

CHEAT SHEET

Common U.S. Legal Terms

- ✔ **Action**
A formal complaint or a suit brought in court or another tribunal.
- ✔ **Additur**
An increase by a judge of the amount of damages awarded by a jury.
- ✔ **Adjudicate, Adjudication**
Giving or pronouncing a judgment or decree. Also, the judgment given.
- ✔ **Administrative Agency**
A governmental body responsible for administering and implementing legislation, like laws governing traffic safety or workers' compensation. These agencies may have rulemaking power and judge-like authority to decide disputes.
- ✔ **Administrative Hearing**
A proceeding before an administrative agency consisting of an argument, a trial, or both. Rules governing the proceeding, including rules of evidence, are generally less strict than in civil or criminal trials.
- ✔ **Administrator**
A person appointed by a court to administer a deceased person's estate.
- ✔ **Adversary Proceeding**
A legal proceeding involving parties with opposing interests, with one party seeking legal relief and the other opposing it. Most often, this term is used in the bankruptcy context.
- ✔ **Ad Litem**
A Latin term meaning “for the lawsuit.” For example, a guardian “ad litem” is a person appointed by the court to protect the interests of a minor or incapacitated adult.
- ✔ **Allegation**
The claim made in a pleading by a party to an action setting out what he or she expects to prove.
- ✔ **Amicus Curiae**
Latin for “friend of the court.” A person or organization that files a legal brief with the court expressing its views on a case involving other parties because it has a strong interest in the subject matter of the action.

**Admissible Evidence**

Evidence that can be legally introduced in a civil or criminal trial.

**Affiant**

A person who signs an affidavit.

**Affidavit**

A written statement of facts confirmed by the oath of the party making it. For example, in civil cases, affidavits of witnesses are often used to support motions for summary judgment.

**Agreement**

Mutual assent between two or more parties; normally leads to a contract; may be verbal or written.

**Alternative Dispute Resolution**

Settling a dispute without a formal trial. Methods include mediation, arbitration, and negotiation.

**Answer**

In a civil case, the defendant's written response to the plaintiff's complaint.

**Appeal**

Request to a superior or higher court to review and change the result in a case decided by an inferior or lower court or administrative agency.

**Appearance**

The formal proceeding or form by which a defendant submits to the jurisdiction of the court. This term is also used simply to refer to an attorney who officially appears before a judge.

**Appellate Court**

A court having jurisdiction to hear an appeal and review the decisions of a lower or inferior court.

**Arbitration**

Arbitrations are private trials handled by organizations that charge for their services. Typically these are used by business parties who have previously agreed to settle their dispute with a private arbitration process instead of the more expensive court process.

**Attorney-Client Privilege**

A client's privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the client and his or her attorney.

**Attorney of Record**

The principal attorney in a lawsuit who signs all formal documents relating to the suit.

**Bad Faith**

Intention to mislead or deceive; conscious refusal to fulfill some duty. Implies active ill will, rather than negligence.

**Bailiff**

Court officer responsible for keeping order in the court, custody of the jury, and custody of prisoners while in court.

**Bench**

The seat occupied by the judge. This term is also used to refer to the court or judge.

**Bench Trial or Non-Jury Trial**

A trial before a judge and without a jury. In a bench trial, the judge decides questions of law and questions of fact

**Beneficiary**

Someone named to receive property or benefits, usually in a will or trust (but can also be used in a contract and in other ways)

**Bifurcation**










Splitting a trial into multiple parts, usually with a jury or judge making distinct decisions in different phases.

**Binding Authority**

Law that must be followed by a court. This usually includes authorities like statutes and court decisions from a higher court than the one you are litigating in.

- ✔ **Brief**
Written document submitted to the court to support a motion or appeal. , case, relevant laws, and an argument.
- ✔ **Burden of Proof**
Also known as “Standard of Proof.” Degree of proof required in a specific kind of case to prevail.
- ✔ **Caption**
The heading on a legal document listing the parties, the court, the case number, and related information.
- ✔ **Case Law**
Law established by previous decisions of appellate courts. But these days, often used to refer to any court decision.
- ✔ **Causation**
A legal requirement that an act caused the result.
- ✔ **Cause of Action**
Technically, this term refers to the facts giving rise to the claim (literally, the cause of the action). But generally used to refer to claims (e.g., a tort cause of action)
- ✔ **Certiorari**
(Latin: “To be informed of.”) Technically, this term refers to an order to a lower court to provide the record so that review can occur. In practice, this just means that a high court (usually a supreme court) has agreed to review a lower court decision.
- ✔ **Civil Action**
Action brought to enforce private rights. Generally, all actions except criminal actions.
- ✔ **Civil Law**
Body of law concerned with private rights and remedies, as contrasted with criminal law. But note: This phrase also refers to the legal system used in Louisiana and many other nations, by which a code is relied on instead of common law.

-  **Civil Procedure**
The rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.
-  **Class Action**
A type of claim in civil court where multiple individuals (potentially huge groups) can sue together to address a common wrong or claims that they all share.
-  **Clear and Convincing Evidence**
Standard of proof commonly used in civil lawsuits and in regulatory agency cases.
-  **Compensatory Damages**
Damages that cover actual injury or economic loss. Compensatory damages are intended to put the injured party in the position they were in before the injury.
-  **Complainant**
The party who complains or sues; one who applies to the court for legal redress.
-  **Complaint**
The document a plaintiff files with the court which contains allegations and damages sought. A complaint generally starts a lawsuit.
-  **Circumstantial Evidence**
Evidence not based on actual personal knowledge or observation of the fact in dispute, but evidence of other personal knowledge or observation which allows a jury to infer the existence or nonexistence of the fact in dispute.
-  **Common Law**
Law deriving its authority from usage and customs or judgments of courts recognizing and enforcing such usages and customs. Generally, law made by judges rather than by legislatures.
-  **Contingent Fee Agreement**
An agreement between an attorney and his or her client so that the attorney agrees to represent the client for a percentage of the amount recovered.

-  **Continuance**
Delaying a legal proceeding to a later date.
-  **Contract**
A legally enforceable agreement between two or more competent parties made either orally or in writing.
-  **Corroborating Evidence**
Supplementary evidence that tends to strengthen or confirm the initial evidence.
-  **Counterclaim**
Claim brought by a defendant in a lawsuit against the plaintiff.
-  **Court Costs**
The expenses of prosecuting or defending a lawsuit, other than the attorneys' fees.
-  **Court Reporter**
The person who records and transcribes testimony during court proceedings or related proceedings like depositions.
-  **Criminal Law**
Criminal law declares what conduct is criminal and prescribes punishment to be imposed for criminal conduct. The purpose of criminal law is to prevent harm to society
-  **Cross Claim**
Claim brought by a defendant in a lawsuit against a co-defendant in the lawsuit.
-  **Cross-Examination**
The questioning of a witness produced by the other side.
-  **Damages**
Money payment recovered in the courts for an injury or loss caused by an unlawful act or omission or negligence of another.
-  **Decedent**
A deceased person.

**Declaratory Judgment**

A court's declaration of the rights of the parties in a lawsuit made to clarify the parties' legal positions.

**Default Judgment**

A judgment entered against a party who fails to appear in court or respond to the charges.

**Defendant**

The party defending the lawsuit.

**Deposition**

Testimony of a witness taken under oath, but not in a courtroom. May be used to discover evidence prior to trial or to preserve testimony for use in court.

**De Novo**

A trial de novo is a new trial of a case. De novo review is reviewing fresh, with no deference given to a lower court

**Deponent**

The person who testifies at a deposition.

**Dicta**

Plural of "obiter dictum." A remark made by a judge in a legal opinion that is irrelevant to the decision and does not establish a precedent.

**Direct Examination**

The first questioning of witnesses by the party on whose behalf they are called.

**Directed Verdict**

Now called Judgment as a matter of Law. An instruction by the judge to the jury to return a specific verdict.

**Discovery**

The pretrial process by which one party discovers the evidence that will be relied upon in the trial by the opposing party.



Dismissal

The termination of a lawsuit. A dismissal without prejudice allows a lawsuit to be brought before the court again at a later time. In contrast, a dismissal with prejudice prevents the lawsuit from being brought before a court in the future.



Dismissal with Prejudice

The final judgment against the plaintiff which prohibits bringing an action on the same cause of action in the future. In contrast, "dismissal without prejudice" allows the plaintiff to sue again for the same cause of action.



Due Process of Law

The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as adequate notice, assistance of counsel, and the rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.



Duty

In negligence cases, a "duty" is an obligation to conform to a particular standard of care. A failure to so conform places the actor at risk of being liable to another to whom a duty is owed for an injury sustained by the other of which the actor's conduct is a legal cause.



Error

A mistaken interpretation of facts or application of the law that can prove.



Et al

And others. Or and more.



Evidence

Proof of a probative matter presented at trial to induce belief in the minds of the jury or judge. Evidence comes in various forms, including testimony, writings, tangible objects, and exhibits.



Exhibit

A document or other item introduced as evidence during a trial or hearing.



Expert

A witness who may give an opinion in court based on the particular competence of that witness

**Fact Question**

Issues in a trial or hearing concerning facts and how they occurred, as opposed to questions of law. Fact questions are for the jury to decide unless the issues are presented in a non-jury or bench trial, in which case the judge would decide fact questions. Questions of law are decided by a judge.

**Filing**

Sending or delivering a document to an employer or a government agency as part of a legal process. The date of filing is the date the document is received.

**Final Order**

A decision or award made by a workers' compensation judge.

**Findings**

A written decision by a judge about a case. This decision is final unless an appeal is filed.

**Fraud**

False and deceptive statement of fact intended to induce another person to rely upon and, in reliance thereof, give up a valuable thing he or she owns or a legal right he or she is entitled to.

**General Damages**

Money damages for pain and suffering, disability, or reduction in quality of life.

**Harmless Error**

An error committed during a trial that was not serious enough to affect the outcome of a trial and thus will not strike down the decision made at trial.

**Hearing**

An in-court proceeding before a judge, generally open to the public.

**Hearsay**

Evidence based on what the witness has heard someone else say, rather than what the witness has personally experienced or observed.

**Hung Jury**

A jury whose members cannot agree on a verdict.

**Impeachment of a Witness**

An attack on the credibility of a witness.

**In Camera**

In a judge's chambers; in private.

**In Camera Inspection**

Judge's private inspection of a document before his or her ruling on its admissibility or use at trial.

**Inadmissible Evidence**

Evidence that cannot be admitted in court.

**Indemnify**

To restore the victim of a loss, either in whole or in part, by payment of money or repair or replacement of the thing lost.

**Injunction**

A court order prohibiting a party from a specific action.

**Interlocutory**

Provisional; not final. An interlocutory order or an interlocutory appeal concerns only a part of the issues raised in a lawsuit.

**Interrogatories**

Written questions asked by one party's attorney for the opposing party. Interrogatories must be answered under oath within a specific period of time.

**Intervention**

Proceeding in a suit where a third person is allowed, with the court's permission, to join the suit as a party.

**Intestate**

Dying without a will.

**Judgment**

The official decision of a court resolving the issues in a legal action and stating the rights and obligations of the parties. See also decree, order.

**Judicial Notice**

The procedure by which a judge recognizes the existence of the truth of a certain fact having bearing on the case without the production of evidence because such fact is established by common notoriety.

**Jurisdiction**

The legal right by which judges exercise their authority.

**Jurisprudence**

The theory and philosophy of law.

**Juror**

Member of a jury.

**Law Clerks**

Persons trained in the law who assist judges or attorneys.

**Liability**

An obligation that one is bound in law to perform; usually involves the payment of money damages.

**Litigant**

One who is engaged in a lawsuit.

**Material Fact**

Generally, a fact essential to a case or a defense without which said case or defense could not be supported.

**Mensrea**












Latin for a “guilty mind”; mensrea is used to describe a culpable state of mind, the criminal intent of the individual when committing a criminal act.

**Misfeasance**

Improper performance of a lawful act.

**Motion**

An application made to a judge for the purpose of obtaining an order directing some act to be done in favor of the party presenting the application.

-  **Moving party**
The party presenting the motion to the court.
-  **Negligence**
Conduct which falls below the standard of care established by law for the protection of others against unreasonable risks of harm.
-  **Opinion**
Written statement by a judge or court of the decision in a case which describes the law applied to the facts of the case and the reasons for the decision.
-  **Order**
Written direction or command made by a court or judge, and not included in a judgment. See also decree.
-  **Ordinance**
Commonly, a regulation passed by a municipal legislative body.
-  **Perjury**
An intentionally false statement of material importance made under oath.
-  **Plaintiff**
In civil law, the person who brings an action or starts a lawsuit.
-  **Pleading**
A document filed in a court that pertains to a case.
-  **Precedent**
A decision by a court that provides an example or authority for later cases involving a similar question of law.
-  **Preponderance of the Evidence**
The amount of evidence needed for a plaintiff to win in a civil action.
-  **Prevailing Party**
Generally, the winning party in a lawsuit.

**Prima Facie**

Literally means "at first sight" or "on the face of it." "Prima facie evidence" is evidence that is good and sufficient on its face. A plaintiff makes out a "prima facie case" when he or she presents "prima facie evidence," which means that the plaintiff is permitted to prevail on that evidence alone unless the defendant can put forth sufficient evidence to overcome it.

**Privileged Communication**

Statement protected from forced disclosure in court because the statement was made within a "protected" relationship such as attorney/client.

**Pro Bono**

(Latin: "for the good") Used to describe the provision of services free of charge.

**Procedural Law**

Generally, the body of law establishing the method or procedure of enforcing rights or obtaining redress for invasion of rights.

**Promulgate**

To officially announce.

**Proximate Cause**












The proximate cause of an injury is the primary or moving cause that produces the injury and without which the accident could not have happened, if the injury is one which might be reasonably anticipated or foreseen as a natural consequence of the wrongful act.

**Punitive Damages**

Also known as "Exemplary Damages." Compensation greater than is necessary to pay a plaintiff for a loss. These damages are awarded because the loss was aggravated by violence, oppression, malice, fraud or wanton and wicked conduct on the part of the defendant.

**Question of Law**

An issue involving the application or interpretation of the law which is within the province of the judge. Compare with fact question.

-  **Recusal**
A judge's withdrawal from hearing a lawsuit because of personal interest or prejudice.
-  **Reversal**
The setting aside of a lower court's decision by an appellate court.
-  **Ruling**
Broadly, a determination made by a judge.
-  **Sequester**
To separate or isolate.
-  **Service of process**
The act of notifying a person or organization that they are under the jurisdiction of a court so that they may appear in court or otherwise respond to the notice.
-  **Settlement**
An agreement between two parties in a case to either forego litigation or stop current litigation in exchange for a price.
-  **Slip Opinion**
A court decision published soon after it was made.
-  **Spoliation**
Generally, the destruction of evidence.
-  **Standard of Care**
In the law of negligence, the degree of care which a reasonable, prudent or careful person should exercise under the same or similar circumstances.
-  **Standard of Proof**
Also known as "Burden of Proof." Degree of proof required in a specific kind of case to prevail. In the majority of civil cases, it is proof by a preponderance of the evidence.
-  **Stare Decisis**
Policy of the courts to not overturn precedents; adherence to precedents.

**Statute**

Generally, a law created by a legislature.

**Statute of Limitations.**

The time prescribed by statute in which a plaintiff can bring a lawsuit.

**Stay**

Court-ordered suspension of a judicial proceeding.

**Stipulation**

An agreement between the parties (and usually their lawyers) made in court and presented to the judge, who will make an order based on the matters agreed to.

**Subpoena**

Command to appear at a certain place and time to give testimony on a matter.

**Summons**

Formal document beginning a civil action or special proceeding which is a means to gain jurisdiction over a party. Also, a document directed to a sheriff or other authorized person ordering him to serve the person named on the summons who must appear at a certain place and time to respond to the action.

**Testify**

To give evidence as a witness under oath.

**Testimony**

Evidence delivered by a witness at trial either orally at trial or in the written form of an affidavit or deposition.

**Tortious**

Having the quality of a tort; the wrongdoer.

**Trial**

The judicial examination and determination of issues between the parties to an action.

**Undisputed fact**

An admitted fact that a court has not deemed sufficiently material to necessitate its determination at a trial.

**Vacate**

To set aside or void an order or decision of a court.

**Venue**

The geographical area where a court has authority to hear a case because it has personal jurisdiction and subject matter jurisdiction. The venue is usually the same area where the incident leading to the trial occurred. A change of venue may occur if negative publicity or other factors would make it difficult to find unbiased jurors.

**Verdict**

The jury's decision in a case. A general verdict is the jury's finding either for the plaintiff or the defendant. A special verdict is a statement by the jury of facts it has found in response to questions submitted by the judge.

**Void**

Having no binding effect or legal force.

**Waiver**

Knowing and voluntary relinquishment of a right.

**Writ**

A court order requiring the performance of some act or giving authority to have the act done.