

## **Commonly Used Legal Terms**

- 1) **Acquittal:** A jury verdict that a criminal defendant is not guilty, or the finding of a judge that the evidence is insufficient to support a conviction.
- 2) **Admissible:** A term used to describe evidence that may be considered by a jury or judge in civil and criminal cases.
- 3) **Affidavit:** The affidavit is a sworn statement made by a party, in writing, in the presence of an oath commissioner or a notary public. Affidavits are used as evidence in court proceedings. An affidavit in reply to a petition, filed by a respondent, is called a counter-affidavit. The petitioner's response to a counter is called a rejoinder affidavit.
- 4) **Affirmed:** In the practice of the court of appeals, it means that the court of appeals has concluded that the lower court decision is correct and will stand as rendered by the lower court.
- 5) **Appeal:** The appeal is a process by which the correctness of the decision of a lower court or tribunal is questioned in a higher court.
- 6) **Appellate:** An appellate court has the power to review the judgment of a lower court (trial court) or tribunal.
- 7) **Arbitration:** Arbitration serves as a method for two parties to resolve a dispute through a private dispute resolution procedure instead of going to court.
- 8) **Attestation:** Attestation is authentication of a signature by an authorised person, who could be an oaths commissioner or a notary public.
- 9) **Bail:** The release, prior to trial, of a person accused of a crime, under specified conditions designed to assure that person's appearance in court when required. Also, can refer to the amount of bond money posted as a financial condition of pretrial release.
- 10) **Bench:** The composition of judges sitting to hear a matter in court.
- 11) **Brief:** A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.
- 12) **Burden of proof:** The duty to prove disputed facts. For example, in criminal cases, the government has the burden of proving the defendant's guilt.
- 13) **Capital offense:** A crime punishable by death.
- 14) **Case file:** A complete collection of every document filed in court in a case.
- 15) **Cause of action:** A legal claim.

- 16) Chief judge:** The judge who has primary responsibility for the administration of a court; chief judges are determined by seniority.
- 17) Cognisable Offence:** Cognisable offence means a police officer has the authority to make an arrest without a warrant and to start an investigation with or without the permission of a court.
- 18) Complaint:** A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.
- 19) Contempt of Court:** A party wilfully disobeying an order of a court can be held in contempt of that court. Under the **Contempt of Courts Act, 1971** this is defined as '*civil contempt*'. Any act that lowers the authority of the Court or interferes with the course of justice is defined as '*criminal contempt*'. Each court has the power to punish anyone committing contempt of a court.
- 20) Conviction:** A judgment of guilt against a criminal defendant.
- 21) Counsel:** Legal advice; a term also used to refer to the lawyers in a case.
- 22) Defendant:** An individual (or business) against whom a lawsuit is filed.
- 23) Felony:** A serious crime, usually punishable by at least one year in prison.
- 24) Impeachment:** The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached".
- 25) Judge:** An official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices.
- 26) Judgment:** The official decision of a court finally resolving the dispute between the parties to the lawsuit.
- 27) Jurisdiction:** The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.
- 28) Jurisprudence:** The study of law and the structure of the legal system.
- 29) Plea:** In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges.
- 30) Prosecute:** To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

- 31) Sentence:** The punishment ordered by a court for a defendant convicted of a crime.
- 32) Subpoena:** A command, issued under a court's authority, to a witness to appear and give testimony.
- 33) Testimony:** Evidence presented orally by witnesses during trials or before grand juries.
- 34) Transcript:** A written, word-for-word record of what was said, either in a proceeding such as a trial, or during some other formal conversation, such as a hearing or oral deposition.
- 35) Warrant:** Court authorization, most often for law enforcement officers, to conduct a search or make an arrest.
- 36) Witness:** A person called upon by either side in a lawsuit to give testimony before the court or jury.
- 37) Writ & Writ Petition:** A writ is a direction that the Court issues, which is to be obeyed by the authority/person to whom it is issued. A petition seeking issuance of a writ is a writ petition.