

WRITTEN EXAM

LEGAL GLOSSARY

ABATEMENT – a court decision that is suspended or closing the case before the final decision is reached.

ACCORD – a method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim.

ACQUITTAL – an official statement in a court of law that a criminal defendant is not guilty.

ADDENDUM – an add-on to something.

ADJUDICATION – the legal process of resolving a dispute.

ADMINISTRATOR – an individual appointed by the court to manage the estate of a person who dies without leaving a will.

ADMISSIBLE – the state or condition of being allowed to be entered into evidence in a hearing, trial, or other official proceeding.

ADOPTEE – a person who is taken-in and reared by a parent that is not a birth parent.

ADVISMENT – the consultation of the court.

AFFIANT – someone who makes a declaration under oath.

ALIMONY – also called maintenance in a divorce or separation.

APPEAL – a request by a person or organization in a lawsuit for a higher court to review a lower court decision. The request is usually made by the person or organization who lost the lawsuit.

ARRAIGNMENT – the initial step in a criminal prosecution whereby the defendant is brought before the court and hear the charges and enter a plea.

ARREARS – the state or condition of being behind in the payment of a debt.

BAILIFF – court employee whose duty is to keep order in the courtroom.

BANKRUPTCY – a process governed by federal law to help when people cannot or will not pay their debts.

BENCH WARRANT – a writing issued directly by a judge to a law-enforcement officer for the arrest of a person who has been held in contempt.

BIGAMY – a person who enters into a marriage with one person while still legally married to another.

BOND – money or property given to the court to hold.

BREACH – a violation or infraction of a law, obligation or agreement of an official duty or legal obligation.

BRIEF – in an appeal, a written summary of issues in the original case and any arguments.

BURDEN OF PROOF – in civil cases, the plaintiff must prove her/his case with a “preponderance of evidence.”

CAPACITY – a legal qualification that determines one’s ability to sue or be sued, to enter into a binding contract.

C.A.R. – abbreviation for “Colorado Appellate Rules”.

CASE LAW – law based on previous verdicts and written judicial decisions.

CASH BOND – the defendant or another person can pay in cash the full amount of the bond to release the defendant from custody.

CHAMBERS – the private room of office of a judge.

CHAPTER 13 BANKRUPTCY - a type of bankruptcy in which a person keeps his assets and pays creditors according to an approved plan.

CHAPTER 7 BANKRUPTCY - a type of bankruptcy in which a person's assets are liquidated (collected and sold) and the proceeds are distributed to the creditors.

CHARACTER EVIDENCE – proof or testimony given about another person’s moral standing, general character and reputation.

CIRCUMSTANTIAL EVIDENCE – evidence that implies something occurred but does not directly prove it.

CIVIL COURT – a court with jurisdiction over non-criminal cases.

CLOSING ARGUMENTS – the final statements in a trial arguing for the evidence you presented.

COMPENSATION – remuneration and other benefits received in return for services rendered; salary or wages.

CONSOLIDATE – to unite into one mass or body.

CONTEMPT OF COURT – being rude, disrespectful to the judge or attorneys or causing disturbance in the courtroom.

COUNCIL – a group of people elected to make rules, laws, or decisions or to give advice.

COURT – a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice.

COURT CALENDAR – a list of materials scheduled for trial or hearing; docket.

C.R.S. – abbreviation for “Colorado Revised Statutes”.

DAMAGES – the monetary compensation which may be recovered by a party for personal injury.

DEBTOR – a person who owes money, goods or services to another.

DECEDENT – a person who has passed away.

DEED – a written legal document that describes a piece of property and outlines its boundaries.

DEFAULT – the omission or failure to perform a legal duty.

DEFENDANT – the person that is being sued.

DEPOSITION – a witness’s out of court testimony that is reduced to writing for later use in court.

DISPOSITION – the act of transferring something to another’s care or possession by deed or will.

DISTRICT COURT - District Courts hear civil cases in any amount, as well as domestic relations, criminal, juvenile, probate, and mental health cases.

DOCKET – the schedule of court proceedings.

DOUBLE JEOPARDY – not being allowed to be prosecuted or sentenced twice for the same offence.

DUE PROCESS – a fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings.

EASEMENT – gives one party the right to go onto another party’s property.

EMANCIPATION – the freeing of a minor child from the control or custody of his/her parent(s).

ENJOIN - to order a person to perform, or to abstain and desist from performing a specified act or course of conduct

ESCROW – money or documents such as deed, held by a third party until the conditions of an agreement are met.

ESTATE - all property owned by a person on the date of death that is subject to probate.

EVIDENCE – the testimony writings or other things presented to prove the existence or nonexistence of a fact.

EXCLUSIONARY RULE – the rule that evidence secured by illegal means and in bad faith cannot be introduced in a criminal trial.

EXHIBIT – a document, record or other tangible object formally introduced as evidence in court.

EXONERATED – to be free from responsibility.

EX PARTE - Latin that means "by or for one party." A proceeding in which only one party takes part.

EXPEDITED – do as quickly as possible.

EXPUNGED – to remove from a record; to erase or destroy.

EXTORTION – the act of obtaining something or compelling some action by illegal means, as by force or coercion.

FELONY – a serious crime punishable by imprisonment for more than one year or death.

FILE - to deposit with the clerk of the court a written complaint or petition which is the opening step in a lawsuit and subsequent documents, including an answer, motions, petitions, orders etc.

FORECLOSURE – when a borrower cannot repay a loan on a piece of property and the lender asks the court for an order to force the sale of the property.

FORGERY - a false document, signature, or other imitation of an object of value used with the intention to deceive another into believing it is the real thing.

FORMAL - opening an estate after prior notice to interested Persons.

FRAUD – intentionally deceiving someone and causing that person to suffer a loss.

FREEHOLDER - one who holds title to real property.

FUGITIVE – one who runs away to avoid arrest, prosecution or imprisonment.

GAG ORDER – a judge's order prohibiting the attorneys and parties in a pending lawsuit from talking about the case to the media or public.

GARNISHMENT – a court-ordered procedure for taking money or property from someone to satisfy a debt.

GOOD FAITH – honestly and without deception.

GRANTOR – one who conveys property to another.

GRAND JURY – a panel of members of the public chosen from regular jury pools lists. This panel determines whether there is enough evidence to charge someone for a serious crime.

GREEN CARD - also known as a permanent resident card. A Green Card holder is an immigrant who has become a lawful permanent resident of the U.S. and who can work legally, travel abroad and return, apply for permission for his/her spouse and children to immigrate to the U.S. and become eligible for citizenship.

GUARDIAN - a person who is trusted by law with the care of another person or property of another or both, as a minor legally incapable of managing his/her own affairs.

HABITUAL OFFENDER - a person who is convicted and sentenced for multiple crimes over a period of time and even after serving sentences of incarceration, demonstrating a tendency toward criminal conduct.

HARASSMENT – used in variety of legal contexts to describe words, gestures and actions which tend to annoy, alarm and verbally abuse another person.

HEARING – any proceeding before a judge without a jury in which evidence/argument is presented to determine some issue of fact and law.

HEARSAY – testimony that is given by a witness who relates what others have said.

HEIR - Person entitled to the property of the Decedent under statutes of Intestate Succession.

HOMICIDE – the killing of one human being by the act of another.

HOSTILE WITNESS – a witness who testifies against the party who has called the person to testify.

HUNG JURY – a jury that cannot reach a verdict by the required voting margin.

ILLICIT - Not permitted or allowed; unlawful.

IMMATERIAL - not essential or necessary, not important; of no significance.

IMMUNITY - freedom from duty or penalty; exemption, as from serving in an office or performing duties that the law generally requires other citizens to perform.

IMPANEL – to select and install a jury.

IMPEACH – to accuse or deny. To call into question the truthfulness of a witness through other evidence that shows that the witness should not be believed.

INADMISSIBLE – information which, under the established rules of evidence, cannot be admitted or received by the court.

INCARCERATION - imprisonment or confinement in a jail or prison.

INDICTMENT – the formal written accusation of a crime made by a grand jury and presented to a court for prosecution against the accused person.

INDIGENT - a person meeting certain standards of poverty and, thereby, qualifying for waiver of fees or court-appointed counsel.

INFRACTION - a violation of a rule and usually punishable by jail time.

INJUNCTION – a court order preventing an action.

INTESTATE - an estate in which the person (decedent) did not live a will.

JAIL – a place where persons awaiting trial or those convicted of misdemeanors are confined.

JEOPARDY - the risk of conviction and punishment that a criminal defendant faces at trial.

JOINDER - the combining of parties or claims in a single lawsuit. Joinder can be either necessary or permissive.

JUDGMENT - a court's final determination of the rights and obligations of the parties in a case.

JURISDICTION – a court's power to decide a case or issue a decree.

JURY - a group of persons selected according to law and given the power to decide questions of fact and return a verdict in a court case.

JUSTICE – the fair and proper administration of laws.

JUVENILE – a person who has not reached the age of majority, usually 18.

KIDNAPPING – the taking or detaining of a person against his/her will and without lawful authority.

KNOWINGLY – with knowledge, willfully or intentionally with respect to a material element of an offense.

LARCENY – the crime of taking the goods of another person without permission.

LAW CLERKS – persons trained in the law who assist judges in researching legal opinions.

LAWSUIT – an action between two or more persons in the court of law, not a criminal matter.

LENIENCY – recommendation for a sentence less than the maximum allowed.

LEVY - a legal process to obtain property or cash from the judgment debtor to satisfy a judgment.

LIABILITY – legal debts and obligations.

LIE DETECTOR – a machine which records by a needle on a graph varying emotional disturbances when answering questions truly or falsely.

LIEN - a claim that a person has upon the property of another as security for a debt owed.

LITIGATION – a law suit, legal action, including all proceedings therein.

MAGISTRATE – judicial officer exercising some of the functions of a judge. It also refers in a general way to a judge.

MALICE – hatred or hostility by one person toward another which may prompt the intentional doing of a wrongful act without legal justification.

MALPRACTICE – violation of a professional duty to act with reasonable care and in good faith without fraud.

MANDATE - a command, order or direction, written or spoken which the court is authorized to give and a person is must obey.

MATERIAL WITNESS – in criminal trial, a witness whose testimony is crucial to either the defense or prosecution.

MEDIATION - a trained neutral person helps people involved in a court case reach their own solution.

MINOR - a person who does not have the legal rights of an adult. Someone who has not yet reached the age of majority which in most states is the age of 18.

MIRANDA RIGHTS – requirement that police tell a suspect in their custody of his/her constitutional rights before

MISDEMEANOR – a crime that is less serious than a felony.

MISTRIAL – a trial ended before a verdict is reached because of a basic error that is harmful to the defendant.

MOTION - a written or oral request a party makes to the Court for a specified ruling or order.

MOTION TO STRIKE – a party's request that the court delete insufficient defenses or immaterial statements from an opponent's pleading.

NEGLIGENCE – failure to exercise the degree of care that a reasonable person would use under the same circumstance.

NO-CONTEST CLAUSE - Language in a will that provides that a person who makes a legal challenge to the will's validity will be disinherited.

NOMINEE - The person seeking appointment as Personal Representative.

NOTARY PUBLIC - A person authorized by the state in which the person resides to certify documents. The signature and seal or stamp of a notary public is necessary to attest to the oath of truth of a person making an affidavit.

NOT GUILTY - The form of verdict in criminal cases where the jury acquits the defendant, finds him or her not guilty.

NOTICE - Formal notification to the party that has been sued in a civil case of the fact that the lawsuit has been filed. Also, any form of notification of a legal proceeding.

NULL AND VOID - having no force, legal power to bind, or validity.

OATH - written or oral pledge by a witness to speak the truth.

OBJECTION – a formal statement opposing something that has occurred.

OBJECTION OVERRULED – a ruling by the court upholding the act or omission of the opposing party.

ORDER – a formal written direction given by a judge or magistrate.

OFFENDER - one who commits a crime, such as a felony, misdemeanor, or other punishable unlawful act.

OFFENSE - a crime, such as a felony, misdemeanor, or other punishable unlawful act.

OPENING ARGUMENT - the initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

ORAL ARGUMENT - an opportunity for lawyers to summarize their position before the court and to answer the judges' questions.

ORDINANCE - an act of legislation of a local governing body such as a city, town or county.

OVERRULE - a judge's decision not to allow an objection. A decision by a higher court finding that a lower court decision was wrong.

OVERTURNED – to overrule or reverse.

PANDERING – the act of recruiting a prostitute, finding a place of business for a prostitute or soliciting customers for a prostitute.

PARALEGAL - a person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer.

PARENTING PLAN - a written document that identifies decision-making responsibilities, parenting time, relocation, child support, and child tax exemption relating to the children in a divorce or custody case.

PAROLE -the release of a prisoner from imprisonment before the full sentence has been served.

PARTY - one of the participants in a lawsuit or other legal proceeding who has an interest in the outcome.

PATENT - a government grant giving an inventor the exclusive right to make or sell his or her invention for a term of years.

PATERNITY - a specific man being the natural or biological father of a child.

PEREMPTORY CHALLENGE – one of the party's limited number of challenges that need not be supported by any reason.

PERJURY – the act of a person deliberately making a false or misleading statement while under oath.

PETITION - a formal, written application to the court requesting judicial action on some matter.

PLAINTIFF – the party who brings a civil suit in the court of law.

PLEA BARGIN – a negotiated agreement between a prosecutor and a criminal defendant by which the defendant pleads guilty to a lesser offence.

PRENUPTIAL AGREEMENT - A written agreement setting out terms of the relationship for the division of property and financial issues for a couple who are about to live together or marry should the relationship or marriage later be dissolved.

PRISON – a state or federal facility of confinement for convicted criminals.

PRO BONO – uncompensated legal services performed.

PRO SE – one who represents oneself in a court proceeding.

PROBATE – the process of providing a will is valid and thereafter administering the estate of a dead person according to the terms of the will.

PROBATION – a court imposed criminal sentence, subject to conditions, that releases a convicted person into the community instead of jail or prison.

PROSECUTOR - a trial lawyer representing the government in a criminal case and the interests of the state in civil matters. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute.

PUBLIC NOTICE -document which is submitted to the local newspaper (that must meet the qualifications of a legal publication) to publish notice of a requested name change.

PUBLICATION - a method of providing legal notice, conveying or making information generally known to the public, usually by means of an approved newspaper in the appropriate county or district.

PURGE - to clean or clear, such as eliminating inactive records from court files; with respect to civil contempt, to cure the noncompliance that caused the contempt finding.

QUIT CLAIM DEED - a real property deed which transfers (conveys) only that interest in the property in which the grantor has title. Commonly used in transfers of title or interests in title, quit claims are often made to family members, divorcing spouses, or in other transactions between people well-known to each other.

QUASHED – to annul or make void; to terminate.

QUASI JUDICIAL - authority or discretion vested in an officer whose acts partake of a judicial character.

RAP SHEET – a listing of all the criminal convictions against an individual.

REAL EVIDENCE - evidence given to explain, repel, counteract, or disprove facts given in evidence by the adverse party.

REASONABLE DOUBT, BEYOND A - the degree of certainty required for a juror to legally find a criminal defendant guilty. An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a "reasonable doubt"; that state of mind of jurors in which they cannot say they feel a persisting conviction as to the truth of the charge.

RECORD - all the documents and evidence plus transcripts of oral proceedings in a case.

R.O.R / O.R. – release on one's recognizance.

REBUTTAL - evidence introduced to counter, disprove or contradict the opposition's evidence or responsive legal argument.

RELIQUINISHMENT – the abandonment of a right or thing.

RESCIND - to cancel a contract, putting the parties back to the position as if the contract had not existed.

RETAINER - act of the client in employing the attorney or counsel. Also denotes the fee the client pays when he or she retains the attorney to act for him or her.

RESIDENT - a person who lives somewhere permanently or on a long-term basis.

RESTITUTION – returning to the proper owner property or the monetary value of loss.

RESPONDENT - the party who is required to answer a petition for a court order.

RULES OF EVIDENCE - standards governing whether evidence in a civil or criminal case is admissible.

SANCTION - a punitive act designed to secure enforcement by imposing a penalty for its violation. For example, a sanction may be imposed for failure to comply with discovery orders.

SEALING - the closure of court records to inspection, except to the parties.

SEARCH WARRANT - an order issued by a judge or magistrate commanding a sheriff, constable, or other officer to search a specified location.

SELF-DEFENSE - claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from the threat or action of another.

SELF-REPRESENTED LITIGANT - also known as a Pro Se Party. A person who represents himself or herself in court without the help of a lawyer.

SEPERATION AGREEMENT - written arrangements concerning custody or parental obligation, child support, spousal maintenance (alimony), and property division made by a married couple who are usually about to obtain a divorce or legal separation.

SENTENCE, CONCURRENT - two or more sentences of jail time to be served simultaneously.

SENTENCE, CONSECUTIVE - two or more sentences of jail time to be served in sequence.

SEQUESTERED -to keep separate or apart. In so-called "high-profile" criminal prosecutions the jury is sometimes "sequestered" in a hotel without access to news media.

SETTLE -to reach an agreement.

SPEEDY TRIAL - the right of an accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution.

STATUE OF LIMITATIONS – a law which sets the maximum period which one can wait before filing a lawsuit, depending on the type of case or claim.

STIPULATION - an agreement by opposing lawyers on any matter. Most stipulations must be in writing.

SUBPOENA - an order of the court for a witness to appear at a particular time and place to testify.

SUMMATION - the closing argument in a trial.

SUMMONS – a notice requiring a person to appear in court as a juror or witness.

SUSTAIN – in trial practice, for a judge to agree that an attorney's objection is valid.

SWORN FINANCIAL STATEMENT - a written document that contains financial information to include monthly income, expenses, debts, and value of assets.

TANGIBLE - capable of being perceived, especially by the sense of touch.

TEMPORARY RESTRAINING ORDER - a judge's order forbidding certain actions until a full hearing can be held. Usually of short duration. Often referred to as a *TRO*.

TENANCY - an interest in realty which passes to the tenant.

TESTATE - estate in which the person who died left a will.

TESTIFY - to make a declaration under oath in a judicial inquiry for the purpose of establishing or proving some fact.

TESTIMONY - the evidence given by a witness under oath. It does not include evidence from documents and other physical evidence.

THEFT - the act of stealing or the taking of property without the owner's consent.

TORT – unjustly or without reason; a wrongful act.

TRIAL - a judicial examination and determination of issues between parties before a court that has jurisdiction.

TRUANCY – the act or state of shirking responsibility; unjustified to attend school by one who is required to attend.

TRUST - property given to a trustee to manage for the benefit of another person. Generally the beneficiary gets interest and dividends on the trust assets for a set number of years.

UNCONSTITUTIONAL - that which is contrary to or in conflict with the federal or state constitutions.

UNDERCOVER – a person participating in a secret investigation in order to acquire information about the crime without the other party realizing their identity.

UNEMPLOYMENT - state or condition of not being employed.

UNILATERAL - one-sided, ex parte, or having a relation to only one of two or more persons or things.

UNSECURED - in bankruptcy proceedings, for the purposes of filing a claim, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

VACATE - to render an act void; to set aside.

VANDALISM - willful or malicious acts that are intended to damage or destroy public or private property.

VERDICT - the opinion of a jury, or a judge where there is no jury, on the factual issues of a case.

VICTIM - a person who is the object of a crime or civil wrongdoing.

VIOLATION - the act of breaking, infringing, or transgressing the law.

VOIR DIRE - is used to determine if any juror is biased and/or cannot deal with the issues fairly or if there is cause not to allow a juror to serve.

WAIVE (RIGHTS) – a knowing and knowledgeable act to abandon, renounce or surrender a person's rights.

WAIVER - the intentional and voluntary relinquishment of a legal right.

WARRANT, ARREST - an order of a court directing the sheriff or other officer to seize a particular person to answer a complaint of otherwise appear before the court.

WEAPON - an instrument used or designed to be used to threaten, injure or kill someone.

WILL - a legal declaration that disposes of a person's property when that person dies.

WITHOUT PREJUDICE - a claim or cause dismissed without prejudice may be the subject of a new lawsuit.

WITNESS - one who testifies to what they have seen, heard or otherwise observed.

WORK RELEASE - a correctional program which allows inmates, primarily one's being readied for discharge, to leave the institution for the purpose of continuing regular employment during the daytime but reporting back on nights and weekends.

ZONING - the division of a city by legislative regulation into districts, and the design of regulations having to do with structural and architectural design and use of buildings.