

GLOSSARY OF LEGAL TERMS

acquittal: Judgment that a criminal defendant has not been proven guilty beyond a reasonable doubt.

affirmed: Declaration by an appellate court that the decision of a lower court is valid and will stand as rendered.

appeal: A request made after a trial asking another court (usually the appellate court) to decide whether the trial was conducted properly. One who appeals is called an appellant.

appellate: Concerning appeals. An appellate court has the power to review the judgment of a lower court or tribunal.

arraignment: Proceeding in which an individual accused of a crime is brought into court, informed of the charges and asked to plead guilty or not guilty.

bail: Security (usually in the form of money) given for the release of a criminal defendant or witness from legal custody to secure his appearance on the day and time appointed.

brief: A written document presented to the court by a lawyer to serve as the basis for argument.

capital offense: A crime punishable by death.

conviction: A judgment of guilt against a criminal defendant.

court: Government entity authorized to resolve legal disputes. Judges sometimes use “court” to refer to themselves in the third person, as in “the court has read the briefs.”

damages: Money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.

defendant: In a civil suit, the person complained against; in a criminal case, the person accused of the crime.

docket: A log containing brief entries of court proceedings.

evidence: Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

felony: A crime carrying a penalty of more than one year in prison.

grand jury: A body of citizens who listen to evidence of criminal allegations presented by the government and determine whether there is probable cause to believe the offense was committed.

indictment: The formal charge issued by a grand jury stating there is enough evidence that the defendant committed the crime to justify a trial.

judge: Government official with authority to decide lawsuits brought before courts.

jurisdiction: (1) The legal authority of a court to hear and decide a case. Concurrent jurisdiction exists when two courts have simultaneous responsibility for the same case. (2) The geographic area over which the court has authority to decide cases.

jury: Persons selected according to law and sworn to inquire into and declare a verdict on matters of fact.

litigation: A case, controversy or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

misdemeanor: A crime less serious than a felony that is punishable by less than one year in prison.

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mistrial: A trial made invalid by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.

opinion: A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court and offers further comment.

oral argument: An opportunity for lawyers to summarize their positions before the court and to answer justices' questions.

petit jury (or trial jury): As defined by the New Hampshire Constitution, a group of 12 citizens who decide the outcome of a trial. Their decision must be unanimous.

plaintiff: The person who files the complaint in a civil lawsuit.

plea: In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges.

precedent: A court decision in an earlier case similar to a dispute currently before a court. Precedent will ordinarily govern the decision of a later similar case, unless a party can show that it was wrongly decided or that it differed in some significant way.

pro se: A Latin term meaning "on one's own behalf." In courts, it refers to persons who present their own cases without lawyers.

prosecute: To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

remand: When an appellate court sends an appealed case back to a lower court for further action to be taken.

reverse: When an appellate court sets aside the decision of a lower court because of an error. A reversal is often followed by a remand.

sentence: The punishment ordered by a court for a defendant convicted of a crime.

settlement: The resolution of differences between parties in a lawsuit without having a trial. Settlements often involve the payment of compensation by one party to satisfy the other party's claims.

sequester: To place a jury in seclusion until a verdict is reached, thus minimizing the impact of outside influences on deliberations.

subpoena: A command to a witness to appear and give testimony.

testimony: Evidence presented orally by witnesses during a trial or before a grand jury.

tort: A civil wrong or breach of a duty to another person, as outlined by law. A common tort is negligent operation of a motor vehicle that results in property damage and personal injury.

uphold: The decision of an appellate court not to reverse a lower court decision.

verdict: The decision of a petit jury or a judge.

warrant: A written order directing the arrest of a party. A search warrant orders that a specific location be searched for items which, if found, can be used as evidence in court.

witness: A person called upon by either side in a lawsuit to give testimony before the court or jury.

Sources: Adapted from Understanding the New Hampshire Courts (published by the NH Bar Association, Nov. 1998) and from the website of the Administrative Office of the U.S. Courts (www.uscourts.gov).