

Explanation of Legal Terms

The following explanations relate to some of the more frequently used terms and are general in character. In each case you will be given instructions by the trial judge in the law and technical terms. You will follow those instructions.

Admissible:

Evidence that is properly introduced in a trial.

Action:

The term is often used to refer to a lawsuit. "He/She has started an action against the defendant."

Affidavit:

A statement or declaration of facts that has been written down and confirmed by the originator under oath.

Answer:

The defendant's written response, under oath, setting forth the facts upon which he/she relies to deny the claim of the plaintiff in a civil case.

Assumpsit:

Civil lawsuits, or actions which arise out of contracts written or oral, express or implied, are called actions in assumpsit.

Attorney

at Law:

He who is admitted to the State Bar of Pennsylvania and who may represent clients in legal proceedings. Also called lawyers or counsel.

Bench, The:

This is the term by which the judges who have been collectively referred to for centuries.

Charge

of the Court:

Instructions given by the judge to the jury on the law applicable to particular case.

Complaint:

The plaintiff's written statement, under oath, setting forth his/her claim against the defendant in a civil case.

Court Reporter:

This is the person who makes a complete stenographic record of all that transpires at the trial.

Defendant:

In a civil case it is the individual, corporation, or partnership against whom a suit is brought; in a criminal case it is the person charged with the commission of a crime.

Evidence:

Testimony of a witness, an object, or written documents submitted in court regarding the facts in a case.

Exhibit:

This is a written document or other object, which after having been properly marked for identification, is admitted in evidence.

Hearsay:

Testimony by a witness who relates, not what he/she knows personally, but what others have told him/her or what he/she has heard said by others. Generally such testimony is not admissible in evidence although there are numerous exceptions to this general rule.

Litigant:

A party (person or persons) involved in a lawsuit.

Motion:

A request to a judge seeking a specific ruling or court order.

Oath:

A pledge, promise, or declaration to provide true information in court or in an affidavit.

Objection:

Lawsuits are tried according to long established and sometimes technical rules concerning the evidence which may be considered by the jury and the statements which may be made by the attorneys. If an attorney thinks these rules are not being observed he/she may properly "object". The judge will then either "sustain" the objection if he/she agrees that it is correct, or "overrule" the objection if he/she does not. Such rulings are not to be taken as any indication by the trial judge that either party is entitled to prevail over the lawsuit.

Parties:

Persons, partnerships, corporations, businesses, or governmental organizations involved in legal proceedings

Plaintiff:

The individual, partnership, corporation or business who institutes a civil lawsuit.

Points:

Principles or rules of law as applied to the particular case being tried which are given to the jury by the trial judge at the request of counsel to aid the jury in reaching a verdict.

Rest:

A party is said to “rest” or “rest its case” when it has presented all of the evidence it intends to offer.

Sidebar Conference:

A conference held by counsel and the trial judge out of the hearing of the jury. Jurors should not be disturbed about these conferences. Often they concern procedure for shortening the trial.

Stipulation:

Frequently counsel for the parties agree on certain facts or issues, which need not therefore be proven. So that the record may be complete, a stipulation or written agreement is filed or an oral stipulation is dictated to the court reporter.

Suit:

This is a term frequently used to refer to a civil action before the Court.

Tipstaff:

Officer of the Court whose function is to keep order in the courtroom and assist the judge, jurors, and attorneys in keeping the trials functioning smoothly.

Trespass:

Although this word is popularly understood to refer to the conduct of one who goes upon the land of another without invitation, legally it is also the term used for a legal action brought against another to recover damages for an alleged unlawful or negligent act.

Trial:

Formal presentation of facts to a court or jury in order to reach a legal decision.

Verdict:

Formal decision of a jury or non-jury trial.

View:

In some cases the Court will direct that the jury trial be taken to view the property involved in the case or to see the scene of an accident or some object that is impossible to move into the courtroom.