**Vocabulary**

* **acquittal** -- a decision by a court that a person charged with a crime is not guilty.
* **affirm** -- to uphold a decision reached by a lower court.
* **appeal** -- a request, usually made after a trial, asking another court (usually the court of

appeals) to decide whether the trial court proceeding was conducted properly. To make such a request is "to appeal" or "to take an appeal."

* **appeals court** -- an intermediate court of the federal judicial system or a state appellate court. Not all states have intermediate-level courts, but of those that do, many are called the Court of Appeals. In some states, appeals are divided between a court of criminal appeals and a court of civil appeals. In other states there are specialized appeals courts as well. For example, in Pennsylvania, the Commonwealth Court handles appeals when a state agency is a party. (see appellate court)
* **appellate court** -- a court that reviews decisions of lower courts. In the federal courts, the

primary appellate courts are the U.S. courts of appeals and the U.S. Supreme Court.

* **arraignment** -- a formal stage of the criminal process in which the defendants are brought before a judge, confronted with the charges against them, and they enter a plea to those charges.
* **Article I courts** -- special courts created by Congress (legislative courts).
* **Article III courts** -- system federal courts established under Article III of the U.S.

Constitution which states: “The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

* **bench trial** -- a trial, without a jury, conducted before a judge.
* **brief** -- a written argument of law and fact submitted to the court by an attorney representing a party having an interest in a lawsuit.
* **case** --a legal dispute or controversy involving a civil or criminal lawsuit or action brought to a court for resolution. Cases can be resolved by a court after fact-finding or resolved by agreement of the parties or some other third party such as an arbitrator or administrative judge.
* **case law** -- law that has evolved from past court decisions, as opposed to law created by legislative acts.
* **case or controversy rule** -- the constitutional requirement that courts may only hear real disputes brought by adverse parties. (see Article III, Section 2).
* **certiorari** -- an order by a court requiring that the lower court produce the records of a particular case tried so that the reviewing court can inspect the proceedings and determine whether there have been any irregularities. Almost all parties seeking review of their cases in the U.S. Supreme Court file a petition for a writ of certiorari. The Court issues a limited number of writs, thus indicating the few cases it is willing to hear among the many in which parties request review.
* **chief judge** -- the judge who has primary responsibility for the administration of a court, but also decides cases. Chief appellate judges and chief district judges take office according to rules regarding age and seniority; chief bankruptcy judges are appointed by the district judges of the court.
* **Chief Justice** -- the "first among equals" on the U.S. Supreme Court, who has numerous responsibilities for the administration of the federal judicial system as well as for hearing cases. The President appoints the Chief Justice, with approval of the Senate, when a vacancy occurs in the office.
* **circuit** -- the regional unit of federal judicial appeals. Congress has divided the federal judicial system into twelve regional circuits (the eleven numbered circuits and the District of Columbia Circuit). In each circuit is a court of appeals to hear appeals from district courts in the circuit, and a circuit judicial council to oversee the administration of the courts of the circuit.
* **circuit court** -- an informal name for a U.S. court of appeals (also the name of some state trial courts).
* **civil law** -- The body of law dealing with the private rights of individuals, as opposed to the criminal law.
* **class action** -- A lawsuit brought by one person or group on behalf of all persons who have the same interests in the litigation and whose rights or liabilities can be more efficiently determined as a group than in a series of individual suits.
* **court** -- an agency of government authorized to resolve legal disputes. Judges and lawyers sometimes use the term court to refer to the judge, as in "the court has read the pleadings."
* **complaint** -- a written statement by the person (called the "plaintiff") starting a civil

lawsuit which details the wrongs allegedly committed against that person by another person (called the "defendant").

* **conviction** -- the final judgment entered after a finding of guilt.
* **criminal law** -- law governing the relationship between individuals and society. Deals with the enforcement of laws and the punishment of those who, by breaking laws, commit crimes.
* **damages** -- money that a defendant pays a plaintiff in a civil case that the plaintiff has won, to compensate the plaintiff for loss or injury.
* **default judgment** -- a judgment against the defendant awarding the plaintiff the relief demanded in the complaint because of the defendant’s failure to appear in court. A summons must notify the defendant that failure to appear and defend against the lawsuit in a timely manner will result in the court’s entry of a default judgment.
* **defendant** -- a party at the trial level being sued in a civil case or charged with a crime in a criminal case. In a civil action, the party denying or defending itself against charges brought by a plaintiff. In a criminal action, the person accused by the government of breaking the law.
* **deposition** -- a frequently used means of obtaining discovery in civil cases, in which the attorney who requested the deposition questions a party, witness, or any person with information about the case, and the person (the deponent) answers under oath.
* **discovery** -- A pretrial procedure whereby one party to a lawsuit gains access to information or evidence held by the opposing party.
* **dissenting opinion** -- an opinion by a judge who disagrees with the result reached by the court in a case.
* **district court** -- the trial courts of general jurisdiction in the federal system.
* **diversity jurisdiction** -- The authority of federal courts to hear cases in which a party from one state is suing a party from another state. (also called “diversity of citizenship” “jurisdiction).
* **docket** -- the schedule of cases to be heard by a court.
* **due process** -- government procedures that follow principles of essential fairness.
* **en banc** -- an appellate court hearing with all the judges of the court participating.
* **equitable** -- dealing fairly and equally.
* **evidence** -- information in the form of testimony, documents, or physical objects that is presented in a case to persuade the fact finder (judge or jury) to decide the case for one side or the other.
* **Establishment Clause** -- The establishment clause prevents the government from creating
* a church, endorsing religion in general, or favoring one set of religious beliefs over another.
* **federal courts** -- courts established under the U.S. Constitution. The term usually refers to courts of the federal judicial branch, which include the Supreme Court of the United States, the U.S. courts of appeals, the U.S. district courts (including U.S. bankruptcy courts), and the U.S. Court of International Trade. Congress has established other federal courts in the executive branch, such as immigration courts.
* **federal-question jurisdiction** -- the federal district courts’ authorization to hear and decide cases arising under the Constitution, laws, or treaties of the United States.
* **federalism** -- a principle of our Constitution which gives some functions to the U.S. government and leaves the other functions to the states. The functions of the U.S. (or federal) government involve the nation as a whole and include regulating commerce that affects people in more than one state, providing for the national defense, and taking care of federal lands. State and local governments perform such functions as running the schools, managing the police departments, and paving the streets.
* **felony** -- a serious criminal offense, usually punishable by incarceration of one year or more.
* **file** –- (1) to submit (a legal document) to the proper office (as the office of a clerk of court) for keeping on file among the records; (2) to initiate (a judicial or administrative proceeding) by submitting the proper documents or following proper procedure.
* **final decision** -- a court’s decision that resolves the claims of the parties and leaves nothing further for the court to do but ensure that the decision is carried out. The U.S. courts of appeals have jurisdiction over appeals from final decisions of U.S. district courts.
* **grand jury** -- a panel of twelve to twenty-three citizens who review prosecutorial evidence to determine if there are sufficient grounds to issue an indictment binding an individual over for trial on criminal charges.
* **habeas corpus** -- "You have the body." A writ issued to determine if a person held in custody is being unlawfully detained or imprisoned.
* **hearsay** -- testimony not based on the personal knowledge of the witness, but a repetition of what the witness has heard others say.
* **held** – express as a judgment, opinion, or belief.
* **in forma pauperis** -- "In the form of a pauper." A special status granted to indigents that allows them to proceed without payment of court fees and to be exempt from certain procedural requirements.
* **indictment** -- a document issued by a grand jury officially charging an individual with criminal violations and binding the accused over for trial.
* **injunction** -- a writ prohibiting the person to whom it is directed from committing certain specified acts.
* **judge** -- a governmental official with authority to preside over and decide lawsuits brought to courts.
* **judgment** -- the official decision or determination of a court in a case. Can also be called “decision,” “opinion,” or “order” of the court.
* **judicial review** -- judicial review is the power of an independent judiciary, or courts of law, to determine whether the acts of other components of the government are in accordance with the constitution. Any action that conflicts with the constitution is declared unconstitutional and therefore nullified. Thus, the judicial department of government may check or limit the legislative and executive departments by preventing them from exceeding the limits set by the constitution.
* **judiciary** -- the branch of government created by Article III of the Constitution which has the power to interpret the Constitution and laws passed by Congress. The courts determine whether the other branches of government are operating as the Constitution requires but must work with the other two branches to ensure that its orders are obeyed.
* **jurisdiction** -- (1) the legal authority of a court to hear and decide a certain type of case; (2) the geographic area over which the court has authority to decide cases.
* **jury** -- a group of citizens whose duty is to weigh evidence fairly and impartially and decide the facts in a trial (see petit jury) or to decide whether evidence against a defendant is sufficient to file an indictment charging him or her with a crime.
* **justice** – the quality of being just, impartial, or fair; the principle or ideal of just dealing; the establishment or determination of rights according to law or equity; fair, just, or impartial leg process.
* **Justice Department** -- the agency of the federal executive branch with responsibilities in a wide range of areas bearing on the administration of justice and enforcement of laws passed by Congress. The Justice Department is responsible for investigating alleged criminal conduct, deciding which cases merit prosecution in the federal courts, and prosecuting those cases. It also represents the U.S. government in many civil actions.
* **law** -- a law is a public rule that is issued by an established authority, backed by an institutional structure and enforced by sanctions. In the United States, a federal law is typically enacted when a measure passes a majority vote in both the House of Representatives and the Senate and is then signed by the president. A measure can become law without the president’s signature if it passes by a 2/3 vote in both the House and the Senate. State laws are usually created by a similar process, with legislatures and governors taking the place of Congress and the president.
* **lawsuit** -- any one of various proceedings in a court of law.
* **legislative court** -- A court created by Congress under authority of Article I of the Constitution to assist in carrying out the powers of the legislature.
* **litigant** -- a party to a lawsuit.
* **magistrate** -- a low level judge with limited authority.
* **majority opinion** -- an opinion in a case written by one judge in which a majority of the judges on the court join.
* **misdemeanor** -- a less serious criminal act, usually punishable by less than one year of incarceration.
* **mistrial** -- a trial that is prematurely ended by a judge because of procedural irregularities.
* **motion** -- a request made to a court for a certain ruling or action.
* **nolo contendere** -- No contest. A plea entered by a criminal defendant in which the accused does not admit guilt but submits to sentencing and punishment as if guilty.
* **opinion of the court** -- a judge’s written explanation of a decision in a case or some aspect of a case. An opinion of the court explains the decision of all or a majority of the judges. A dissenting opinion is an opinion by one or more judges who disagree with the majority. A concurring opinion is an opinion by one or more judges that agrees with the decision of the majority but offers further comment or a different reason for the decision. A per curiam opinion is an opinion handed down by an appellate court but not signed by an individual judge.
* **order** -- a written command issued by a judge.
* **argument** -- in appellate cases, an opportunity for the lawyers for each side to appear before the judges to summarize their positions and answer the judges’ questions.
* **original jurisdiction** -- the authority of a court to try a case and to decide it, as opposed to appellate jurisdiction.
* **panel** -- (1) in appellate cases, a group of three judges assigned to decide the case; (2) in the process of jury selection, the group of potential jurors from which the jury is chosen; (3) in criminal cases, a group of private lawyers whom the court has approved to be appointed to represent defendants unable to afford to hire lawyers.
* **party** -- one of the litigants. At the trial level, the parties are typically referred to as the plaintiff and defendant. On appeal, they are known as the appellant and appellee, or, in some cases involving administrative agencies, as the petitioner and respondent.
* **petit jury** -- a trial court jury to decide criminal or civil cases.
* **petitioner** -- someone who files a petition with a court seeking action or relief, including the plaintiff or appellant. When a writ of certiorari is granted by the Supreme Court, the party seeking review is called the petitioner, and the party responding is called the respondent.
* **plaintiff** -- an individual or group that institutes a legal action or claim.
* **plea** -- in a criminal case, the defendant’s statement to the court that he or she is "guilty" or "not guilty" of the charges. pleadings -- in a civil case, the written statements of the parties stating their positions about the case.
* **precedent** -- a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent"- meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.
* **pro se** -- a person who appears in court without an attorney.
* **procedural justice** -- justice pursued through due process of law to resolve conflicts between individuals or between individuals and their government. The government administers fair and impartial procedures equally to everyone under its authority in order to settle disputes among them or to prosecute persons charged with crimes against the state. When procedural due process prevails, conflicts are settled in an orderly and fair manner in a court of law, according to the rule of law, and not by the arbitrary actions of people in power. This equal justice under the law regulates the interactions among private individuals and between individuals and government. Punishments, such as incarceration in prison, payment of fines, or performance of community service, may be carried out against a wrongdoer. One party harmed by another may receive compensation from the perpetrator of the grievance.
* **probable cause** -- the legal standard defining the amount of evidence or information needed to justify a search or an arrest. The Fourth Amendment requires that arrests and searches made by law enforcement officers be justified by probable cause. An arresting officer has probable cause for an arrest only if there is enough reliable information or evidence to support the officer’s reasonable belief that a crime has been committed and that the defendant committed it.
* **prosecute** -- to charge a person or organization with a crime and seek to gain a criminal conviction against that person or organization.
* **record** -- all the documents filed in a case and a written account of the trial proceedings.
* **remand** -- to send a case back to an inferior court for additional action.
* **respondent** -- the individual or group compelled to answer or defend claims or questions posed in a court by a petitioner; also, the person or group against whom a petition, such as a writ of habeas corpus seeking relief is brought, or a person or group who wins at trial and defends that outcome on appeal.
* **reverse**—the act of an appellate court setting aside the decision of a trial court. A reversal is often accompanied by a remand to the lower court for further proceedings.
* **rule of law** -- The rule of law exists when a state’s constitution functions as the supreme law of the land, when the statutes enacted and enforced by the government invariably conform to the constitution. The rule of law, however, is not merely rule by law; rather, it demands equal justice for each person under the authority of a constitutional government. So, the rule of law exists in a democracy or any other kind of political system only when the following standards are met:
  + laws are enforced equally and impartially
  + no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
  + laws are made and enforced according to established procedures, not the rulers’ arbitrary will
  + there is a common understanding among the people about the requirements of the law and the consequences of violating the law
  + laws are not enacted or enforced retroactively
  + laws are reasonable and enforceable
* **sentence** -- a judgment of the court imposing punishment upon a defendant for criminal conduct.
* **settlement** -- an agreement between the parties to a lawsuit to resolve their differences among themselves without having a trial or before the judge or jury renders a verdict in a trial.
* **sequester** -- (1) the court’s exclusion of witnesses from the courtroom until they testify, so that their testimony will not be influenced by the testimony of prior witnesses; this practice is normally available if counsel request it, but does not apply to parties, who have the right to be present in court throughout the trial; (2) the court’s requirement that jurors remain isolated while deliberating on a case because justice requires that they be protected from outside influences.
* **state court** -- a court established in accordance with a state constitution that has the jurisdiction to decide matters of law. State courts are courts of general jurisdiction, meaning that they can handle matters of both state and federal law. They are usually governed by rules of procedure set up by the highest court in the state.
* **statute** -- a law passed by a legislature.
* **subpoena** -- (Latin "under penalty") A writ commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.
* **Supreme Court of the United States** -- the highest court in the judicial branch of the U.S. government; the court of last resort. It is the only court specifically established by the Constitution in Article III. Congress is given the power to establish the other lower federal courts. Currently the Supreme Court sits in Washington D.C. and has nine Justices.
* **tort** -- a civil wrong for which a remedy may be obtained, usually in the form of damages; as breach of a duty that the law imposes on everyone in the same relation to one another as those involved in a given transaction.
* **trial** -- the proceeding at which parties in a civil case, or the government and the defense in a criminal case, produce evidence for consideration by a fact finder in court. The fact finder, who may be a judge or a jury, applies the law to the facts as it finds them and decides whether the defendant is guilty in a criminal case or which party should win in a civil case.
* **trial court** -- court in which trials take place at the local or district level.
* **trial jury** -- see petit jury
* **U.S. Attorney** -- a lawyer appointed by the President, in each judicial district, to prosecute cases for the federal government and represent the government in civil actions.
* **U.S. bankruptcy court** -- a federal court that hears and administers matters that arise under the Bankruptcy Code. Although it is a unit of the district court and technically hears cases referred to it by the district court, for most practical purposes it functions as a separate administrative unit.
* **U.S. court of appeals**—a federal court that reviews decisions of the district court when a party in a case asks it to. Some use circuit court to refer to the court of appeals, although technically circuit court refers to a federal trial court that functioned from 1789 to the early twentieth century.
* **U.S. Court of Appeals for the Federal Circuit**—a federal court of appeals located in Washington, D.C., whose jurisdiction is defined by subject matter rather than geography. It hears appeals only in certain types of cases, including those involving patent laws and those decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.
* **U.S. Court of Federal Claims** —a special trial court with nationwide jurisdiction which hears cases involving money damages in excess of $10,000 against the United States, including disputes over federal contracts, federal takings of private property for public use, and rights of military personnel. With the approval of the Senate, the President appoints U.S. Court of Federal Claims judges for fifteen-year terms.
* **U.S. district court**—a federal court with general trial jurisdiction. It is the court in which the parties in a lawsuit file motions, petitions, and other documents and take part in pretrial and other types of status conferences. If there is a trial, it takes place in the district court. Also referred to as a trial court.
* **uphold** -- to allow a lower court’s decision to stand as is. After reviewing the lower court’s decision, an appellate court may uphold or reverse it. Compare with “reverse.”
* **verdict** -- a petit jury’s or a judge's decision on the factual issues in a case.
* **warrant** -- a judicial order authorizing an arrest or search and seizure.
* **witness** -- a person called upon by either side in a lawsuit to give testimony before the court.
* **writ** -- a written order of a court commanding the recipient to perform or not to perform certain specified acts.