



“An A to Z Guide to Legal Phrases”

For Members of the Media

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The purpose of this guide is to define common legal words and phrases frequently used in the court system, which may help members of the media navigate through the stages of a case when covering court matters.

This document is not intended to be a comprehensive legal dictionary or manual. Questions about these or other terms should be directed to the Court’s Public Information Office.

Definitions/Terms

Acquittal - A finding of not guilty.

Adjournment - Postponing or recessing a court hearing.

Adjudicate - To exercise judicial authority in settling a case.

Affidavit - A written statement given voluntarily and under oath.

Answer - The defendant’s response to a plaintiff’s allegations in a complaint.

Arbitration - Where the parties present evidence and a neutral person finds in favor of one party over the other.

Arraignment - Proceeding in which an accused person is brought before a judge to hear the charges and to enter a plea of guilty, not guilty or no contest. Bail is set at this hearing.

Assault - A threat or attempt to do bodily harm which may or may not include physical violence.

Bail - Money or other security given to secure a person’s release from custody, and guarantee his or her later appearance in court.

Bail Exoneration - When the security deposit is returned.

Bail Forfeiture - When the court keeps the security deposit because the defendant failed to appear in court as promised.

Battery - Any unlawful contact or other wrongful physical violence or constraint inflicted on a person without consent.

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.

Bond - A written statement that obligates one person to pay a specified amount of money to another if a certain condition occurs.

Burden of Proof - In criminal, the prosecution has the burden of proving a defendant guilty beyond a reasonable doubt. In civil, the plaintiff has the burden of proving the case by preponderance of evidence.

Burglary - Any person who enters any house, room, apartment, building, warehouse, store, vessel, locked vehicle or aircraft with intent to commit grand or petit larceny (theft) or any felony.

Challenge for Cause - Requires that the party state the legal reason for excusing the juror and the judge must rule on the request to excuse. There is no limit to the number of challenges for cause.

City Attorney - An elected official employed by a particular city and prosecutes misdemeanor and infraction violations which occur within the city limits.

Class Action - A civil lawsuit brought by a number of people being injured or having a claim resulting from the same entity or action and filing collectively against a defendant

Closing Arguments - Lawyers' final statement to the judge and/or jury after all parties have presented their evidence.

Commissioner - An attorney admitted to practice law in California for at least 10 years, elected by the judges of the Court and is an employee of the Court, given the power to hear and make decisions in certain kinds of legal cases including misdemeanors, felonies through the preliminary hearing stage, family law and juvenile cases.

Complaint - Civil - A document filed by the plaintiff containing a statement of the facts constituting the cause of action and a demand for judgment. It's the beginning of a civil action.

Complaint - Criminal - A document filed by the prosecutor describing the alleged offenses committed by the defendant.

Concurrent Sentences - Sentences served at the same time.

Consecutive Sentences - Sentences served successively, one after the other.

Conservatorship - Proceeding to appoint a manager for a person who is either physically or mentally unable care for himself or herself.

Consolidated - Cases joined due to common questions of law or facts for the purpose of a joint trial, the oldest of which is usually designated as the lead case into which all of the other cases are consolidated.

Continuance - Resets the trial date beyond the statutory time period. "Trailing" a case for trial means to reset the trial date within the statutory time period.

Court Trial - The judge makes the decision.

Deadlocked - When a jury cannot reach a verdict due to irreconcilable differences of opinion.

Declaration - A written statement made by witnesses, not under oath, subjecting them to perjury for its violation.

Default Judgment - A judgment entered after failure of a party to appear, or plead, or take some required step in a case at the appointed time.

Demurrer (de'-M'er) - A challenge to the legal sufficiency of a complaint or information

Deposition - Written or oral testimony, out of court, given under oath in front of an authorized third person such as a court reporter.

Deputy District Attorneys - Attorneys who work in the office of the District Attorney.

Dismissal Without Prejudice - The moving party can refile the same claim in the future.

Dismissal With Prejudice - The moving party cannot refile the same claim.

Disposition - The conclusion of a case by dismissal judgment or verdict.

Dissolution of Marriage - The act of terminating a marriage; divorce.

District Attorney - An elected official, employed by the county, who prosecutes felony violations throughout the county and misdemeanors for unincorporated areas of the county.

Docket - A record with the complete history of each case. It contains short chronological summaries of the court proceedings. This is often referred to as the register of actions in civil cases.

Doe - Used in legal papers to refer to any person whose name is unknown at the time of the filing of the pleadings.

Evidence - Any proof presented at trial including the testimony of witnesses, records, documents, objects, etc.

Exhibits - Objects, documents, records, etc. presented at trial and made a part of the case.

Ex Parte - (Eks-partee) *Civil* - Matter brought by one side, for the benefit of that side only. In most circumstances, 24 hours notice to the opposing side is required and the ex parte matters are handled in open court.

Ex Parte - (Eks-partee) *Criminal* - One side speaking with the judge without the other side being present and may be with or without giving the opposing side notice of the communication.

Expungement - Official and formal erasure of a record or partial contents of a record. The record of a felony conviction cannot be expunged.

Felony - A crime punishable by death or imprisonment in state prison.

Fine - A sum of money a person must pay as punishment for a crime or act.

General Criminal - Felony matters.

General Civil – Civil cases where the demand is over \$25,000.

Grand Jury - Civil - Acts in a "watchdog" capacity and investigates county, city, and joint power government agencies within

Grand Jury – Special/Criminal - Drawn from the general jury pool to hear that specific criminal case. Once that case is over, that "special grand jury" is disbanded.

Guardian Ad Litem - A person appointed by the court to look after the interests of a minor or an incapacitated person whose property or rights are involved in litigation.

Guardianship - Legal right given to a person to be responsible for the food, housing, health care and other necessities of a person under 18 years of age.

Guilty Plea - The admission of the charge(s).

Habeas Corpus - From the Latin "You have the body". An order commanding that a person be brought before a judge.

Held to Answer - In felony cases, the transfer of a case to the General Jurisdiction court for arraignment after a preliminary hearing, or after a waiver of preliminary hearing at the Limited Jurisdiction court level.

Hung Jury - A jury that cannot reach a verdict.

In-Camera Hearing - A hearing, on or off the record, which takes place in the judge's chambers, outside of the presence of the opposing party, the jury and the public.

Indictment - An accusation by a grand jury charging a person with a crime.

Information - An accusatory pleading filed by the prosecutor within 15 days after the defendant is held to answer, which details the charges against the defendant.

Interrogatories - Written questions asked by one party and served on an adversary, who must serve written answers under oath.

Intestate - To die without making a will or leaving instructions for disposal of your property after death.

Jail - A facility maintained by a local police agency to house people accused of a crime until their case is concluded or convicted of a crime and serving a sentence of less than one year.

Judge - An official of the judicial branch of government, elected or appointed by the Governor and employed by the State, who has been admitted to practice law in California for at least 10 years, with authority to decide lawsuits brought before the courts.

Judgment - Civil - The judge's final decision in a case. It says how much a person who lost has to pay the person who won, and when.

Judgment - Criminal - A sentence in a criminal case upon conviction.

Jurisdiction - Refers to the legal authority of a court to hear a case, or the geographic area, the subject matter or persons over which a court has the authority to hear a case.

Jury Trial - When the jury is the body responsible for deciding the outcome of the case based on the facts presented. The judge in a jury trial rules on matters of law.

Juvenile Delinquency - Case involves a person under 18 alleged to have committed a crime. There are no jury trials in delinquency cases.

Juvenile Dependency - Case involves a person under 18 who has been abandoned, abused or neglected. These cases and hearings are confidential, with the exception of some delinquency matters involving the most serious criminal charges.

Legal Separation - An action filed by a married person who wishes to maintain the marital status but separate and resolve all of the other issues of the marriage.

Letters - Probate - The instrument by which a person is empowered to act pursuant to court order.

Letters of Administration - The instrument by which a person is empowered to take charge of the property of an intestate, to collect the credits and pay the debts of the estate.

Letters of Conservatorship - The instrument by which a person is appointed to take care of the person and/or property of an adult person who is unable to properly care for himself or his property.

Letters of Guardianship - The instrument by which a person is empowered to take charge of the person and/or estate of a minor(s).

Letters Testamentary - The instrument of authority under which a person named as an executor in a will formally takes charge of the estate and proceeds to carry out the directions of the will.

Limited Criminal - Refers to misdemeanors, infractions and traffic offenses.

Limited Civil - Civil claims where the demand is \$25,000 or less, including small claims cases.

Manslaughter - Involuntary - The unintentional taking of human life as a result of performing an unlawful act or in negligently performing a lawful act.

Manslaughter - Voluntary - The unlawful taking of human life under circumstances short of premeditated intent to kill.

Mediation - Where a neutral person works with the parties to negotiate a mutually acceptable settlement of the case.

Minute Order - A memorandum of the orders and proceedings of the court made by the clerk and maintained as the official record of a proceeding.

Misdemeanor - Crime punishable by a maximum \$1,000 fine, and or a maximum of one year in county jail.

Mistrial - A trial which is terminated before a verdict is reached either because of some extraordinary circumstance, fundamental error prejudicial to the defendant, or hung jury.

Motion In Limine - (Li'-mi'-nee) - A motion heard immediately before trial requesting that the court exclude certain evidence that might prejudice the jury.

Murder - The unlawful killing of a human being by another with malice aforethought either expressed or implied.

No Contest - Has the same effect as a guilty plea, but cannot be used as an admission of guilt in a civil case arising out of the same circumstances.

Nunc Pro Tunc - A Latin phrase meaning "now for then". Usually used to reflect changes to a minute order done after the time it was completed with a retroactive effect. Commonly used to correct minor errors.

Opening Statement - At the commencement of trial, the parties or their attorneys provide a picture of that they believe their evidence will show.

Order to Show Cause (OSC) - A notice of motion to someone to appear at a stated time and place and show cause why the motion should not be granted.

Parole - The supervised conditional release of a prisoner before the expiration of his or her sentence. If the parolee observes the conditions of parole, he or she need not serve the rest of his or her term.

Peremptory Challenge - An objection to a juror where no specific reason for the objection is given.

Plea - The formal response of a defendant to a charge. The pleas are: guilty (formal admission to an offense), not guilty (denial of commitment of offense) and no contest (nolo contendere, a Latin phrase meaning "I will not contest it". Defendant neither admits nor denies the charges. Although considered the same as a guilty plea in a criminal case, a nolo contendere plea cannot be used against the defendant in a civil action based on the same acts.)

Plea Bargain - An agreement between the prosecutor and the defendant. It lets the defendant plead guilty to a less serious charge, if the court approves.

Pleadings - The written statements of fact and law filed by the parties to a lawsuit.

Preliminary Hearing - A hearing to determine if there is evidence of a crime and probable cause to believe that the defendant committed it.

Preponderance of Evidence - The standard of proof in a civil case, where the evidence proves that something is more likely to have occurred than not.

Prison - A facility maintained by the state or federal government to house convicted felons serving a sentence of one year or longer

Probable Cause - A reasonable basis for assuming that a charge of fact is well founded.

Probation - An alternative to imprisonment allowing a person found guilty of an offense to stay in the community under court ordered terms and conditions. Formal probation involves probation officer supervision while informal or summary probation does not.

Pro Bono - For the public good. When the lawyers represent clients without a fee, they are said to be working pro bono.

Pro Hoc Vice - (Vee-chay) - For this one particular occasion. For example, an out of state lawyer may be admitted to practice in a local jurisdiction for a particular case only.

Pro Per, Pro Se or Self-Represented Litigants - Person who presents their own cases in court without lawyers.

Pro Tem - (judge pro tempore) - A commissioner, referee, or qualified attorney temporarily replacing a judge.

Quash - To set aside or vacate. If a bench warrant is quashed, it is vacated and not issued or released.

Referee - A person appointed by and an employee of the Court (generally an attorney) to hear and make decisions on limited legal matters, such as juvenile and traffic offenses.

Related cases - *Civil* - arise out of the same happenings or require the same findings of fact.

Remand - Return the defendant to custody to await further action.

Robbery - The felonious taking of personal property in the possession of another, from his person or immediate presence, against his will, by force or fear.

Satisfaction of Judgment - The discharge of an obligation by paying a party what is awarded to him, by the judgment of a court or otherwise.

Stay - The act of stopping a proceeding by a court order.

Stipulation - An agreement between the parties or their attorneys.

Summary Judgment - When the judge decides a case without going to trial. The decision is based on the papers filed by both parties.

Testate - Having made a will or having died leaving a valid will.

Testator - A person who has made a will or who has died leaving a valid will.

Theft – The act of feloniously stealing, taking or defrauding someone of their personal property.

Time Waiver - When the defendant gives up the right to have a certain phase of the legal process take place within the normally specified amount of time (statutory time limits).

Transcript - The official record of proceedings in court, taken verbatim by the court reporter, and then transcribed into booklet form upon request or order of the court.

Unlawful Detainer - The process to force someone to move out of your property; eviction.

Vacate - To cancel it or render it null and void.

Venue - Refers to the place where an incident or fact is declared to have happened or the county in which a case is brought for trial

Verdict - The jury's final decision. In criminal cases, the verdict must be unanimous in favor of conviction (guilty) or acquittal (not guilty). In civil cases, the verdict must be at least 9-3 in order to convict or acquit the defendant.

Voir Dire - (Vwa-deer) - Prospective jurors are questioned by the court and counsel to determine their qualifications to act as fair and impartial jurors.

Warrant Recall - Refers to a warrant that has been released, possibly executed, and is then ordered "recalled" by the court which terminates the warrant.

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