURBANCE
- **DISTURBANCE** = an act causing annoyance or disorder, or interfering with a person's pursuit of a lawful occupation or the peace and order of a neighborhood, community or meeting
- SOLICITATION OF PROSTITUTION
- SPEEDING
- TAMPER WITH MOTOR VEHICLE
- **TAMPER** = to meddle so as to alter (a thing), esp. to make changes that are illegal, corrupting, or perverting; to interfere improperly
- THEFT
- THREAT TO CAUSE BODILY HARM OR DEATH TO PUPIL OR SCHOOL EMPLOYEE
- **THREAT** = a communicated intent to inflict harm or loss on another or on another's property, esp. one that might diminish a person's freedom to act voluntarily or with lawful consent
- **Bodily Harm** = physical pain, illness, or impairment of the body
- THREAT TO OFFICER – Without Threat of Physical Force
- **PHYSICAL FORCE** (also termed actual force) = force consisting in a physical act, esp. a violent act directed against a robbery victim
- TRESPASS UNSAFE TURN/MOVE
- **TRESPASS** = an unlawful act committed against the person or property of another; esp. wrongful entry on another's real property
- THROWING DEADLY MISSILE
- THROWING SUBSTANCE AT VEHICLE
- TRAFFIC WARRANT
- UNDER THE INFLUENCE OR USE OF A CONTROLLED SUBSTANCE WITH INTENT TO SELL
- UNLAWFUL ASSEMBLY
- **UNLAWFUL ASSEMBLY** = a meeting of three or more persons who intend either to commit a violent crime or to carry out some act, lawful or unlawful, that will constitute a breach of the peace.
- UNLAWFUL MANEUVER WHILE DRIVING
- VANDALISM
- VIOLATION OF INSTRUCTION PERMIT
- VIOLATION OF LOCAL ORDINANCE OR CODE

- **DECLINING JURISDICTION**
- ***DECLINING JURISDICTION*** = Process by which juvenile court refuses to accept a case, typically a very serious case, thus exposing the juvenile to prosecution as an adult.
- **DEPENDENCY PROCEEDING**
- ***DEPENDENCY PROCEEDING*** = a general term often used to refer to juvenile court proceedings other than those in which the juvenile is charged with a crime. The general nature of the proceeding is to provide court-ordered assistance to a child who has been abused, who cannot live peacefully with his/her parents, who has committed misconduct short of a criminal offense or the like.
- **DETENTION HEARING**
- ***DETENTION HEARING*** = A hearing in juvenile court to determine whether a juvenile who is in custody should be further detained or released; usually used in connection with the hearing to determine whether the juvenile will be released until the adjudicatory hearing (trial).
- **DETENTION ORDER**
- ***DETENTION ORDER*** = A juvenile court order detaining the juvenile in custody until further proceedings are held.
- **DISPOSITION**
- ***DISPOSITION*** = Final result or termination of a trial; usually refers to the sentence or other punishment imposed; a disposition hearing is a hearing in a juvenile court case, at which the court decides upon the sentence to be imposed.
- **DISPOSITION HEARING**
- ***DISPOSITION HEARING*** = A hearing at which the court decides the final outcome of the case. Roughly analogous to sentencing in a criminal case.
- **DIVERSION**
- ***DIVERSION*** = Process by which formal prosecution is suspended, pending the outcome of efforts to help the juvenile through counseling, social services or the like.
- **FACT FINDING HEARING**
- ***FACT FINDING HEARING*** = A hearing at which the court determines the facts of the case. Roughly analogous to a trial in a case involving an adult.
- **INTERSTATE COMPACT ON JUVENILES**
- ***INTERSTATE COMPACT ON JUVENILES*** = an agreement among the states to assure cooperative supervision of delinquent juveniles on probation or parole and the return of a juvenile from one state to another.
- **PREPONDERANCE**
- ***PREPONDERANCE*** = Superiority in weight, importance or influence.
- **PREPONDERANCE OF THE EVIDENCE**
- ***PREPONDERANCE OF THE EVIDENCE*** = The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.  
This is the burden of proof in most civil trials, in which the jury is instructed to find for the party that, on the whole, has the stronger evidence, however slight the edge may be.
- **REASONABLE**
- ***REASONABLE*** = Fair, proper or moderate under the circumstances.
- **REASONABLE DOUBT**
- ***REASONABLE DOUBT*** = the doubt that prevents one from being firmly convinced of a defendant's guilt or the belief that there is a real possibility that a defendant is not guilty.  
“Beyond a reasonable doubt” is the standard used by a jury to determine whether a

- *criminal defendant is guilty.*
- **SHELTER CARE**
- **SHELTER CARE** = *Temporary care for a child who is the subject of a dependency proceeding.*
- **TERMINATION OF PARENTAL RIGHTS**
- **TERMINATION OF PARENTAL RIGHTS** = *A formal separation of parent and child, usually because of abuse or other serious misconduct by the parent.*

## LATIN AND OTHER FOREIGN-LANGUAGE TERMINOLOGY

- ACTION IN PERSONAM  
**ACTION IN PERSONAM** = An action against the person, founded on a personal liability.
- ACTION IN REM  
**ACTION IN REM** = Proceeding “against the thing” as compared to personal actions (in personam). Usually a proceeding where property is involved.
- AD LITEM  
**AD LITEM** = For the suit; for the purpose of the suit; e.g. a guardian ad litem (a person appointed by the court to protect the interests of a minor or legally incompetent person in a lawsuit).
- AD VALOREM  
**AD VALOREM** = According to value, as determined by assessment, invoice or appraisal.
- ALIA  
**ALIA** = Latin term meaning other things. *Inter alia* means among other things.  
Example: *He argued, inter alia, that the contract was invalid.*
- AMICUS CURIAE  
**AMICUS CURIAE** = Latin term meaning friend of the court – a third party that is permitted by the court to submit a brief or to assist the court in some other way; often called simply **an amicus**, and a brief submitted by an amicus is often called an amicus brief.
- CAVEAT  
**CAVEAT** = A warning; a note of caution.
- CERTIORI  
**CERTIORI** = A means of getting an appellate court to review a lower court’s decision. The loser of a case will often ask the appellate court to issue a writ of certiorari, which orders the lower court to convey the record of the case to the appellate court and to certify it as accurate and complete. If an appellate court grants a writ of certiorari, it agrees to take the appeal. This is often referred to as *granting cert.*
- CORPUS DELICTI  
**ACTION IN PERSONAM** = Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the body of the victim of a homicide or to the charred shell of a burned house, but the term has a broader meaning.
- DE NOVO  
**DE NOVO** = Anew; without regard to earlier events. For example, a trial de novo is when a party is granted a new trial.
- E.G.  
**E.G.** = Abbreviation for *exempli gratia*, a Latin term meaning “for example”; usually used at the beginning of a sentence or phrase.

- **ERROR CORAM NOBIS**  
**ERROR CORAM NOBIS** = A writ to correct a judgment in the same court in which it was rendered on the basis of grounds of fact.
- ET AL
- **ET AL** = Latin term meaning **and others**.
- ET ANO
- **Et Ano** = Latin term meaning **and one other**.
- ET SEQ
- **ET SEQ** = Latin abbreviation meaning **and following**. Pages 19 et seq. means Pages 19 and the pages following.
- ET UX
- **ET UX** = Latin term meaning **and wife**.
- ET VIR
- **ET VIR** = Latin term meaning **and husband**.
- EX PARTE
- **EX PARTE** = On behalf of only one party, without notice to any other party. A judicial act or proceeding is said to be *ex parte* when it is taken or conducted at the instance and for the benefit of one party only, without notice to the opposing party or other persons; also refers to the department of the court in which such actions and proceedings are conducted.
- EX PARTE PROCEEDING
- **EX PARTE PROCEEDING** = The legal procedure in which only one side is represented.
- EX POST FACTO
- **EX POST FACTO** = After the fact; a statute is termed *ex post facto* if it purports to affect situations in existence at the time of its enactment.
- GUARDIAN AD LITEM
- **GUARDIAN AD LITEM** = A person appointed by a court to look after the interests of an infant, child, or incompetent during court proceedings.
- HABEAS CORPUS
- **HABEAS CORPUS** = The name given to a variety of writs having for their object to bring a person before the court or a judge and protect him or her from unlawful imprisonment or custody.
- HEARING DE NOVO
- **HEARING DE NOVO** = A full new hearing.
- IE.
- **IE.** = Abbreviation for *id est*, a Latin term meaning “that is to say”, usually used at the beginning of a phrase or sentence.
- IN CAMERA
- **IN CAMERA** = A Latin term meaning “in the judge’s chamber” (the judge’s personal office), or in private. A hearing in camera takes place in the judge’s office outside of the presence of the jury and the public.
- IN FORMA PAUPERIS
- **IN FORMA PAUPERIS** = Latin term referring to the right of an impoverished person to proceed with certain actions without payment of the usual fees and cost.

- **IN LOCO PARENTIS**
- **IN LOCO PARENTIS** = “In the place of the parent”. It refers to actions of a custodian, guardian, or the person acting in the parent’s place.
- **IN PROPRIA PERSONA**
- **IN PROPRIA PERSONA** = In courts, it refers to persons who present his or her own case without lawyers. See **PRO PER** and **PRO SE**.
- **IN LIEU OF**
- **IN LIEU OF** = Instead of; in place of; e.g. use of a deposition in lieu of testimony.
- **IN REM**
- **IN REM** = (1) An act done or directed to no specific person and consequently against or with reference to all whom it may concern; (2) with reference to or relating to real property; e.g. an in rem action.
- **INTER ALIA**
- **INTER ALIA** = Among other things.
- **LIMINE**
- **LIMINE** = A motion requesting that the court not allow certain evidence that might prejudice the jury.
- **LOCUS DELICTI**
- **LOCUS DELICTI** = The place of the offense.
- **MOTION IN LIMINE**
- **MOTION IN LIMINE** = A written motion which is usually made before or after the beginning of a jury trial for a protective order against prejudicial questions and statements.
- **NE EXEAT**
- **NE EXEAT** = A writ that forbids a person from leaving the state or the jurisdiction of the court.
- **NOLLE PROSEQUI**
- **NOLLE PROSEQUI** = A formal entry in the record, by a plaintiff in a civil case or the prosecutor in a criminal case that he will not further prosecute the case, either as to some of the counts or some of the defendants or in its entirety. It translates, “I do not choose to prosecute.” Also loosely called *nolle pros*.
- **NOLO CONTENDRE**
- **NOLO CONTENDRE** = A Latin term meaning no contest; a plea by a criminal defendant, having the same effect as a plea of guilty in the present case, but that may not be used as an admission elsewhere; such pleas are not allowed in some states.
- **NON PROSEQUITUR**
- **NON PROSEQUITUR** = A Latin term meaning does not follow up on.
- **NUNC PRO TUNC**
- **NUNC PRO TUNC** = Now for then; a phrase applied to acts having a retroactive effect; for example, a judgment *nunc pro tunc* is effective as of a specified date prior to the actual entry of the judgment.
- **OBITER DICTUM**
- **OBITER DICTUM** = A statement of opinion by a judge on some point not argued in a case, or not a part of the conclusions necessary to support the judgment; it is not binding to the court in later cases.

- **PARENS PATRIAE**
- **PARENS PATRIAE** = The doctrine under which the court protects the interests of a juvenile
- **PENDENTE LITE**
- **PENDENTE LITE** = Pending or during the progress of a lawsuit; an order pendent elite is an order that gives temporary relief to one party until the final outcome of the case.
- **PER DIEM**
- **PER DIEM** = Per day or by the day; a sum of money of so much per day.
- **PER SE**
- **PER SE** = By himself or by itself; not to be confused with **pro se** (below)
- **PETIT**
- **PETIT** = (pronounced and sometimes written petty) Small; minor; insignificant; e.g. petty theft.
- **PRIMA FACIE EVIDENCE**
- **PRIMA FACIE EVIDENCE** = Evidence that is good and sufficient on its face; evidence sufficient to establish a particular fact or group of facts, constituting the party's claim or defense and which, if not rebutted or contradicted, will remain sufficient.
- **PRO BONO PUBLICO**
- **PRO BONO PUBLICO** = For the public good. Lawyers representing clients without a fee are said to be working pro bono publico.
- **PRO PER**
- **PRO PER** = One who represents oneself in a court proceeding without the assistance of a lawyer. Also known as pro se. See also **IN PROPRIA PERSONA**.
- **PROSE**
- **PRO SE** = For himself; on his own behalf; a party who represents himself in court without an attorney is a pro se party.
- **PRO TERM (or TEMPORARY) JUDGE**
- **PRO TERM (or TEMPORARY) JUDGE** = A judge serving temporarily in place of a regular judge.
- **QUID PRO QUO**
- **QUID PRO QUO** = Something in exchange for another.
- **RES GESTAE**
- **RES GESTAE** = A vague term usually referring to the facts and circumstances surrounding a more central fact or action that is the subject of litigation. Often used in connection with the admissibility of evidence. Example: "The bystander's statements were admissible as part of the res gestae (meaning, roughly, as part of the excitement and events in question).
- **RES IPSA LOQUITUR**
- **RES IPSA LOQUITUR** = A Latin term meaning the thing speaks for itself; it is a rule of law holding that under some circumstances strongly suggesting negligence, the defendant will be presumed negligent until the contrary is shown.
- **RES JUDICATA**
- **RES JUDICATA** = A matter adjudged; an issue judicially settled or decided; usually used to mean final and not subject or modification; rule of law that prevents parties from re-litigating the same matter.

- SUBPOENA DUCES TECUM  
**SUBPOENA DUCES TECUM** = A court order commanding a witness to bring certain documents or records to court.
- ULTRA VIRES  
**ULTRA VIRES** = A term describing an act done by a public or private entity that is void for lack of authority to perform the act.
- VENIRE FACIAS  
**VENIRE FACIAS** = An ancient writ summoning a person for jury duty.
- VOIR DIRE  
**VOIR DIRE** = To speak the truth; the term is used to refer to the preliminary questioning of a person to determine the person's qualifications to serve as a juror or witness.

# **RECORD KEEPING AND OTHER ADMINISTRATIVE MATTERS TERMINOLOGY**

- **ABSTRACT**  
**ABSTRACT** = A summary of a larger work, wherein the principal ideas of the larger work are contained.
- **ABSTRACT OF RECORD**  
**ABSTRACT OF RECORD** = A history of case in short, abbreviated form as found in the record.
- **AGENDA**  
**AGENDA** = A list of cases pending with the court or set for hearing at a particular time and place; also called a court calendar.
- **AKA**  
**AKA** = Also known as.
- **ARCHIVES**  
**ARCHIVES** = A place or facility where old records and other materials are stored.
- **CALENDAR**  
**CALENDAR** = A list of cases pending with the court or set for hearing at a particular time and place; sometimes called an agenda.
- **CLERICAL ERROR**  
**CLERICAL ERROR** = An unintentional mistake, not involving exercising of discretion, by the clerk, counsel or the court, usually in a written document.
- **COURT ADMINISTRATOR**  
**COURT ADMINISTRATOR** = The manager of the non-judicial work of the court.
- **DBA (D/B/A)**  
**DBA** = Doing business as; e.g. John Smith, dba Smith Hardware.
- **DOCKET NUMBER**  
**DOCKET NUMBER** = The numerical designation assigned to each case by the court.
- **DOCKET, DOCKETING, DOCKET ENTRY**  
**DOCKET, DOCKETING, DOCKET ENTRY** = (1) A collection of brief statements called docket entries compiled by the clerk, describing court appearances, pleadings and other actions taken in particular case; the activity by the clerk is called **docketing**. (2) A list or calendar of cases to be heard, as in the case was on the docket.
- **ENTER**  
**ENTER** = To record an order, judgment or other decision of the court in the court's records.
- **EXCERPT**  
**EXCERPT** = A portion of the record in a case, extracted and certified by the clerk for a specified purpose; the record is certified as an excerpt only.
- **FDBA (F/D/B/A)**  
**FDBA** = Formerly doing business as.

- **FEEES** = Charges established by law for certain services or privileges. For example, *filing fees*.
- **FILE (noun)** = A record of the court; usually refers to the file folder itself, containing pleadings and related documents.
- **FILE (verb)** = To endorse upon a document the date it is received, and to then place it in the file (see above).
- **FILING FEE** = The fee charged by the clerk of court for accepting a document for filing with the court. A fee is typically charged for the first document filed in a case (for opening the case file). Additional fees may also be charged for certain documents. The amounts to be charged are usually specified by law.
- **IN RE** = In regard to or in the matter of; used in pleading captions, such as ***In re Marriage of Smith***.
- **LODGE** = To bring into the custody of the clerk, but without the clerk physically attaching the papers to others in the file.
- **MINUTES, (MINUTE ENTRIES)** = Memoranda or notes compiled by a courtroom clerk, summarizing the actions taken by counsel and the court.
- **NKA** = Now known as; e.g. John Doe nka John Smith
- **SEALED** = (1) Authenticated by a seal; executed by the affixing of a seal; (2) protected against public disclosure; e.g. ***a sealed file***.

## TRIAL TERMINOLOGY

- ACCESSORY  
**ACCESSORY** = A person who aids or contributes in the commission of a crime.
- ACCOMPLICE  
**ACCOMPLICE** = One who knowingly, voluntarily, and intentionally unites with the principal offender in the commission of a crime. Partner in crime.
- ACCUSATION  
**ACCUSATION** = A formal charge against the person, to the effect that he has engaged in a punishable offense.
- ACCUSED  
**ACCUSED** = The generic name for the defendant in a criminal case.
- ACQUIT  
**ACQUIT** = To legally certify the innocence of one charged with a crime. To set free, release or discharge from an obligation, burden or accusation. To find a defendant not guilty in a criminal trial.
- ADJOURN, ADJOURNMENT  
**ADJOURN, ADJOURNMENT** = The act of discontinuing or postponing a proceeding until another time or place; the court is said to adjourn until tomorrow, or to grant an adjournment. Usually shorter for continuance.
- ADJUDICATE  
**ADJUDICATE** = To determine finally.
- ADMISSIBLE  
**ADMISSIBLE** = Pertinent and proper to be considered in reaching a decision.
- ADMISSIBLE EVIDENCE  
**ADMISSIBLE EVIDENCE** = Evidence that can be legally and properly introduced in a civil or criminal trial.
- ADMONISH  
**ADMONISH** = To advise or caution. For example the Court may caution or admonish counsel for wrong practices.
- AFFIRM  
**AFFIRM** = (1) to give a formal declaration, used in place of an oath, usually to avoid religious overtones; (2) to approve or validate that which was done by a lower court, i.e. an appellate court is said to affirm the trial court.
- AGGRAVATING FACTORS  
**AGGRAVATING FACTORS** = Any factors associated with the commission of a crime which increase the seriousness of the offense or add to its injurious consequences.
- ALIBI  
**ALIBI** = A defense claim that the accused was somewhere else at the time a crime was committed.

- ALLEG = To state, recite, assert, claim, maintain, charge or set forth. To make an allegation.
- ALLEGED = Asserted to be true as depicted or a person who is accused but has not yet been tried in court.
- ALTERNATIVE DISPUTE RESOLUTION (ADR)  
**ADR** = Settling a dispute without a full, formal trial. Methods include **mediation, conciliation, arbitration, and settlement**, among others.
- APPEARANCE  
**APPEARANCE** = A coming into court as a party or interested person or as a lawyer on behalf of party or interested person.
- ARGUMENT  
**ARGUMENT** = Remarks addressed by attorney to judge or jury on the merits of case or on points of law.
- ARRAIGN  
**ARRAIGN** = The procedure where the accused is brought before the court to hear the criminal charge(s) against him or her and to enter a plea of either guilty, not guilty or no contest.
- ARRAIGNMENT  
**ARRAIGNMENT** = A proceeding in which the accused is brought before the court to plead to criminal charge in the indictment or information. The charge is read to him or her and he or she is asked to plead guilty or not guilty or, where permitted, *nolo contendere* (no contest).
- ATTEMPT  
**ATTEMPT** = An endeavor or effort to do an act or accomplish a crime, carries
- BENCH TRIAL  
**BENCH TRIAL** = Trial without a jury in which a judge decides the facts and law.
- CHALLENGE  
**CHALLENGE** = A formal objection to a potential juror.
- CITATION  
**CITATION** = (1) A summons requiring an appearance in court; (2) A reference to an authority in support of a legal argument. In the latter sense, CR 2 is said, for example, to be a citation to Civil Rule 2.
- CIVIL ACTION (Civil Case)  
**CIVIL ACTION (Civil Case)** = A lawsuit instituted to compel payment, or the doing of some act, as distinguished from a civil case.
- COMPETENCY  
**COMPETENCY** = Mental capacity of a person, especially with regard to his or her ability to stand trial and to assist counsel in his or her defense.
- CONTINUE, CONTINUANCE  
**CONTINUE, CONTINUANCE** = The act of discontinuing or postponing a proceeding until another time or place; the court is said to continue a case or to grant a continuance; usually longer than an adjournment.
- CROSS-EXAMINATION  
**CROSS-EXAMINATION** = see examination

- **DAMAGES** = In a civil action, an amount of money claimed by the plaintiff, or awarded by the court, as compensation for injury or loss.
- **DAY (or DATE) CERTAIN** = A fixed or appointed day or date.
- **DECREE** = The judgment of a court of equity or admiralty; usually used to describe a judgment that requires the doing of some act, as distinguished from the payment of money.
- **DEFENDANT** = The party defending or denying; as distinguished from the plaintiff in a civil case or the prosecution in a criminal case.
- **DELIBERATE** (verb) = To discuss or consider, in order to reach a decision; the jury deliberates before reaching a verdict.
- **DISMISSAL** = An order or judgment disposing of an action without a trial. A dismissal of the plaintiff's case on motion of the defendant is called an ***involuntary dismissal***.  
A dismissal at the plaintiff's own request is called a ***voluntary dismissal***. A dismissal that also bars the plaintiff from re-filing the same suit is called a ***dismissal with prejudice***.
- **DISPOSITION** = Final result or termination of a trial; usually refers to the sentence or other punishment imposed following a criminal or juvenile case; a ***disposition hearing*** is a hearing in a juvenile court case, at which the court decides upon the sentence to be imposed.
- **DOE, JOHN or JANE** = Fictitious names used to designate a party until his or her real name can be ascertained.
- **EVIDENCE** = Any proof legally presented at trial, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, and the like, for the purposes of including belief in the minds of the court or jury as to their contention.
- **EXAMINATION** = Questioning of a witness under oath, at trial or during a deposition.  
***Direct Examination*** – is the first questioning of a witness, by the party who calls the witness.  
***Cross-Examination*** – is the questioning of a witness by the opposing party, to test the truth of the witness, or to further explore testimony already given on direct examination.
- **EXHIBIT** = A paper, document or object produced and exhibited during a trial or hearing; if accepted as evidence, it is marked for identification and filed for record.

- **HUNG JURY** = A jury that can not agree on a verdict.
- **HUNG JURY** = A jury that can not agree on a verdict.
- **INDIGENT** = Technically, referring to a person who is entitled, because of poverty, to an attorney and certain other court services at public expense; the term is often used in a general sense to mean impoverished, poor or needy.
- **INSTRUCTIONS** = see Jury Instructions.
- **JUDGMENT**
- **JUDGMENT** = The final determination of the rights of the parties to an action or proceeding; the formal, written document reflecting such a final determination; the term is used in both civil and criminal cases.
- **JURISDICTION**
- **JURISDICTION** = The courts authority to render judgment in particular case; the power of the court over a particular person or subject matter; a court without such authority is said to **lack jurisdiction over the parties or subject matter**; e.g. courts of limited jurisdiction lack jurisdiction to grant a dissolution of marriage because only trial courts have jurisdiction to do so.
- **JURY**
- **JURY** = A certain number of persons (usually 6 or 12), selected according to law, and sworn to decide issues of fact and declare the truth on the basis of evidence submitted to them.
- **JURY INSTRUCTIONS**
- **JURY INSTRUCTIONS** = The judge's explanation of the law that governs a case, given to the jury at the conclusion of the trial, often based upon standardized ("pattern") instructions. Sometimes called the judge's charge to the jury.
- **LEAVE OF COURT**
- **LEAVE OF COURT** = The court's permission; e.g. additional briefs cannot be filed without leave of court.
- **MISTRIAL**
- **MISTRIAL** = An order declaring a trial to be invalid because of some fundamental error; when a mistrial is declared, the trial must start again from the beginning.
- **MOTION**
- **MOTION** = An application to the court for a ruling or order, usually before or during the trial.
- **OATH**
- **OATH** = (1) Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully; (2) a written or oral pledge to keep a promise to speak the truth.
- **OBJECTION**
- **OBJECTION** = A statement by counsel, taking exception to testimony or to the attempted introduction of evidence.
- **OPENING STATEMENT**
- **OPENING STATEMENT** = The first address of counsel, given at the beginning of a trial. Also called **opening argument**.

- **ORDER** = Every direction of a court or judge, made or entered in writing and not included in the final judgment.
- **PARTIES** = The persons or other entities who take part in the performance of an act, or who are directly interested in any affair, contract, or conveyance, or who are actively concerned in the prosecution or defense of any legal proceeding; in litigation, the persons or entities who are actually named as plaintiffs or defendants.
- **PERJURY** = Making a false statement under oath, a criminal offense.
- **PLAINTIFF** = A person or entity who commences a civil action filing a complaint; the party who complains or sues in a personal action and is named as plaintiff on the record, as distinguished from the defendant. When the action is commenced by the filing of a petition instead of a complaint, the term **petitioner** is used instead of plaintiff.
- **PLEADINGS** = The formal allegations by the parties of their respective claims and defenses for the judgment of the court; usually used with reference to civil cases, in which the pleading consist of the complaint, answer, counterclaims, and so forth. The plaintiff's first pleading is called a **complaint or petition**. The defendant's first pleading is called an **answer**.
- **QUASH** = To annul or make void; e.g. to quash a writ or a search warrant.
- **RECESS** = A short interval during which the court suspends business but does not adjourn; e.g. the court is said to recess for lunch.
- **RECORD** = (1) As a noun, the official, written history of an action or proceeding; (2) As a verb, to preserve in writings, printing, film, electronic recording, or the like. Trial proceedings that are formally recorded are **on the record**. Informal, unrecorded proceedings, such as an informal meeting among the attorneys in the case are **off the record**.
- **RETURN** = A vague term, usually referring to proof that an act was carried out; e.g. when the sheriff serves a writ as directed by the court, the sheriff files a **return of service** with the court, stating that the writ was served. A return date is a date by which such proof must be filed or otherwise submitted to the court.
- **SEALED** = (1) Authenticated by a seal; executed by the affixing of a seal; (2) Protected against public disclosure, e.g. a **sealed file**.
- **SEQUESTRATION OF JURY** = The practice of keeping the jurors isolated from all outside influence, staying in hotel if necessary. If the jurors cannot go home at night, they are **sequestered**. If the jurors are not sequestered, they are allowed to **separate** at night.

The term **sequester** is also used to apply to witnesses who are kept from the courtroom until it is time for them to testify.

- **SETTLEMENT**  
**SETTLEMENT** = Conclusion of a dispute; the term usually refers to a compromise reached by the parties, eliminating the need for a trial.
- **STIPULATION**  
**STIPULATION** = A binding agreement between counsel in a pending case, made in writing or in open court.
- **SUMMONS**  
**SUMMONS** = Normally the first document in a civil suit, attached to the complaint and notifying the defendant that an action has been commenced, and requiring the defendant to appear and respond to the complaint by filing an answer to it.
- **TESTIMONY**  
**TESTIMONY** = Oral statements given as evidence by a witness under oath; as distinguished from evidence consisting of documents, films, pictures, or the like.
- **TRIAL**  
**TRIAL** = The examination before a competent tribunal, according to the law put in issue in a cause, for the purpose of determining such issue.
- **VACATE**  
**VACATE** = To nullify or to set aside; e.g. the court will vacate a judgment that was entered without jurisdiction to do so.
- **VENIRE**  
**VENIRE** = To come or to appear in court; sometimes used to refer to list of persons who have been or are to be summoned for jury duty.
- **VENUE**  
**VENUE** = The place, usually a county, in which the law requires an action to be filed; if the court transfers the case to another county, the court is said to have granted a **change of venue**.
- **VERDICT**  
**VERDICT** = The formal decision by a jury, reported to, and accepted by the court.
- **VERIFICATION**  
**VERIFICATION** = Confirmation of the correctness, truth, or authenticity of a pleading, account, or other document by affidavit or oath, some pleadings must be verified
- **VIEW**  
**VIEW** = An actual viewing by the jury of something away from the courtroom. Where the accident occurred, where the crime was committed, or the like.
- **WAIVE, WAIVER**  
**WAIVE, WAIVER** = To abandon or to surrender a claim, privilege or right; one who waives a right is said to **give a waiver**.