

# COURTS IN THE COMMUNITY



## TEACHER TRAINING MATERIALS



Colorado Court of Appeals version

*Updated August 2025*

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# PROGRAM BACKGROUND



## BRINGING THE COURTS TO YOU

The Colorado Supreme Court and Court of Appeals started the Courts in the Community program on Law Day (May 1) in 1986 to give high school students across Colorado a firsthand look at how disputes are resolved in a democratic society and how the courts operate. Using curriculum designed especially for this educational outreach program, teachers prepare students to hear oral arguments in real appellate cases.

### Hear Oral Arguments

Your high school becomes a courtroom for the day. Supreme Court Justices or Court of Appeals Judges hear oral arguments in real cases and issue rulings within a few months.

### Learn about the Colorado Judicial System

Our curriculum aligns with Colorado civics standards, and helps teachers prepare students to understand the rule of law, how the appellate courts work, how cases are decided and more.

### Meet Colorado Judges and Attorneys

After oral arguments, your students are able to ask attorneys questions about the cases and meet with judges to discuss legal issues and their path to the judiciary.

Learn more: [coloradojudicial.gov/community/courts-community](https://coloradojudicial.gov/community/courts-community)

*"I developed an interest in law that I had never had before. I started volunteering and working on restorative justice programs for juvenile offenders. I am really grateful that I did. None of this would have been possible without your involvement."*

**Colorado Springs  
High School  
Student**

# SCHEDULES



## SAMPLE TEACHER TRAINING SCHEDULE

<b>9-9:15 a.m.</b>	Introductions, Educational Materials and Overview, Judicial staff
<b>9:15–9:45 a.m.</b>	Court of Appeals Judge presentation
<b>9:45-10:15 a.m.</b>	Civil Case
<b>10:15-10:45 a.m.</b>	Criminal Case
<b>10:45-11:15 a.m.</b>	Questions
<b>11:15-11:30 a.m.</b>	Wrap Up

## SAMPLE ORAL ARGUMENTS SCHEDULE

<b>9-9:45 a.m.</b>	Welcome reception
<b>10–10:15 a.m.</b>	Intro remarks (Teacher/Principal, Judicial staff, Judicial District Chief Judge, Supreme Court Chief Justice)
<b>10:15–10:45 a.m.</b>	Civil Case Oral Arguments
<b>10:45–11 a.m.</b>	Judges conference Question and answer session: Attorneys and students
<b>11–11:30 a.m.</b>	Criminal Case Oral Arguments
<b>11:30–11:45 a.m.</b>	Judges conference Question and answer session: Attorneys and students
<b>11:45 a.m.–12 p.m.</b>	Question and answer session: Judges and students
<b>Afternoon</b>	Classroom visits

# CURRICULUM BACKGROUND

## GUIDE TO USING OUR LESSONS

These materials are designed to help students understand how the Colorado Judicial Department operates and how appellate cases are decided. These lessons can supplement the curriculum you are already using to teach students about the judicial system. The lesson plans can be used before a Courts in the Community visit or separate from a visit. Each lesson plan meets Colorado Academic Standards for high school civics, and includes lesson background for teachers, key terms, classroom activities, extension activities and more. Most of our lessons can be completed in one lesson period, although there are extension activities that go into greater depth with the subject matter.

If you are looking for ways to meet the learning needs of your class, consider incorporating Tips for Diverse Learners found on page 5.

Find complete curriculum as well as individual lessons online:

<https://www.coloradojudicial.gov/community-and-educational-resources/lesson-plans>

## PEDAGOGY

The goal with our lessons is to help build content knowledge and fluency of concepts so students will have the tools to actively listen to and engage with Oral Arguments. Students who are learning new information need to understand vocabulary and introductory concepts before moving to more complex forms of instruction.

We have incorporated the following elements into our lesson design:

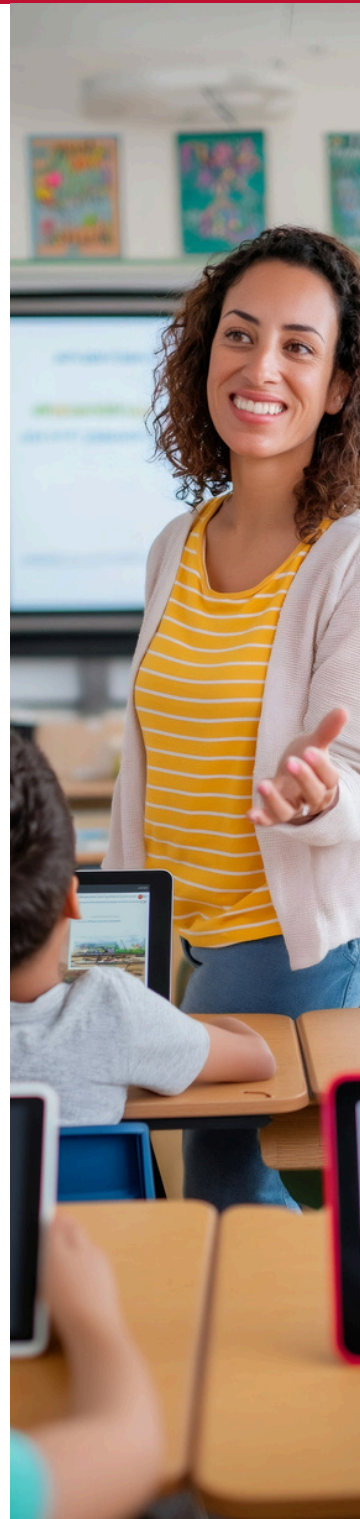
- Thoughtful approaches to inquiry, including Bloom's Taxonomy
- Active and cooperative learning techniques
- Multiple modalities
- Effective assessment strategies such as discussion, writing assignments

## TEACHING STRATEGIES

We have suggested various strategies to teach the lessons. You know your students best and are free to use your own methods for teaching the curriculum. Teachers have used guest speakers, read-arounds, real-life applications and other techniques to make the content accessible.

Here are some additional resources:

- Facing History and Ourselves offers a variety of techniques for teaching social studies content: [facinghistory.org/resource-library/teaching-strategies](https://facinghistory.org/resource-library/teaching-strategies)
- The Colorado Department of Education provides modules that teach high-impact instructional strategies in social studies that connect with the Colorado Academic Standards: [sitesed.cde.state.co.us/mod/page/view.php?id=11402](https://sitesed.cde.state.co.us/mod/page/view.php?id=11402)





# TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to add with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl or wrap around.

# AT-A-GLANCE LESSON PLANS

## PART ONE

The first five lessons provide background about the law, the U.S. and Colorado constitutions, judicial review and more. Feel free to use the content or activities in conjunction with your own curriculum. Lesson titles are linked to lessons online. You can also find the full curriculum on our website::

<https://www.coloradojudicial.gov/community-and-educational-resources/lesson-plans>

LESSON TITLE	OBJECTIVE	INQUIRY QUESTIONS
<b>Lesson One:</b> <a href="#">The Rule of Law</a>	Students will be able to identify key elements of the rule of law and the role it plays in our judicial system.	What does it mean for a society to have and follow rules?  Can rules be biased toward or against a particular group of people?  What is the "rule of law" and what is its role in the policies and practices of the judiciary?
<b>Lesson Two:</b> <a href="#">What's the Big Idea?</a>	Students will be able to define the Constitution's core concepts, how the U.S. Constitution has changed over time to include more groups of people and how the Colorado Constitution differs from the U.S. Constitution.	Do the core concepts included in the U.S. and Colorado Constitutions support each other? How do they conflict with each other?  How have amendments to the U.S. Constitution made the document more inclusive?  What elements of the Colorado Constitution are similar to the U.S. Constitution? What parts are different?  How does the ability to easily amend the constitution serve the people of Colorado? How is it problematic?
<b>Lesson Three:</b> <a href="#">History of the Colorado Courts</a>	Students will be able to explain the role of courts in a democratic society, the history of the Colorado courts and how those courts have evolved over time.	What cultural and social forces impacted the development of Colorado's court system?  What are the main differences between Indigenous legal customs and Western legal customs?  How do the structures of the Colorado court system impact democratic decision making?
<b>Lesson Four:</b> <a href="#">Impact of Judicial Review</a>	Students will be able to identify how court decisions impact the law & individuals and will be able to apply the concept of judicial review.	How do appellate court decisions impact individuals and the law?  Do you think judicial review is a necessary part of the constitutional process? Why or why not?
<b>Lesson Five:</b> <a href="#">Becoming a Colorado State Judge</a>	Students will be able to describe how judges become judges, what criteria qualifies them for the job and what attributes they must have to retain their positions.	What qualities do you think are necessary to be a judge?  Do you think the merit selection and retention system in Colorado is effective? Why or why not?

# AT-A-GLANCE LESSON PLANS

## PART TWO

These lessons are specifically designed to prepare students to watch Oral Arguments. If you don't have enough time to teach all the lessons, please focus on the lessons listed below.

LESSON TITLE	OBJECTIVE	INQUIRY QUESTIONS
<b>Lesson Six:</b> <a href="#"><u>How the Colorado Courts Work</u></a>	Students will be able to explain the structure of the Colorado judicial branch, the types of cases that different courts handle to deepen their understanding of state government and how cases are appealed.	How are the roles of the different courts similar and different?  How do the different court structures impact democratic decision making?  What are the benefits and drawbacks of having three tiers of courts in Colorado?
<b>Lesson Seven:</b> <a href="#"><u>You Be the Judge</u></a>	Students will be able to describe the appellate process and how a case is appealed.  Students will be able to identify what it means to analyze court cases using the standards of fairness and objectivity and describe the process for considering relevant issues and facts presented in court cases.	What do you see as the benefits and drawbacks of the appellate process?  Is it possible to be fair and objective in analyzing the issues in a court case? Why or why not?
<b>Lesson Eight:</b> <a href="#"><u>Diving into Appellate Court Cases</u></a>	Students will be able to identify the facts, arguments and legal issues in cases to be heard at Oral Arguments at their high school as part of Courts in the Community.	What role does the appeals process play in ensuring people have access to justice?  Is there anything about the process that seems unfair or inequitable?
<b>Lesson Nine:</b> <a href="#"><u>What to Expect at Oral Arguments</u></a>	Students will be able to describe appropriate behavior in a courtroom in preparation for hearing Oral Arguments at their school.  Students will be able to identify key elements of Oral Arguments in preparation for hearing Oral Arguments.	Is it important or necessary for everyone to present themselves professionally in a courtroom?  Should observers have a right to share their opinions during court proceedings?  In what ways do the structure of Oral Arguments help or hinder the judicial process?



# WHAT TO EXPECT AT ORAL ARGUMENTS

## Teachers

- Please ensure all students are seated well before the program starts. The opening remarks will begin promptly at 10 a.m. They will be brief and may take less than 15 minutes allotted.
- Please monitor students throughout the program to ensure that appropriate decorum is maintained (no talking, hats, cell phones, text messaging or photos during arguments, etc.).

## Students

- Remember this is not a typical school assembly; for these few hours, your school auditorium becomes the courtroom for the Colorado Court of Appeals. Act as though you were in a regular courtroom and treat the room, the attorneys, the judges, your teachers and your fellow students with respect.
- Don't forget there are real people involved in these cases who want to be sure the attorneys and judges devote their full attention to the arguments without interruption from the audience.
- Come prepared with questions for the attorneys and for the judges – there will be three separate question-and-answer periods. The attorneys and judges are happy to address most any kind of question. Please keep in mind, however, that due to ethical rules, the judges cannot answer questions about the cases that will be argued at your school. You can save those questions for the attorneys.

## Teachers and students

- Refer back to the schedule for the day of arguments. The argument in the first case will begin very shortly after the opening remarks.
- The presiding Court of Appeals judge will return to the judges' conference room, and then all three judges will return to the stage. At the appropriate time, the bailiff will bang the gavel and call on everyone to stand. After the judges are seated, the presiding judge will announce that the audience may be seated. They will announce the case and the attorney for the appellant will begin the argument.
- Each attorney is given 15 minutes to present an argument. Judges may interrupt to ask questions. This is not impolite. It actually ensures the attorneys' time is used as efficiently as possible. Don't forget: The attorneys already have presented written arguments. Oral arguments are held to allow the judges to ask questions of the attorneys to help clear up any confusion they may have about why the attorneys believe a decision should be upheld or overturned.
- After each attorney has finished, the bailiff will again bang the gavel and call on the audience to stand while the judges leave the stage. Until they have left, order in the court must be maintained. The audience will remain standing and there should be no talking.
- While the judges take 15 minutes or so to discuss the case in private, the attorneys who presented their arguments will answer students' questions about the case, or any law-related questions in general.
- The process is repeated for the second case. The only difference is that after the Q & A session with the attorneys is finished, the judges will return to the stage to answer questions.

# EDUCATIONAL RESOURCES



## COLORADO JUDICIAL DEPARTMENT RESOURCES

Lesson Plans: [coloradojudicial.gov/community-and-educational-resources/lesson-plans](https://coloradojudicial.gov/community-and-educational-resources/lesson-plans)

Supreme Court or Court of Appeals tours: [cjlc.colorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center](https://cjlc.colorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center)

Visit the Judicial Learning Center: [cjlc.colorado.gov](https://cjlc.colorado.gov)

## JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: [coloradojudicial.gov/supreme-court](https://coloradojudicial.gov/supreme-court)

Colorado Court of Appeals: [coloradojudicial.gov/court-appeals](https://coloradojudicial.gov/court-appeals)

Map of Colorado Judicial Districts: [coloradojudicial.gov/colorado-judicial-district-map](https://coloradojudicial.gov/colorado-judicial-district-map)

Supreme Court Library: [cjlc.colorado.gov/colorado-supreme-court-library](https://cjlc.colorado.gov/colorado-supreme-court-library)

## OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: [uscourts.gov/glossary](https://uscourts.gov/glossary)

Ben's Guide to the U.S. Government: [bensguide.gpo.gov](https://bensguide.gpo.gov)

Bill of Rights Institute: [billofrightsinstitute.org](https://billofrightsinstitute.org)

Center for Civic Education: [civiced.org](https://civiced.org)

Digital Civics Toolkit: [digitalcivicstoolkit.org](https://digitalcivicstoolkit.org)

iCivics: [vision.icivics.org](https://vision.icivics.org)

Colorado Council for the Social Studies: [coloradocouncilforthesocialstudies.org](https://coloradocouncilforthesocialstudies.org)

Annenberg Guide to the Constitution: [annenbergclassroom.org/constitution](https://annenbergclassroom.org/constitution)

Constitution Annotated: [constitution.congress.gov](https://constitution.congress.gov)

The Constitutional Sources Project (ConSource): [consource.org](https://consource.org)

Teach Democracy: [teachdemocracy.org/curriculum](https://teachdemocracy.org/curriculum)

The Rendell Center for Civics and Civic Education: [rendellcenter.org](https://rendellcenter.org)

# GLOSSARY OF LEGAL TERMS

**Abatement of action.** The act of quashing or ending a suit.

**Accomplice.** A person who knowingly and voluntarily unites with the principal offender in a criminal act through aiding, abetting, advising, or encouraging the offender. Mere presence, acquiescence, or silence in the absence of a duty to act is not enough to constitute being an accomplice.

**Accord.** A method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim.

**Acquittal.** A verdict of not guilty in a criminal case.

**Adjudication.** Giving or pronouncing a judgment or decree; also the judgment given.

**Administrator.** An individual appointed by the court to manage the estate of a person who died without leaving a valid will.

**Adversary system.** The system of trial practice in which each of the opposing parties has full opportunity to present and establish his or her contention before the court.

**Advisement.** The consultation of the court, after the argument of a cause by counsel, and before delivering an opinion.

**Affidavit.** A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of a party making it, taken before a person having authority to administer such oath or affirmation.

**Affirmative defense.** In a criminal case, a defense which does not necessarily refute an allegation but offers new information which may be a mitigating factor in determining guilt in a criminal case. In a civil case, a defense which states that even if all the facts plaintiff alleges are true, defendant is not liable to plaintiff. For example, waiver, discharge of debt in bankruptcy, payment, or fraud.

**Aggravating circumstances.** A judge may increase, up to double the maximum presumptive range, a sentence if he or she finds certain circumstances such as conviction of a crime of violence; that the defendant was on parole, probation or bond at the time of the commission of the felony; or defendant was already a prison inmate or an escapee from a prison.

**Alibi.** A written defense filed by a defendant who claims that he or she was at some other place at the time of the commission of the crime. The burden of proof is still on the prosecution to negate the alibi.

**Allegation.** The assertion, claim, declaration, or statement of a party to an action, made in a pleading, setting out what he or she expects to prove.



# GLOSSARY OF LEGAL TERMS

**Amicus curiae.** A friend of the court – a lawyer, person or organization – who is not a party to the action and does not represent a party to the action, but who, with the court's permission, volunteers information and opinion upon some matter of law in an *amicus curiae* brief.

**Answer.** The pleading in a civil suit by which the defendant admits, denies or otherwise controverts the sufficiency of the allegations of facts set forth in the plaintiff's petition. It also contains defenses the defendant may have to the plaintiff's allegations.

**Appeal.** A request by the losing party in a lawsuit for higher court review of a lower court decision.

**Appellant.** The party that appeals a decision of a lower court.

**Appellee.** The party opposing the appellant.

**Arbitration.** The referral of a dispute to an impartial third person chosen by the parties to the dispute. The parties agree in advance to abide by the arbitrator's decision following a hearing at which both parties have an opportunity to be heard. Sometimes three persons sit as an arbitration panel.

**Arraignment.** The formal act of calling the defendant into open court to inform him or her of the offense charged, and the defendant's entry of a plea to the charge.

**Arrest.** To take into custody by legal authority.

**Attachment.** An ancillary or auxiliary remedy by which the plaintiff acquires a lien upon property of the defendant to ensure the satisfaction of a civil judgment.

**Attorney at law.** A person admitted to practice law in his or her respective state and authorized to perform both civil and criminal legal functions for clients including drafting legal documents, giving of legal advice, and representing the client before courts, administrative agencies, boards, etc.

**Bail.** The release of arrested or imprisoned persons when security, cash, or property is given or pledged to ensure their appearance at a specified date and place. The most common bond is a surety bond in which bail is guaranteed by a commercial bondsperson.

**Bail bond.** An obligation signed by the accused to secure his or her presence at trial, which he or she may lose by not appearing for trial. Also called bond.

**Bailiff.** A court employee whose duty is to keep order in the courtroom and who, in a trial court, is in charge of the jury.

**Bench warrant.** An order issued by a judge for the arrest of a person.

**Bequest.** A gift by will of personal property.

# GLOSSARY OF LEGAL TERMS

**Beyond a reasonable doubt.** The prosecution's burden of proof in a criminal case.

**Bigamy.** When any married person, who while still married, marries or cohabits in this state with another.

**Bill of particulars.** A written statement specifying the details of the demand set forth in the petition in a civil action or of the charge set out in a criminal action. This is to give defendants more information to enable them to prepare an answer or defense.

**Bind over.** To require a defendant, following a preliminary hearing, to appear and answer in a court having jurisdiction to try the defendant for the crime with which he or she is charged.

**Bond.** An undertaking, with or without sureties or security, entered into by a person in custody by which he or she binds himself or herself to comply with the conditions of the undertaking and in default of such compliance to pay the amount of bail or other sum fixed in the bond.

**Brief.** A written statement by counsel summarizing the facts of a case, the pertinent laws, and arguments of how the law applies to the facts supporting the lawyer's position.

**Burden of proof.** The obligation of a party to produce the level of evidence needed to prove the case. In a criminal case, the burden of proof is on the prosecution to prove the accusation ``beyond a reasonable doubt," a term that would be defined for the jury by the judge. In civil cases, the plaintiff must prove his or her case with a ``preponderance of evidence," another term the judge would define for the jury.

**Cease-and-desist order.** An order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

**Certiorari.** Also referred to as "cert." A legal order by which a higher court commands a lower court to certify or to send up a record of a trial or other proceedings in the lower court for the purpose of judicial review. "Granting certiorari" means agreeing to consider a request or appeal.

**Challenge for cause.** An objection to a prospective juror based on bias or prejudice which may prevent him or her from being fair and impartial in a particular case.

**Character evidence.** Testimony of witnesses who know the general reputation and character of a person. It may be considered by a jury in a dual respect: (1) as substantive evidence upon the theory that a person of good character and reputation is less likely to commit a crime than one who does not have a good character and reputation, and (2) as corroborative evidence in support of a witness as bearing upon credibility.

**Charge.** The formal accusation against the defendant.

**Charge to the jury.** The judge's instructions to the jury concerning the law applicable to the case.

# GLOSSARY OF LEGAL TERMS

**Charter.** A city's organic law. The charter of a municipal corporation consists of the creative act of incorporation, together with all those laws in force which relate to the incorporation, whether defining the power of the corporation or regulating the mode of exercise thereof.

**Circumstantial evidence.** All evidence that is indirect; that is, evidence or testimony not based on personal knowledge or observation, but from which certain inferences regarding facts or circumstances can be made. (For example, a witness' testimony that he saw a person enter a building carrying a wet umbrella might be offered as circumstantial evidence to show that it was raining outside.)

**Citation.** An order to appear in court at a certain place at a specified time. Issuance of a citation is not an arrest.

**Civil/criminal action.** Action brought to enforce, redress, or protect private rights. In general, all types of actions other than criminal proceedings.

**Class action.** An action where a large number of persons are interested in a matter. One or more may use or be used as representative of the class action without need to join every member of the group.

**Closing arguments/statements.** The final statements by lawyers in a trial arguing the evidence that they have attempted to establish or evidence they feel the other side failed to establish.

**Colorado Rules of Professional Conduct.** The rules of conduct that govern the legal profession. They contain general ethical guidelines and specific rules written by the American Bar Association and adopted by the Colorado Supreme Court.

**Community corrections.** Public or privately operated community-based programs holding defendants in the community while providing them opportunities to work, attend school, or perform community services. The clients may be there as part of a sentence or probation, or as a conditional release from imprisonment.

**Commutation.** Lessening of a sentence. Only the governor has the power to commute a sentence.

**Comparative negligence.** The doctrine by which acts of opposing parties are compared in fault on a percentage basis. A party who is 50 percent or more at fault cannot recover. A party who is less than 50 percent at fault may recover, but at the reduced percentage.

**Complainant.** The person making the accusation against the defendant. The complainant is usually an alleged victim of a crime or a law enforcement officer.

**Complaint (civil).** The initial document filed by the plaintiff in a civil case stating the claims against the defendant.



# GLOSSARY OF LEGAL TERMS

**Complaint (criminal).** The formal accusation charging that a person has committed an offense.

**Concurrent jurisdiction.** The power of more than one court to exercise jurisdiction over the same subject matter. Usually the first court that takes the case obtains jurisdiction to the exclusion of the other courts.

**Concurrent sentences.** Sentences for two or more crimes may be ordered by a judge to be served simultaneously rather than successively.

**Confidentiality.** State or quality of being confidential; treated as private and not for publication. **Conflict of interest.** A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. Also, a real or seeming incompatibility between the interests of two of a lawyer's clients disqualifying the lawyer from representing both clients if the dual representation adversely affects either client or if the clients do not consent.

**Consecutive sentences.** Sentences for two or more crimes may be served one after another instead of simultaneously.

**Conservatorship.** A guardian, protector or preserver appointed by the court to manage the affairs of an incompetent person or to liquidate a business.

**Contempt of court.** Any act calculated to embarrass, hinder, or obstruct a court, or calculated to lessen its authority or dignity. Direct contempt is committed in the immediate presence of the court and may be punished summarily without a jury trial. An indirect contempt usually is a failure or refusal to obey a court order.

**Contributory negligence.** In any action based upon the negligence of the defendant, the plaintiff's own contributory negligence may either defeat or reduce the amount of recovery.

**Convict.** To find a person guilty, either after a criminal trial, a plea of guilty, or a plea of nolo contendere.

**Conviction.** A verdict of guilty in a criminal case.

**Corroborating evidence.** Evidence supplementary to that already given and tending to strengthen or confirm it.

**Counterclaim.** A claim presented by a defendant against the plaintiff following the claim of the plaintiff.

**Court of record.** Any court except a municipal court.

**Court reporter.** A court employee who makes a word-for-word record of everything said in court.

**Criminal case.** A case brought by the government against an individual accused of committing a crime.

# GLOSSARY OF LEGAL TERMS

**Cross-claim.** A claim by one defendant against another defendant.

**Cross-examination.** After a witness has been questioned by the side that called the witness to testify, the questioning of the witness by the other side.

**Custody.** In criminal cases, this means the restraint of a person's freedom in any significant way.

**Damages.** Monetary compensation which may be recovered by a party for personal injury, or loss or damage to one's property or rights as a result of another party's unlawful act or negligence.

**De novo.** A new trial or new consideration in which the result of the first trial is immaterial.

**Decree.** A decision or order of the court. A final decree fully and finally disposes of the litigation; an interlocutory decree is provisional or temporary.

**Default.** A default occurs when a party fails to plead or to take certain other required steps within the time allowed, or fails to appear at trial.

**Default judgment.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, he or she is in default and a judgment by default may be entered by the clerk of the court.

**Defendant.** In a criminal case, the person accused of the crime. In a civil case, the person sued by the plaintiff.

**Deferred prosecution.** An arrangement before trial halting the prosecution of a defendant for up to two years on the condition that he or she successfully meets conditions of probation, usually some type of counseling or drug or alcohol treatment. If conditions of probation are violated, the defendant may be tried on the original charge.

**Deferred sentence.** An arrangement in which a defendant who pleads guilty is placed on probation for two years, usually with conditions. If the defendant successfully completes probation, the guilty plea is withdrawn and the case is dismissed. If the defendant fails probation, he or she may be sentenced based upon the guilty plea.

**Deposition.** Testimony of a witness, in writing, under oath or affirmation, in answer to questions.

**Determinant sentence.** Sentence to confinement for a fixed period as specified by statute.

**Direct evidence.** Evidence based on personal knowledge or observation that tends to directly prove or disprove a fact or circumstance. (For example, a witness' testimony that he looked outside a window and saw falling rain might be offered as direct evidence that it was raining outside.)

**Direct examination.** The first round of witness questioning by the side that called the witness.

# GLOSSARY OF LEGAL TERMS

**Directed verdict request.** A motion made at the end of a party's case arguing that the opposing party has failed to present sufficient evidence of the case to proceed to the next stage.

**Discovery.** Pre-trial examination of a person or thing to obtain information relevant to the case.

**Dismissal.** The termination of a case.

**Dismissal without prejudice.** Dismissal of a case while allowing the party to sue again on the same cause of action at some future time. A dismissal "with prejudice" bars refiling of a suit or charge.

**District attorney.** The prosecuting officer who represents the state in each of its judicial districts.

**Docket.** The court's schedule or calendar.

**Double jeopardy.** The constitutional prohibition against a second prosecution of a person for the same crime.

**Early neutral evaluation.** An early intervention in a lawsuit by a court-appointed evaluator to narrow, eliminate, and simplify issues and to assist in case planning and management. Settlement of the case may occur.

**Emancipation.** Refers to freeing of a child by his or her parents, involving entire surrender of the right to the care, custody, and earnings of such child as well as renunciation of parental duties.

**Embezzlement.** The fraudulent appropriation by a person to personal use or benefit of property or money entrusted by another.

**En banc.** A session in which the entire membership of the court participates in a decision.

**Enjoin.** To order a person to perform, or to abstain and desist from performing, a specified act or course of conduct.

**Entrapment.** The act of officers or agents of a government in inducing a person to commit a crime otherwise not contemplated for the purpose of prosecuting that person.

**Evidence.** Anything presented to the jury to prove or disprove a fact. Evidence can be witness testimony, statements, writings, recordings, or objects. Statements by lawyers are not evidence.

**Ex parte.** Non-adversary; a proceeding in which only one party is present.

**Exclusionary rule.** A rule prohibiting the use of illegally obtained evidence in criminal prosecutions. Originally devised to prevent illegal methods of questioning or search and seizure by police.

**Exhibit.** A paper document or other physical object introduced into evidence during a trial, hearing, or deposition.



# GLOSSARY OF LEGAL TERMS

**Extradition.** Surrender by one state of an individual accused of an offense to another state.

**Fact finding.** An investigation of a dispute by a neutral third party who examines the issues and facts in a case, and who may or may not recommend settlement procedures.

**Felony.** A crime punishable by death or by imprisonment in a state penal institution.

**Fiduciary.** A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the other's benefit, e.g., a guardian or trustee.

**Forgery.** The false making or material altering, with intent to defraud, of any writing which, if genuine, might be the foundation of a legal liability.

**Gag order.** An order by the court, in a trial with a great deal of notoriety, directed to lawyers and witnesses, to not discuss the case with reporters – such order being felt necessary to assure the defendant of a fair trial. The term also may refer to orders of the court directing reporters not to report court proceedings or certain aspects thereof. Those types of orders have been struck down by the Supreme Court as being an unconstitutional obstruction of freedom of the press.

**Garnishment.** An act of taking a person's wages to satisfy a judgment.

**Grand jury.** A panel of members of the public chosen from the regular jury pool lists. This panel determines whether there is probable cause to try an accused for a serious crime. Any charges issued by a grand jury are called indictments.

**Guardian *ad litem*.** A court-appointed representative charged with defending or protecting the interests of a person under legal disability, such as a child or incompetent involved in litigation.

**Guardianship.** The officer, duty, or authority of a guardian.

**Habeas corpus.** An order to bring a person before the court. Most commonly issued to wardens or jailers commanding them to produce a defendant or prisoner so the court may decide if that person is being lawfully confined.

**Harmless error.** An error committed by a lower court, but determined by an appellate court not to be prejudicial to the rights of the party affected, and therefore furnishing no basis for reversal of the lower court's judgment.

**Hearing date.** The time, in criminal law, for the trial of a person charged with a misdemeanor crime.

**Hearsay.** Statements by a person who did not see or hear the thing in question, but heard about it from someone else.

**Homicide.** The killing of one human being by the act, procurement, or omission of another.

# GLOSSARY OF LEGAL TERMS

**Hostile witness.** A witness who manifests hostility or prejudice against the calling party. On direct examination, the calling party may be permitted to question such as witness as if he or she has been called by the opposing party.

**Hung jury.** A divided jury that cannot agree on a verdict.

**Immunity.** A grant by the court against prosecution in return for providing criminal evidence against another.

**Impaired mental condition.** A condition of mind, caused by mental disease or defect, which does not constitute insanity but prevents the person from forming the culpable mental state which is an essential element of the crime. If found not guilty because of impaired mental condition, the person is committed to a state hospital for treatment.

**Impeach.** To call into question the truthfulness of a witness.

**Implead.** To sue; to prosecute. To bring a new party into action on grounds that the new party is, or may be, liable to the party who brings him or her in, for all or part of the subject matter claim.

**Inadmissible evidence.** Anything that cannot be presented to the jury under the rules of evidence.

**In camera.** In chambers; in private.

**Incompetent.** A person lacking the capacity, legal qualification, or fitness to manage personal affairs or to discharge a required duty. A guardian may be appointed to conduct the affairs or protect the interests of an incompetent.

**Indeterminate sentence.** An indefinite sentence of "not less than" and "not more than" a number of years, with the exact term to be set by parole authorities.

**Indictment.** A written statement, presented by a grand jury to the district court, which charges the commission of a crime by an alleged offender.

**Indigent.** Meeting certain standards of poverty, thereby, qualifying a criminal defendant for a public defender.

**Information.** A written statement signed by a district attorney presented to the district court, which charges the commission of a crime by an alleged offender.

**Injunction.** A court order directing a person to refrain from doing something or ordering the person to do something.

**Interlocutory.** Provisional, temporary, not final. Refers to orders and decrees of a court.

**Interrogatories.** Written questions offered by one party and served on an adversary, who must provide written answers under oath.

# GLOSSARY OF LEGAL TERMS

**Intestate.** Person who dies without leaving or having left a valid will.

**Judges, justices, and court.** Often used synonymously or interchangeably; however, the lower courts use the term judge, while the distinction of justice belongs to a Supreme Court member by virtue of his or her office.

**Judgment.** In a civil case, the official decision of a court determining the rights of the parties involved. In a criminal case, it includes the pronouncement of guilt and the sentence.

**Jurisdiction.** The power, right or authority to apply the law.

**Jury.** Citizens sworn to inquire into matters of fact and declare the truth about matters laid before them during a trial.

**Jury instruction.** The judge's instructions to the jurors on what issues they are to decide and what rules of law they are to apply to the case.

**Jury trial.** Trial whereby a group of citizens serving as a jury listens to evidence presented in court and gives its verdict.

**Kidnapping.** The unlawful taking and carrying away of a human being by force and against his or her will.

**Knowingly.** With knowledge, willfully, with respect to a material element of an offense.

**Last clear chance.** A rebuttal to the defense of contributory negligence (e.g. a defense to a defense). Although the plaintiff's own negligence may have endangered him or her, the defendant had the last clear chance to avoid injuring the plaintiff.

**Lawyer.** A person learned in the law; an attorney, counsel or solicitor; a person licensed to practice law.

**Leading question.** A question worded so the desired answer is suggested to the witness, particularly when it may be answered by yes or no. It is proper on cross examination, but is normally prohibited on direct examination unless the witness is hostile or unless the court allows it.

**Lesser included offense.** An offense composed of some, but not all, of the elements of the greater crime and which does not have any element not included in the greater offense.

**Lien.** A claim which a person has upon the property of another as security for a debt owed.

**Limited partnership.** An unincorporated association or firm in which partners are relieved of liability beyond the amount of the capital contributed by them.

**Magistrate.** A court officer having power to issue a warrant for the arrest of a person charged with a crime.



# GLOSSARY OF LEGAL TERMS

**Malfeasance.** Evil doing; ill conduct, the commission of some act which is positively prohibited by law.

**Malicious prosecution.** An action instituted with intention of injuring the defendant and without probable cause and which terminates in favor of the person prosecuted.

**Mandamus.** A special proceeding to order an official to do an act required by law.

**Manslaughter.** The unlawful killing of another without malice; may be either voluntary, upon sudden impulse, or involuntary.

**Medarb.** A process in which parties begin to resolve a dispute by mediation, and failing settlement, the same neutral third party acts as arbitrator of the remaining issues.

**Mediation.** A confidential process whereby a trained neutral third party assists disputing parties to reach their own solution.

**Mens rea.** Literally "guilty mind," the criminal intent to commit an act forbidden by statute. One of the two basic requirements, along with a prohibited act, which must occur for a crime to exist.

**Minitrial.** A structured settlement process in which the principals involved meet at a hearing before a neutral advisor to present the merits of each side of the dispute, and attempt to formulate a voluntary settlement.

**Miranda Rule.** Before any interrogation by law enforcement authorities after a person is taken into custody, he or she must be warned: (1) that he or she has a right to remain silent; (2) that any statement he or she does make will be used as evidence against him or her; (3) that he or she has a right to the presence of a lawyer; (4) that if he or she cannot afford a lawyer, one will be appointed for him or her prior to any questioning if he or she so desires; and (5) that he or she may end the questioning at any time.

**Misdemeanor.** Less serious criminal offense punishable by a jail sentence of one year or less.

**Mistrial.** A trial terminated prior to a verdict as a result of a fundamental error prejudicial to the defendant.

**Mitigating circumstance.** A circumstance which does not constitute a justification or excuse for an offense, but which may be considered as reducing the degree of moral culpability.

**Moot.** An issue that no longer matters in the case and does not need to be decided by the jury.

**Motion.** A request for the judge to make a decision about a particular issue.

**Motion in limine.** A written motion which is usually made before or after the beginning of a jury trial for an order prohibiting unduly prejudicial evidence.

# GLOSSARY OF LEGAL TERMS

**Motion to suppress.** Motion asking that evidence allegedly secured illegally be eliminated from trial.

**Negligence.** The omission to do something which a reasonable person, guided by ordinary considerations, would do; or the doing of something which a reasonable and prudent person would not do.

**Next friend.** One acting for the benefit of a child or other person without being regularly appointed as guardian.

**Nolle prosequi.** The notice that a prosecutor will no longer pursue charges, i.e., the dropping of charges.

**Nolo contendere.** No contest. A pleading which denies the guilt but admits the facts on which the charge is based.

**No fault.** Fault on the part of either party need not be shown or proved.

**No true bill.** Finding by a grand jury that an indictment is not justified by the evidence.

**Not guilty by reason of insanity.** When a person who is so diseased or defective in mind at the time of the commission of the act as to be incapable of distinguishing right from wrong with respect to that act is not accountable. A defendant found not guilty by reason of insanity is committed to a state hospital for treatment until declared competent.

**Objection.** A protest to the court regarding something done or about to be done by an opposing party. The judge will then rule on the objection by saying that the objection is overruled or sustained.

**Offense.** A felony or misdemeanor; a breach of criminal laws which subjects the offender to imprisonment and/or fines.

**Opening statements.** A party's outline or summary of the nature of the case and the evidence that will be presented.

**Opinion evidence.** Evidence of what a witness thinks, believes, or infers as distinguished from personal knowledge of the facts. Generally, opinion evidence is admissible only when given by an expert unless the opinion is based on matters common to laypersons.

**Order.** A command from the court directing or forbidding an action.

**Ordinance.** A written law enacted by the legislative body of a county, township, or city.

**Overruled.** When a judge rules against an objection, the objection is "overruled" and the trial continues as if there was no objection.

# GLOSSARY OF LEGAL TERMS

**Pardon.** Action by a government executive relieving a criminal from the sentence or from prosecution for specified acts.

**Parole.** The release from prison of a convict before the expiration of the sentence. If stipulated conditions of parole are observed, the parolee need not serve the remainder of the sentence. The parolee is under the supervision of a state parole officer.

**Peremptory challenge.** A challenge which the prosecution or defense may use to reject a certain number of prospective jurors without assigning any cause.

**Perjury.** The criminal offense of making a false statement under oath.

**Personal recognizance.** A type of bail consisting of a written promise to appear in court when required. A bond secured only by the personal obligation of the person giving the bond.

**Petit jury.** A jury for the trial of a civil or criminal case.

**Petitioner.** The party that petitions, or asks, the Supreme Court to review a lower court's actions.

**Plaintiff.** Initiator of a lawsuit in civil proceedings.

**Plea.** Five pleas are possible in criminal cases: (1) not guilty; (2) not guilty by reason of insanity; (3) not guilty because of impaired mental condition; (4) no contest (*nolo contendere*); and (5) guilty.

**Plea bargaining.** The process whereby the accused and the prosecutor negotiate a mutually satisfactory disposition of the case. The defendant may plead guilty to a lesser offense or to only one or some of the charges. In return, the defendant seeks concessions on the type and length of sentence or a reduction of counts charged.

**Prejudicial error.** Similar to reversible error. Error that can cause an appellate court to reverse a judgment.

**Preliminary hearing.** A hearing in which a judge or magistrate determines whether there are sufficient grounds to compel the accused to stand trial. If probable cause is found, a defendant is "bound over" for trial.

**Preponderance of evidence.** Greater weight of evidence, or evidence which is more credible and convincing to the mind.

**Presentence investigation.** An investigation conducted at the request of the court after a person has been found guilty of a criminal offense. Provides the court with extensive background information to determine an appropriate sentence.

**Presumption of innocence.** Every defendant enters a trial presumed to be innocent. The presumption remains until and unless the state overcomes the presumption by competent evidence of guilt beyond a reasonable doubt.

# GLOSSARY OF LEGAL TERMS

**Prima facie.** At first sight, on the face of it. In a criminal case, when the prosecution rests, the state's case is said to be *prima facie* if the evidence so far introduced is sufficient to convict.

**Prior restraint.** Restraint on a publication before it is published, prohibited by the First Amendment to the Constitution.

**Probable cause.** The existence of circumstances and facts sufficiently strong to produce a reasonable belief that the person charged with a crime is guilty. If doesn't indicate proof of guilt beyond a reasonable doubt, but is enough to compel the accused to stand trial.

**Probate.** The act or process of proving a will.

**Probation.** Sentence of a court whereby an individual is put under the jurisdiction of a probation officer rather than incarcerated. Sometimes, a short jail sentence is a condition of probation. It is the most widely used correctional disposition both in Colorado and in the U.S.

**Prosecutor.** Government lawyer who tries criminal cases.

**Public defender.** Lawyer employed by the government to represent individuals accused of crimes who cannot afford their own attorney.

**Punitive.** Punitive damages are damages on an increased scale, awarded to the plaintiff in a civil case over and above what will compensate for ordinary loss, in an effort to punish the defendant or to set an example for wrongdoers.

**Quash.** To overthrow, vacate, to annul or void a summons, indictment, or subpoena.

**Quasijudicial.** Authority or discretion vested in an officer where that officer's acts have a judicial character.

**Reasonable doubt.** That state of mind of jurors in which they cannot say that the crime charged has been proved. Reasonable doubt is based on reason and common sense. It is not vague, speculative, or imaginary. It would cause reasonable persons to hesitate to act in matters of importance to themselves.

**Rebuttal.** Evidence or argument that is intended to contradict evidence or argument presented by another party.

**Redirect examination.** An examination of a witness by the direct examiner after the crossexamination of the witness.

**Rehabilitation.** After crossexamination, a witness whose credibility has suffered may be examined again (redirect examination).

**Reply.** In its general sense, the plaintiff's answer to the defendant's setoff or counterclaim.

# GLOSSARY OF LEGAL TERMS

**Restitution.** The requirement that an offender provide financial remuneration for the losses incurred by the victim. Always a condition of probation.

**Search warrant.** An order in writing by a judge or magistrate directing an officer to search the person, premises, place, property or thing described in the search warrant and to seize property described or identified.

**Self-defense.** The protection of person or property against some injury attempted by another. The law of self-defense justifies an act done in the reasonable belief of immediate danger.

**Sequestration of witnesses.** A discretionary action by the court excluding witnesses from the courtroom while earlier witnesses are being examined.

**Settlement conference.** An informal assessment and negotiation session conducted by a legal professional who hears both sides of the case, may advise the parties on the law and precedent relating to the dispute, and suggest a settlement.

**Stare decisis.** The doctrine that once a principle of law has been determined to be applicable to certain facts, that principle will be followed in future cases involving substantially identical facts.

**Stay.** An order stopping a judicial proceeding or execution of a judgment.

**Stipulation.** An agreement by opposing lawyers on any matter. Most stipulations must be in writing.

**Strict liability.** A concept applied by courts in product liability cases in which a seller is liable for any and all defective or hazardous products which unduly threaten a consumer's personal safety.

**Subpoena.** An official order to appear in court at a specific time.

**Substantive law.** The law dealing with rights, duties and liabilities, as distinguished from the law regulating procedure.

**Summons.** An order to a sheriff or other officer to notify a named person that a civil action has been commenced against him or her and that he or she is required to appear within a specified period and answer the complaint. A written order or notice directing that a person appear before a designated court at a stated time and place and answer to a charge against him or her. The document initiates all civil law suits and is referred to as process.

**Suppression of evidence.** A trial judge's ruling that evidence sought to be admitted should be excluded because it was illegally acquired. A hearing for this is required outside the presence of a jury, often before trial.

**Sustained.** When a judge rules in favor of an objection, the objection is "sustained" and whatever was objected to is not allowed.



# GLOSSARY OF LEGAL TERMS

**Temporary restraining order (TRO).** An order granted without notice or hearing, maintaining the status quo until a hearing to determine the propriety of injunctive relief, temporary or permanent.

**Testate.** One who has died leaving a will, or one who has made a will.

**Testimony.** Statement made by a witness, under oath, usually related to a legal proceeding or legislative hearing; evidence given by a competent witness under oath or affirmation, as distinguished from evidence derived from writing and other sources.

**Tort.** An injury or wrong committed, either with or without force, to the person or property of another.

**Venire.** The panel of citizens called for jury service from which a jury will be selected.

**Verdict.** The opinion rendered by a jury, or a judge where there is no jury, on a question of fact. A verdict differs from a judgment in that a verdict is not a judicial determination but is a finding of fact.

**Voir dire.** Literally, "To speak the truth." The preliminary examination of prospective jurors or witnesses. Such an examination of a witness (outside the presence of a jury) may determine whether evidence is admissible.

**Waiver.** The intentional and voluntary relinquishment of a legal right.

**Warrant.** A written order issued by a judge of a court of record directed to any peace officer commanding the arrest of the person named or described in the order.

**Weight of evidence.** The balance or preponderance of evidence; the inclination of the greater amount of credible evidence to support one side of an issue.

**Witness.** One who testifies under oath as to what he or she has seen, heard or otherwise observed.

**Writ.** A court order.