



## CLASSROOM LAW PROJECT

# Mock Trial in the Classroom Courtroom Vocabulary!

**affidavit:** A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths.

**allegation:** something that someone says happened.

**appeal:** A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the appellant.

**bail:** Security given for the release of a criminal defendant or witness from legal custody (usually in the form of money) to secure his/her appearance on the day and time appointed.

**bench trial:** Trial without a jury in which a judge decides the facts.

**chambers:** A judge's office.

**capital offense:** A crime punishable by death.

**charge:** The law that the police believe the defendant has broken.

**charge to the jury:** The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

**circumstantial evidence:** All evidence except eyewitness testimony.

**clerk of court:** An officer appointed by the court to work with the chief judge in overseeing the court's administration, especially to assist in managing the flow of cases through the court and to maintain court records.

**complaint:** A written statement by the plaintiff stating the wrongs allegedly committed by the defendant.

**continuance:** Put off trial until another time.

**conviction:** A judgement of guilt against a criminal defendant.

**counsel:** Legal advice; a term used to refer to lawyers in a case.

**court:** Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

**court reporter:** A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.

**cross examine:** Questioning of a witness by the attorney for the other side.

**defendant:** In a civil suit, the person complained against; in a criminal case, the person accused of the crime.

**defense table:** The table where the defense lawyer sits with the defendant in the courtroom.

**deposition:** An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial.

**discovery:** Lawyers' examination, before trial, of facts and documents in possession of the opponents to help the lawyers prepare for trial.

**docket:** A log containing brief entries of court proceedings.

**evidence:** Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

**felony:** A crime carrying a penalty of more than a year in prison.

**grand jury:** A body of citizens who listen to evidence of criminal allegations, which are presented by the government, and determines whether there is probable cause to believe the offense was committed. As it is used in federal criminal cases, "the government" refers to the lawyers of the U.S. attorney's office who are prosecuting the case.

**hearsay:** Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

**impeachment:** (1) The process of calling something into question, as in "impeaching the testimony of a witness." (2) The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government for trial in the Senate.

**indictment:** The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies.

**instructions:** Judge's explanation to the jury before it begins deliberations of the questions it must answer and the law governing the case.

**interrogatories:** Written questions asked by one party of an opposing party, who must answer them in writing under oath; a discovery device in a lawsuit.

**interview:** A meeting with the police or prosecutor.

**issue:** (1) The disputed point in a disagreement between parties in a lawsuit. (2) To send out officially, as in to issue an order.

**judge:** Government official with authority to decide lawsuits brought before courts. Other judicial officers in the U.S. courts system are Supreme Court justices.

**judgement:** The official decision of a court finally determining the respective rights and claims of the parties to a suit.

**jurisdiction:** (1) The legal authority of a court to hear and decide a case. Concurrent jurisdiction exists when two courts have simultaneous responsibility for the same case. (2) The geographic area over which the court has authority to decide cases.

**juror:** A person who is on the jury.

**jury:** Persons selected according to law and sworn to inquire into and declare a verdict on matters of fact.

**misdemeanor:** Usually a petty offense, a less serious crime than a felony, punishable by less than a year of confinement.

**mistrial:** An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again from the selection of the jury.

**oath:** A promise to tell the truth.

**objection:** A reason that an attorney interrupts a witness to talk to the judge.

**opinion:** A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment.

**oral argument:** An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

**plaintiff:** The person who files the complaint in a civil lawsuit.

**plea:** In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges, a declaration made in open court.

**pleadings:** Written statements of the parties in a civil case of their positions. In the federal courts, the principal pleadings are the complaint and the answer.

**probation:** A sentencing alternative to imprisonment in which the court releases convicted defendants under supervision as long as certain conditions are observed.

**probation officers (or pretrial services officers) :** Screen applicants for pretrial release and monitor convicted offenders released under court supervision.

**prosecute:** To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

**public defenders (or defense attorney):** Represent defendants who can't afford an attorney in criminal matters.

**sentence:** The punishment ordered by a court for a defendant convicted of a crime.

**sequester:** To separate. Sometimes juries are sequestered from outside influences during their deliberations.

**sidebar:** A conference between the judge and lawyers held out of earshot of the jury and spectators.

**subpoena:** A command to a witness to appear and give testimony.

**testify:** Answer questions in court.

**testimony:** Evidence presented orally by witnesses during trials or before grand juries.

**trial:** A hearing that takes place when the defendant pleads "not guilty" and witnesses are required to come to court to give evidence.

**verdict:** The decision of a petit jury or a judge.

**victim advocate:** work with prosecutors and assist the victims of a crime.

**voir dire:** The process by which judges and lawyers select a jury from among those eligible to serve, by questioning them to determine knowledge of the facts of the case and a willingness to decide the case only on the evidence presented in court. "Voir dire" is a phrase meaning "to speak the truth."

**warrant:** A written order directing the arrest of a party. A search warrant orders that a specific location be searched for items, which if found, can be used in court as evidence.

**witness:** A person called upon by either side in a lawsuit to give testimony before the court or jury.

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