

Court Case Terminology

Accessory

A person who assists in the commission of a crime, either before or after the commission of the crime.

Acquit

To free from accusation; to clear; to pronounce not guilty.

Adjudication

Giving or pronouncing a judgment or decree by a court of law

Advocate (n.)

A counselor in a judicial proceeding; one who pleads the cause of another, an attorney. Also advocator.

Advocate (v.)

To support, defend or plead in favor of another in a judicial proceeding.

Affidavit

A written statement sworn to before a notary public or another person possessing authority to administer an oath.

Allegation

An assertion made by a party which must be proved or supported with evidence

Appeal

A procedure in which a party to a legal proceeding seeks the reversal or modification by a higher court of a judgment or final order of a lower court or administrative agency

Civil Action

A lawsuit based on a private wrong, as distinguished from a crime, or to enforce rights through remedies of a private or non-penal nature. All legal proceedings which are not criminal actions are civil actions.

Claimant

Anyone who asserts a right, demand or claim.

Class Action

A lawsuit filed by a small group of plaintiffs on behalf of themselves and numerous other persons in a similar situation.

Clerk

Deputy of court who files pleadings, motions, judgments, etc, issues process and keeps records of court proceedings. Functions and duties of clerks of court are usually specified by statute or court rules.

Common Law

Law which derives its authority from usages and customs of immemorial antiquity, or from the judgments and decrees of courts. Also called “case law.”

Complainant

Synonymous with “plaintiff.”

Complaint

The first pleading on the part of the plaintiff in a civil action, setting out the plaintiff’s claims. In criminal law, the initial charge, filed by the prosecuting attorney or a complainant against an accused in a felony case.

Compulsory Process

Process to compel the attendance in court of one wanted as a witness. Process includes subpoena plus warrant for arrest if they are needed.

Conclusions of Law

A statement of the rules of law as applied to the facts of a particular case. In some cases, judges are required to make “findings of fact and conclusions of law.”

Consent Decree

Agreement by defendant to cease activities asserted by the government to be illegal. Also a decree in an equity case entered by consent of both parties

Convene

To come together or cause to assemble in court

Conviction

A judgment of guilty upon a plea of guilty at the end of trial finding the defendant guilty.

Defendant

The party against whom a civil or criminal action is brought

Direct Evidence

Proof of facts by witnesses who saw acts done or heard words spoken; distinguished from circumstantial evidence, which is called indirect

Injunction (also known as injunctive relief)

A writ issued by a court directing a person to do a certain thing (mandatory injunction) or prohibiting certain actions (prohibitive injunction). In other words, it restrains a party from doing certain acts or requires a party to act a certain way.

Intervention

A proceeding in a suit or action by which a third person is permitted by the court to make himself or herself a party.

Order

A written direction of a court or a judge, other than a judgment

Plaintiff

A person who brings a lawsuit.

Proceeding

Any hearing or court appearance related to the adjudication of a case.

Prohibition

The name of an extraordinary order issued by a superior court to a lower court, administrative agency or public officer to prohibit the court, agency or officer from exceeding its jurisdiction or exercising jurisdiction when there is no jurisdiction.

Verdict

The formal decision or finding made by a jury, reported to the court and accepted by it