

Glossary of Legal Terminology

Words and Phrases Heard in the Courtroom	
Word or Phrase	Definition
Acquitted	A legal determination of not guilty. ¹
Affidavit	A sworn statement in writing taken before a notary. ¹
Affiant	The person who makes and subscribes an affidavit. The word is used, in this sense, interchangeably with “deponent.” But the latter term should be reserved as the designation of one who makes a deposition. ²
Appellant	If a plaintiff/defendant loses and appeals the case he becomes an appellant. If plaintiff wins, the defendant becomes the appellant. The party who has won the original case becomes the appellee in the appeal. A respondent, like an appellee, is the party against whom an appeal is brought. ¹
Authenticating a Document [Authentication]	[In the law of evidence. The act or mode of giving authority or legal authenticity to a statute, record, or other written instrument, or a certified copy thereof, so as to render it legally admissible in evidence.] ²
Bailiff	One to whom some authority, care, guardianship, or jurisdiction is delivered, committed, or entrusted; one who is deputed or appointed to take charge of another’s affairs; an overseer or superintendent; a keeper, protector, or guardian; a steward. ² [I think Raymond had something simpler in mind.]
Counsel	In practice. An advocate, counselor, or pleader. One who assists his client with advice, and pleads for him in open court. One who has been admitted as an attorney and counselor at law. ²
Court Recorder [Recorder]	[In Norman law. To recite or testify on recollection what had previously passed in court.] ²
Credibility	Worthiness of belief; that quality in a witness, which renders his evidence worthy of belief. After the competence of a witness is allowed, the consideration of his <i>credibility</i> arises, and not before. ²
Credibly informed	The statement in a pleading or affidavit, that one is “credibly informed and verily believes” such and such facts, means that, having no direct personal knowledge of the matter in question, he has derived his information in regard to it from authentic sources or from the statements of persons who are not only “credible,” in the sense of being trustworthy, but also informed as to the particular matter or conversant with it. ²
Cross Examination	In practice. The examination of a witness upon a trial or hearing, or upon taking a deposition, by the party opposed to the one who produced him, upon his evidence given in chief, to test its truth, to further develop it or for other purposes. ²
Defendant	See Plaintiff. ¹
Deliberation	The act or process of deliberating. The act of weighing and examining the reasons for and against a contemplated act or course of conduct or a choice of acts or means. ²



Deposition	A pretrial procedure where a party to a suit, or a witness, or one who may not be able to appear at the trial, is ordered to give testimony under oath (an affidavit) that may be used at the trial. The person giving the testimony is called a deponent. ¹
Exception	During the course of a trial, where counsel objects to a ruling of the court and is overruled, counsel then takes a ruling and has something to put into the record should he lose the case and wish to appeal. ¹
Expert Witness	One who has skilled experience or extensive knowledge in his calling or in any branch of learning; one who is skilled in some art, science, trade, profession or other human activity, and possess peculiar knowledge concerning it. ²
Foreman	The residing member of a grand or petit jury, who speaks or answers for the jury. ²
Grand Jury	A body of individuals, the number of whom varies in different jurisdictions, sworn to inquire into crimes within the jurisdiction of the county or district. ¹
Hearsay	A rule of evidence that a witness cannot repeat the words of another but only relate what he himself has observed. The exceptions to his rule are numerous, the apparent guide being common sense. ¹
Hung Jury	A jury so irreconcilably divided in opinion that they cannot agree upon any verdict. ²
Hypothetical Question	A combination of assumed or proved facts and circumstances, stated in such form as to constitute a coherent and specific situation or state of facts, upon which the opinion of an expert is asked, by way of evidence on a trial. ²
Identifying a Piece of Evidence [Identification]	Proof of identity; the proving that a person, subject, or article before the court is the very same that he or it is alleged, charged, or reputed to be; as where a witness recognized the prisoner at the bar as the same person whom he saw committing the crime; or where handwriting, stolen goods, counterfeit coin, etc., are recognized as the same which once passed under the observation of the person identifying them. ²
Inadmissible	That which, under the established rules of law, cannot be admitted or received; e.g. parole evidence to contradict a written contract. ²
Jury Trial [Trial by Jury]	[A trial in which the issues of fact are to be determined by the verdict of a jury of twelve people, duly selected, impaneled, and sworn. The terms "jury" and "trial by jury" were used at the adoption of the constitution, and always, it is believed before that time, and almost always since, in a single sense...(continues w/ intricate jargon legalese which is overkill...this can be written much simpler.)] ²
Motion "in limine" (check spelling) [Motion]	[Requests of counsel during the course of a trial are called motions. Examples of motions made during the course of a trial are (a) motions to strike evidence; (b) motions for a directed verdict, and; (c) motions for a mistrial. There are also motions to correct a misleading record, to allow an amendment to the pleadings and many others.] ¹



Perjury	A deliberate lie said under oath. An income tax form can be the basis of a government action for perjury against the signer. ¹
Plaintiff	The person for whom an action is brought is called the plaintiff. This person is also called the defendant. ¹
Preliminary Hearing	
Preponderance of the Evidence	A term used frequently by a judge in charging a jury. It is the intangible “something extra” that satisfies the jury that a party having the burden to prove its contention, has done so. ¹
Qualifications	The possession by an individual of the qualities, properties, or circumstances, natural or adventitious, which are inherently or legally necessary to render him or her eligible to fill an office or to perform a public duty or function.
Venire	To come; to appear in court. Sometimes used as the name of the writ for summoning a jury, more commonly called a “ <i>venire facias</i> .”
Venireman	A member of a panel of jurors; a juror summoned by a writ of <i>venire facias</i> .
Vested Interest	A present right or title to a thing, which carries with it an existing right of alienation, even though the right to possession or enjoyment may be postponed to some uncertain time in the future, as distinguished from a future right, which may never materialize or ripen into title, and it matters not how long or for what length of time the future possession or right of enjoyment may be postponed, if the present right exists to alienate and pass title. ²
Voir Dere	To tell the truth. An examination by the judge or a witness or a defendant that is not part of the trial. In the case of a witness, this can mean a disqualification. ¹

Sources:

1. Bander, Edward J. Dictionary of selected legal terms and maxims. Oceana Publications, Inc., 1979.
2. Black, Henry Campbell. Black's Law Dictionary. Fourth Edition. West Publishing Co., 1951.

