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# OKLAHOMA HIGH SCHOOL MOCK TRIAL PROGRAM

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## *GLOSSARY OF LEGAL TERMS*

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<b>ACQUIT</b>	To find a criminal defendant not guilty of the charges against him or her.
<b>ACTION</b>	A dispute taken to court for resolution. The terms "case," "suit" and "lawsuit" are synonymous with action.
<b>ADJUDICATE</b>	To decide or resolve a dispute in a legal setting.
<b>ADVERSARY SYSTEM</b>	Method used in the courts of the United States to settle legal disputes.
<b>AFFIDAVIT</b>	A voluntary statement or declaration of facts which has been written down and confirmed or sworn to under oath.
<b>ALLEGATION</b>	An assertion, declaration or statement which is made in a pleading by one of the parties to the action and tells what that party intends to prove.
<b>ANSWER</b>	Written response to a petition or complaint in a civil case. In it, the defendant admits or denies the allegations of the plaintiff's complaint or petition.
<b>APPEAL</b>	Legal process used to ask a higher court to review a trial court's decision.
<b>APPELLANT</b>	The party appealing a trial court's judgment or decision.
<b>APPELLATE COURT</b>	A court having jurisdiction (authority) to hear appeals.
<b>APPELLEE</b>	The party who is responding to the appellant's claims in an appeal that the decision of a trial court is legally wrong.
<b>ARRAIGNMENT</b>	Criminal case proceeding in which the defendant is brought before the trial court to answer criminal charges by entering a plea of guilty or not guilty.
<b>ATTORNEY AT LAW</b>	Individual who is licensed to practice law and thus may represent clients in legal proceedings. Attorneys are called officers of the court because they have a dual responsibility to protect the integrity of the

legal system while simultaneously pursuing their clients' claims. An attorney who has been admitted to the bar (i.e. is licensed to practice law in one state) is entitled to practice in the courts of that state, but that does not entitle him or her to practice in the courts of another state, in a Federal court or in the Supreme Court. In order to do so, he or she must qualify and be sworn in separately.

<b>ATTORNEY OF RECORD</b>	Attorney whose name appears on the court records and files of a particular case.
<b>AUTOPSY</b>	The examination of a dead body to determine the cause of death.
<b>BAIL</b>	Monetary sum which can be assessed by a judge to insure that a criminal defendant who is being released from jail prior to trial will, in fact, appear in court on a trial date. Securities (a bond) posted as bail are returned when court appearances are satisfied (i.e., after the Defendant appears at trial.)
<b>BAILIFF</b>	Courtroom attendant responsible for keeping order in the courtroom and overseeing the jury.
<b>BEYOND REASONABLE DOUBT</b>	Burden of proof required in a criminal case.
<b>BURDEN OF PROOF</b>	Responsibility of a party to affirmatively prove a disputed fact in a case.
<b>CASE</b>	Lawsuit, suit or action being resolved through the use of the court system.
<b>CHAMBERS</b>	Private office of the judge.
<b>CIVIL LAW</b>	Generally deals with personal actions and may involve a contract, collection of a debt or compensation for personal injury or property loss.
<b>CLOSING ARGUMENT</b>	Final statement given by an attorney for his/her client which summarizes the client's position on the outcome of the case. Facts and evidence presented during the trial can be reviewed so that inferences may be drawn from them. The ultimate purpose is to persuade the jury to render a verdict in favor of the client represented.
<b>COMPLAINT</b>	The first pleading in a civil case filed by the plaintiff. It alleges the material facts and legal theories to support the plaintiff's claim against the defendant. (Called a Petition in State Court.)
<b>CONVICTION</b>	A finding by the judge or jury that a person charged with a criminal offense is guilty beyond a reasonable doubt of committing the crime charged.

<b>CORONER</b>	An official whose responsibilities include the performance of designated functions, the most important of which is the investigation of the cause of any violent or suspicious death that takes place within the geographical boundaries of his or her authority.
<b>COUNSEL</b>	Another word for an attorney or lawyer. To counsel means the giving of advice and guidance concerning a legal matter.
<b>COURT</b>	Judicial tribunal established to administer justice.
<b>CRIME</b>	An act considered dangerous to the general public and contrary to the good of a community that is forbidden by law and punishable by fine, imprisonment or death.
<b>CRIMINAL ACTION</b>	The procedure by which a person accused of committing a crime is charged, brought to trial and judged. The main part of a criminal action is the trial in which the guilt of the accused is determined. If the defendant is not found guilty, he or she will be acquitted of the charges. If the defendant is found to be guilty, a suitable punishment, such as a fine, imprisonment or even a death sentence will be imposed depending upon the punishment provided in the statute under which he or she was prosecuted.
<b>CRIMINAL LAW</b>	A body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.
<b>CROSS EXAMINATION</b>	The questioning of a witness by opposing counsel. The scope of cross examination is generally restricted to matters covered during direct examination. However, for the Mock Trial program, scope of cross-examination is not limited.
<b>DAMAGES</b>	Monetary compensation claimed by or paid to a person who has suffered a loss or injury to his/her person, property or rights as a result of the negligence or unlawful conduct of a defendant.
<b>DEFAULT</b>	Failure of the defendant to file an answer or appear in a case within a certain period of time. This will usually result in a default judgment against the defendant.
<b>DEFENDANT</b>	The person accused of a crime in a criminal case or the person sued in a civil case.
<b>DIRECT EXAMINATION</b>	Questioning of a witness by the party who calls the witness.
<b>DUE PROCESS OF LAW</b>	The regular course of administration through the courts of justice under the protection of the law and Constitution so that every person can have a fair and impartial trial or hearing.

<b>EVIDENCE</b>	A fact presented in court through the testimony of a witness, or by an object or written documents, i.e., exhibits.
<b>EXHIBIT</b>	A document or object which is offered into evidence during a trial or hearing to prove or help prove a fact in dispute.
<b>EXPERT WITNESS</b>	A person with scientific, technical or other special knowledge which will assist the trier of fact to determine a disputed fact.
<b>FEDERAL RULES OF EVIDENCE</b>	A collection of principles that govern the admissibility of facts and testimony to establish or disprove an issue in civil and criminal lawsuits Brought in U.S. courts. The Federal Rules of Evidence are the model followed by states in the promulgation of their rules of evidence.
<b>FELONY</b>	A major crime that is punishable by death or imprisonment for more than one year.
<b>INDICTMENT</b>	A formal written accusation by a grand jury charging that a person or business committed a specific crime.
<b>INFORMATION</b>	A formal written accusation filed by a public officer such as a prosecuting attorney charging that there is sufficient evidence to believe a person or business committed a specific crime.
<b>INJUNCTION</b>	An order by a court which requires a party to refrain from doing a particular thing or commanding that the party perform a particular act.
<b>INVOKE THE RULE</b>	A rule which prevents witnesses from watching other witnesses as they testify. The "Rule" is used to keep witnesses from changing their testimony based on what another witness says.
<b>JUDGMENT N.O.V.</b>	(Judgment non obstante veredicto . . . Not withstanding the verdict.) In a broad sense, it is a judgment rendered in favor of one party despite the finding of a verdict in favor of the other party.
<b>JUDGE</b>	Official who directs the trial, decides what laws apply to the case and rules on points of law. If the judge is the trier of fact, then the judge also decides what facts have been proved in the case.
<b>JUDGMENT</b>	The official decision by a court regarding the rights and claims of the parties to a civil or criminal lawsuit.
<b>JURISDICTION</b>	The legal authority of a court to hear and decide cases, the exercise of judicial power within certain geographic boundaries.

<b>JURY (GRAND)</b>	A group of persons who inquire into and investigate accusations in criminal cases, hears evidence and meet in secret to decide whether to issue indictments.
<b>JURY (PETIT)</b>	The group of persons called to decide the facts and render a verdict at the trial of a civil or criminal case.
<b>JURY TRIAL</b>	Under the Sixth Amendment to the U.S. Constitution, a person is entitled to trial by jury. This right applies to the states by virtue of the Fourteenth Amendment. The right to trial by jury applies only to crimes in which there is a possibility of imprisonment as punishment.
<b>LAW</b>	Provisions which regulate the conduct of society, primarily generated by the legislature through statutes and sometimes by court decisions.
<b>LITIGANT</b>	One of the parties involved in a legal action (either a plaintiff or a defendant.)
<b>LITIGATION</b>	Process of resolving a dispute through the legal system.
<b>MISDEMEANOR</b>	A classification of criminal offenses which are less serious than felonies. A misdemeanor is punishable by a fine or imprisonment other than in a penitentiary for a period of less than a year. Under federal law, and most state laws, any offense other than a felony is classified as a misdemeanor.
<b>MOTION IN LIMINE</b>	A motion presented to the judge before the trial begins requesting the court to exclude or limit certain evidence at trial.
<b>OATH</b>	A pledge, affirmation or declaration to provide true information, i.e., to testify truthfully. For an oath to be legally effective, it must be administered by a public official. A spoken oath is generally sufficient; however, a written and signed oath can be required by law.
<b>OBJECTION</b>	A formal challenge or declaration of disapproval concerning a specific point of law or procedure during the course of a trial.
<b>OPENING STATEMENT</b>	Statement given by each attorney at the start of a trial which previews what each attorney expects to happen in the trial, i.e., what the evidence will be.
<b>OPINION</b>	Written statement issued by a court to report the decision of that court. Both trial courts and appellate courts can issue a decision.
<b>OVERRULE</b>	During a trial, when an attorney objects to the introduction of evidence and the judge disagrees with or denies the objection.

<b>PARTIES</b>	Persons, partnerships, corporations, businesses or governmental organizations who are either a plaintiff(or prosecution) or defendant in a legal proceeding.
<b>PLAINTIFF</b>	In a <i>civil action</i> , the party who files the lawsuit.
<b>PLEA</b>	Response of a defendant to the criminal charges; the plea will usually be "guilty" or "not guilty."
<b>PLEADINGS</b>	Written documents stating the allegations and claims of the opposing parties in a legal dispute.
<b>PREPONDERANCE OF THE EVIDENCE</b>	Burden of proof required in a civil case.
<b>PROSECUTION</b>	In a <i>criminal case</i> , the State of Oklahoma or the United States of American is the prosecution.
<b>PUBLIC TRIAL</b>	An accused has the constitutional right to a public trial to guarantee that a defendant will be treated fairly.
<b>RECROSS EXAMINATION</b>	The additional questioning of a witness by the opposing party, that is performed after redirect examination. It is limited to the scope of redirect examination.
<b>REDIRECT EXAMINATION</b>	The additional questioning of a witness by the party who calls the witness and which is performed after cross-examination. It is limited to the scope of the cross-examination.
<b>REMAND</b>	To send back. An appellate court may remand a case to the trial court for retrial or other action.
<b>REVERSE</b>	Decision of an appellate court to change, in whole or in part, the decision of a lower court.
<b>SENTENCE</b>	Punishment imposed by the court in accordance with the range of sentences outlined by statute.
<b>SESSION</b>	Decision of an appellate court to change, in whole or in part, the decision of a lower court.
<b>SPEEDY TRIAL</b>	The right of an accused person to a speedy trial is recognized under the common law. It is a fundamental right guaranteed by U.S. Constitution and statutory provisions to protect against arbitrary and oppressive delays. These delays can adversely affect the defendant's position due to unavailability or unreliability of witnesses or evidence supporting his or her claims.
<b>STATUTE</b>	Law enacted by the legislature.

<b>SUBPOENA</b>	Legal document issued by the court to order a person to appear as specified and give testimony. A subpoena can also be used to obtain documents before a trial.
<b>SUMMONS</b>	Legal document issued by the court which directs the sheriff or another officer (a process server) to notify the named defendant that a complaint (or petition) has been filed and that he/she is required to appear and answer the complaint on or before the date and time specified.
<b>SUSTAIN</b>	To grant, support or uphold. During a trial, when an attorney objects to the introduction of evidence and the judge agrees with the objection, the judge sustains the objection.
<b>TERM</b>	A term is the time during which a court is authorized to hear cases.
<b>TESTIMONY</b>	Oral evidence statement made during a trial by a competent witness who has taken an oath to tell the truth which is used to establish some fact or set of facts.
<b>TRANSCRIPT</b>	Official, verbatim record of court proceedings.
<b>TRIAL</b>	Formal presentation of facts to a court or jury in order to reach a legal resolution.
<b>VERDICT</b>	Formal decision of a jury.
<b>VOIR DIRE</b>	The preliminary examination which an attorney may make of a witness where the competency of the witness is objected to. It also means the process of selecting a jury.
<b>WITNESS</b>	Individual who gives testimony regarding what he/she has seen, heard or otherwise observed.
<b>WITNESS EXAMINATION</b>	A general term which refers to the questioning of the witnesses by both parties.
<b>WRONGFUL DEATH</b>	The taking of the life of an individual resulting from the willful or negligent act of another person or persons.

**ADDITIONAL TERMS**

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