

Legal Terminology

A Citizens Guide



SENECA COUNTY JUVENILE COURT

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LEGAL TERMS AND DEFINITIONS

The following legal terms and definitions are frequently used in court. The purpose of this Citizens Guide is to acquaint you with these legal terms to increase your level of understanding of the trial process.

Answer

A document (or pleading) filed with the court before the trial by the defendant in a civil case to respond to the plaintiff's claims.

Bailiff

A court attendant whose duties are to keep order in the courtroom.

Case, Action, Lawsuit or Suit

A legal dispute brought into court for a hearing or trial.

Complaint

The first document (or pleading) in a civil, juvenile, or criminal case stating facts and demanding relief.

Contempt of Court

Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity. Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful order.

Counterclaim

An answer to the complaint, in which the defendant claims to be entitled to damages or other relief from the plaintiff.

Court Reporter

A stenographer who records and transcribes a verbatim report of all proceedings in a court of law.

Defendant

The party against who a criminal or civil action is brought.

Burden of Proof

The obligation to offer evidence that the court could reasonably believe, in support of a contention, failing which the case will be lost.

Deposition

Testimony of a witness, under oath, given prior to trial in the presence of a court reporter who types up a transcript. This testimony may be read to the judge at the trial. Attorneys for both sides are present when a deposition is taken. It also may be used to deny or contradict a witness' testimony or for the purpose of refreshing a witness' recollection.

Evidence

Testimony or exhibits offered in a judicial proceeding for the purpose of establishing the truth or falsity of an alleged matter of fact.

Expungement

The destruction and deletion of records by the Juvenile Court. Since these records no longer physically exist they cannot be inspected by anyone.

Direct Examination

Questions which the attorneys ask their own clients or witnesses.

Cross-Examination

Questions which a lawyer asks the opposing party or witness to test whether the person is telling the truth.

Redirect-Examination

Follows cross-examination and is exercised by the party who first examined the witness.

Exhibits

Objects, pictures, books, letters, and documents which are admitted in evidence.

Final Argument, Summation

After all the evidence is presented by the parties, the attorneys tell the judge what they think the evidence proves and why they think their side should win. This is an "argument" or "summing up". It is not evidence.

Guardian ad Litem

A person appointed by a court to look after the best interests of a minor in a particular judicial proceeding.

Adjudication

An adjudication hearing is that court proceeding in which it is determined whether the allegations of the petition is supported by legally admissible evidence.

Disposition

The order of the juvenile court determining what is to be done with a minor already adjudged to be unruly, delinquent, abused, neglected or dependent child.

Intevene

Allow a non-party to join at the discretion of the Court.

Issue

A disputed question of fact which must be decided.

Hearsay Evidence

The evidence of those who relate, not what they know themselves, but what they have heard from others.

Objections

Objection overruled or overruled

The judge's ruling that a lawyer's objection is not well taken under the rules for conducting the trial.

Objection sustained or sustained

The judge's ruling that a lawyer's objection is well taken under the rules for conducting the trial.

Opening statement

Before introducing any evidence in the case, a lawyer tells the judge what the case is about and what evidence is expected to be brought in to prove that side of the case. It is not evidence.

Parties

The plaintiff and defendant in the case- also called the "litigants."

Plaintiff

The party who institutes a legal action.

Pleadings

All the documents filed by the parties before the trial to establish what issues must be decided by the trier of fact.

Probation

In adult or juvenile court, a disposition which allows the defendant or minor child to remain at liberty under the supervision of a probation officer, frequently with a suspended commitment or sentence of imprisonment and usually requiring compliance with certain stated conditions.

Record

The official word-for-word copy of the court proceedings, taken in shorthand, stenotype, or audio-transcription by an official court reporter. Often the judge or the lawyers state that something is-or is not- "the record" or "in the record."

Rest

A party "rest" when that party has presented all of its evidence.

Sealing

Sealing is the closure of juvenile records to inspection. The sealed record can be inspected in extremely limited circumstances.

Separation of witnesses

An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant.

Status – Offense

Acts considered wrongful or chargeable only when committed by a minor. They involve restrictions placed on minors so they will be more likely to attend school, return home at a safe hour or avoid using or becoming addicted to nicotine or alcohol.

Stipulation

An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless assented (agreed to freely) to by the parties. Most stipulations must be in writing.

Subpoena

A process to cause a witness to appear and give testimony before a court or magistrate.

Testimony

Evidence given by a competent witness, under oath; as distinguished from evidence derived from writings and other sources.

Summons

A legal document, issued by the court clerk or court officer, notifying the named person that a legal cause has been filed against or involves him or her, and notifying such person of any dates set for hearings and deadlines for responding to the complaint or petition. The purpose of a summons is simply to notify the persons concerned.

Waiver

The understanding and voluntary relinquishment of a known right, such as the right to counsel or the right to remain silent during questioning.

Warrant

Legal document issued by a judge authorizing the search of a place and seizure of specific items found there (search warrant), or the arrest or detention of a specified person (arrest warrant).

Witness

One who testifies under oath to what he or she saw, heard, or otherwise observed. The judge exercises control over the mode and order or interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment. Evidence Rule 611 (A)