

intestate One who dies without leaving a will.

intestate succession Process by which property of person who has died without a will or whose will has been revoked is distributed to others. Compare **descent and distribution statutes**.

irrelevant Evidence not related or applicable to an issue in a trial and thus not admissible.

irrevocable trust (ear REV o kuh b'l) Trust that, once set up, grantor may not revoke.

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a suit.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at adversary's discretion.

joint tenancy Form of legal co-ownership of property which gives the survivors, when one of the owners dies, the rights to the decedent's shares of the property. Tenancy by the entirety is a special form of joint tenancy between husband and wife. Compare **tenancy in common**.

judge Elected or appointed public official with authority to hear and decide cases in a court of law. A judge pro tem is a temporary or visiting judge.

judgment Final disposition of a lawsuit. **Default judgment** is judgment entered because defendant fails to answer or appear. **Summary judgment** is judgment entered when there is no dispute as to the facts of a case, and one party is entitled to judgment as a matter of law. **Consent judgment** occurs when a judge sanctions an agreement reached between parties. See also **declaratory judgment** and **non obstante veredicto**.

judicial officer An officer of a court; someone charged with upholding the law, administering the judicial system.

judicial review Authority of court to review and declare unconstitutional actions of other branches of government.

Judiciary Act Repealer Act (JARA) Act of 1978 that enacted 42 Pa.C.S., Pennsylvania's Judicial Code.

judicial (juh RID ih kul) Relating to law, judicial proceedings and administration of justice.

judicial day Day on which a court is in session.

Juris Doctor Doctor of Law. Law degree bestowed on those who have successfully graduated from law school.

jurisdiction Court's authority to hear and/or decide a case. Also, territory for which a court is authorized to hear cases.

jurisprudence Study of law and legal system. See also **caselaw**.

jurist One skilled or versed in the law.

jury Group of people selected according to law and sworn to decide questions of fact and render a decision about these matters. See **grand jury** and **petit jury**.

jury commissioner Court officer responsible for choosing the panel of potential jurors for a particular court term.

justiciable (jus TISH ee uh b'l) Of issues and claims which may be properly examined in court.

juvenile Person who has not yet reached age (usually 18) at which he/she can be treated as adult for purposes of criminal law.

juvenile court Court having jurisdiction over cases involving children under a specific age, usually 18.

K

kidnapping Unlawfully taking and carrying away a person by force and against his/her will.

King's Bench power Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

knowingly Willfully or intentionally with respect to a material element of an offense.

L

lack of jurisdiction Court's lack of power to act in a particular manner or to give certain kinds of relief.

lapsed gift Gift made in a will to a person who died before will-maker.

larceny Unlawfully taking personal property with intent to deprive owner of it permanently. Also called theft. Differs from **robbery**.

law Rules established by governing authorities to maintain order in a society.

law clerks Law students who assist judges and attorneys with legal research, writing, etc.

leading question Question which suggests the answer desired of witness. Generally may be asked only of a **hostile witness** and on cross-examination.

leave of court Permission received from a court to take a nonroutine action.

legal aid Professional legal services available for free or for reduced cost to those unable to afford them.

leniency Recommendation by prosecutor to judge for a sentence less than maximum allowed.

letters of administration Legal document appointing the administrator of an estate.

letters testamentary Legal document authorizing executor to settle estate.

levy Seizing property of a debtor for satisfaction of a judgment against him/her. Also, imposition of fine or tax.

liable Legally responsible for.

libel Published words or pictures that falsely and maliciously defame a person. Compare **slander** and **fair comment**.

lien Legal claim against another person's property as security for a debt, lasting until the debt has been paid.

limited action Civil action in which recovery of less than a certain amount as specified by statute is sought.

limited jurisdiction Courts limited in types of cases they may hear. In Pennsylvania these courts include district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts. See **inferior court**. Compare **general jurisdiction**.

lis pendens (liss PEN DENZ) Pending suit. Also, legal notice that a dispute exists which may affect title to a certain piece of land.

litigant Party to a lawsuit.

litigation Lawsuit or process of carrying through a lawsuit.

living trust Trust set up and in effect during lifetime of grantor. Also called inter vivos trust. Compare **testamentary trust**.

locus delicti (LOW cuss deh LICK ty) Place where offense was committed.

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge.

mala in se (MAL uh in see) "Evil in itself." Behavior universally regarded as criminal, e.g., murder. Also called *malum in se*. Compare **mala prohibita**.

mala prohibita (MAL uh PRO HIB ih duh) Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance Committing an unlawful act. Often used to describe misconduct by public officials. Compare **misfeasance** and **nonfeasance**.

malice Intent to commit a wrongful act without just cause or excuse.

malice aforethought Mental state required to prove murder.

malicious prosecution Action instituted with intention of injuring defendant and without probable cause.

- mandamus** (man DAY mus) Writ issued by a court ordering a public official, another court, a corporation, public body or individual to perform an act.
- mandate** Judicial command or order directing an officer of the court to enforce judgment, sentence or decree.
- manslaughter** Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm, or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed, resulting in fatal collision. Compare **murder**.
- master** Official appointed by a court to assist with its proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present written report to court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- mediation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps them agree on settlement. Nonbinding. Similar to **conciliation**.
- memorial** Abstract of a legal record. Also, written statement of facts presented to legislature or executive as a petition.
- mens rea** (menz REE uh) The state of mind of the defendant that the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.
- Miranda rule** Requirement that police advise a suspect in custody of constitutional rights before questioning him/her. Named after U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966) establishing such requirements.
- misdemeanor** Criminal offenses generally punishable by fine or limited local jail term, but not by imprisonment in penitentiary. Compare **felony**.
- misfeasance** Lawful act performed in wrongful manner. Compare **malfeasance** and **nonfeasance**.
- mistrial** Trial terminated before verdict is reached, either because of some procedural error, serious misconduct during proceedings, or because of **hung jury**.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may reduce degree of blame and help reduce sentence of individual convicted. Also known as extenuating circumstances. Compare **aggravating circumstances**.
- mittimus** (MIT ih mus) Written court order directing a jailer to receive and safely keep a person until ordered otherwise.
- moot** Having no practical significance. Usually refers to court's refusal to consider a case because issue involved no longer exists.
- moral turpitude** Immorality, depravity; conduct so wicked as to be shocking to the community's moral sense.
- motion** Application to a court or judge for a ruling or order.
- motion to dismiss** Request to dismiss a civil case because of settlement, withdrawal or a procedural defect. Compare **demurrer**.
- multiplicity of actions** Two or more separate litigations of the same issue against the same defendant.
- municipal court** Court whose jurisdiction is confined to the city or community in which it is erected. Usually has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally also possesses limited civil jurisdiction. Pennsylvania has one municipal court, Philadelphia Municipal Court.
- murder** Unlawful killing of a human being with **malice aforethought**. First degree murder is premeditated, i.e., planned. Second degree murder is sudden, instantaneous intent to kill or to cause injury without caring whether injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in commission of a felony. Compare **manslaughter**.

N

negligence Failure to use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

next friend One acting without formal appointment as guardian, for benefit of minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on written indictment indicating insufficient evidence was found to indict. Compare **true bill**.

no contest See **nolo contendere**.

no-contest clause Language in a will providing that a person who makes a legal challenge to the will's validity will be disinherited.

"no-fault" proceeding Civil case in which claim is adjudicated without finding of error or fault.

nol pros Abbreviation of **nolle prosequi**.

nolle prosequi (NAHL ee PROS eh KWEE) "I do not choose to prosecute." Decision by prosecutor or plaintiff not to go forward with an action. Called "nol pros" for short.

nolo contendere (NO LO con TEN deh ree) Criminal defendant's plea, whereby he/she accepts punishment without admission of guilt. Also called no contest.

nominal party One joined as a party or defendant in a lawsuit because the technical rules of pleading require his/her presence in the record.

non compos mentis (non COM pos MENT iss) Not of sound mind.

non obstante veredicto (non ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." Verdict entered by judge contrary to jury's verdict.

non prosequitur (non preh SEK wit tur) Judgment entered when plaintiff, at any stage of proceedings, fails to prosecute his/her action. Called "non pros" for short.

non pros Abbreviation of **non prosequitur**.

nonfeasance Failure to act when duty required. Compare **malfeasance** and **misfeasance**.

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with use or enjoyment of a property.

nunc pro tunc "Now for then." Action applied to acts which should have been completed at an earlier date than actually were, with the earlier date listed as the completion date.

nuncupative will (nun KYOO puh tive) An oral will.

O

oath Solemn pledge to keep a promise or speak the truth.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requesting immediate ruling by judge.

"on his own recognizance" See **personal recognizance**.

one-day, one-trial jury service Method of jury selection in many jurisdictions which requires prospective jurors to serve for only one day if they are not chosen for a jury or for only the length of a trial if chosen.

opening statement Statements made at the start of a trial by attorneys for each side, outlining each's legal position and the facts each intends to establish during the trial.

opinion Court's written decision of a case. A majority or plurality opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. Dissenting opinion states opinion of judges who disagree with majority. *Per curiam* opinion is an unsigned opinion of an appellate court.

opinion evidence What a witness thinks, believes or infers regarding disputed facts. Generally admissible only when given by an

expert witness unless opinion is based on matters common to lay persons.

oral argument Summary by attorneys before court (particularly appellate court) of positions regarding legal issue being litigated.

order Command, written or oral, from a court.

ordinance Law enacted by a municipality such as a county or city council.

overrule Judge's decision not to allow an **objection**. Also, decision by higher court finding that lower court decision was in error.

overt act Act done to carry out or in furtherance of intention to commit a crime. Compare **actus reus**.

P

pain and suffering Physical and/or emotional distress compensable as an element of damage in **torts**.

pardon Form of **clemency** releasing one from the penalties of a criminal conviction.

parens patriae (PAH renz PATE ree eye) Doctrine under which the government protects the interests of a minor or incapacitated person.

parole Supervised, conditional release of a prisoner before expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor exclusive right to make or sell his/her invention for a term of years.

penal Of, relating to or involving punishment or penalties.

penal code Code of laws concerning crimes and offenses and their punishment.

pendente lite (pen DEN tee LYE tee) During the progress of a lawsuit; contingent on the outcome of the suit.

per curiam (per KYUR ee uhm) See **opinion**.

peremptory challenge (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving a reason. Compare **challenge for cause**.

perjury Deliberately making a false or misleading statement under oath.

permanent injunction Court order requiring or forbidding action, granted after final hearing has been held on its merits. (Does not necessarily last forever.) Compare **preliminary injunction**.

personal jurisdiction Adjudicative power of a court over an individual.

personal property Any movable physical property or intangible property which may be owned. Does not include real property such as land or rights in land.

personal recognizance Release of a defendant without bail upon promise to return to court as required. Also known as releasing one "on his own recognizance."

personal representative Person who administers legal affairs of another because of incapacity or death.

petit jury (PEH tee) Jury composed of six to twelve persons who hear evidence presented at a trial and determine the facts in dispute. Compare **grand jury**.

petition Written request to a court asking for a particular action to be taken.

petitioner See **plaintiff**.

plaintiff Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.

plea Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).

plea bargaining Mutually satisfactory disposition of a case negotiated between accused and prosecutor. Usually defendant pleads guilty to lesser charge/s in exchange for reduced sentence or dismissal of other charges.

pleadings Written statements by parties to a lawsuit, setting forth or responding to allegations, claims, denials or defenses.

plenary action (PLEH nuh ry) Complete, formal hearing or trial on merits.

polling the jury Asking jurors individually after verdict has been announced, whether they agree with verdict.

pour-over will Will that leaves some or all estate assets to existing trust.

- power of attorney** Legal authorization for one person to act on behalf of another individual. See **attorney-in-fact**.
- praecipe** (PRESS ih pee) Writ commanding a person to do something or to show cause why he/she should not.
- precedent** Previously decided case which guides decisions of future cases. Compare **stare decisis**.
- precept** Writ issued by person of authority commanding a subordinate official to perform an act.
- prejudicial error** See **reversible error**.
- preliminary hearing** Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Compare **arraignment** and **initial appearance**.
- preliminary injunction** Court order requiring or forbidding an action until a decision can be made whether to issue a **permanent injunction**. Issued only after both parties have had opportunity to be heard. Compare **temporary restraining order**.
- premeditation** Decision or plan to commit a crime.
- preponderance of evidence** Greater weight of evidence, a common standard of proof in civil cases. Jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing evidence**.
- pre-sentencing report** Report to sentencing judge containing background information about crime and defendant to assist judge in making his/her sentencing decision. Sometimes called sentencing report.
- presentment** Declaration or document issued by grand jury on its own initiative, making accusation. Compare **indictment**.
- presumption of innocence** Fundamental principle of American justice system that every individual is innocent of a crime until proven guilty in a court of law.
- presumption of law** Rule of law that courts and judges must draw a particular inference from a particular fact or evidence.
- pretermitted child** (PRE ter MITT ed) Child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of the estate to go to such children.
- pre-trial conference** Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has minimum amount of evidence necessary to allow it to continue in the judicial process.
- prima facie evidence** Evidence sufficient to establish a fact or sustain a finding in favor of the side it supports unless rebutted.
- prior restraint** Restraint on speech or publication before it is spoken or published. Prohibited by constitution unless defamatory or obscene or creates a clear and present danger.
- pro bono publico** "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."
- pro se** (pro see) An individual who represents himself/herself in court. Also called "in propria persona."
- probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.
- probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.
- probate court** Court with authority to supervise estate administration.
- probate estate** Estate property that may be disposed of by a will.
- probation** Alternative to imprisonment allowing person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for invasion of rights. Compare **substantive law**.
- proceeding** A legal action. Conducting juridical business before a court or judicial officer.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary Chief clerk of any of various courts in some states, including those of Pennsylvania.

proximate cause Act legally sufficient to result in liability. Act without which an action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish the defendant and thus deter future behavior of like nature.

purge To **exonerate** or cleanse from guilt.

Q

quash To vacate, void, nullify.

quid pro quo “Something for something.” Fair return consideration; i.e., giving something of value in return for getting something of similar value.

quo warranto (quo wah RANT oh) Writ used to discover by what authority an individual holds or claims a public office, franchise or liberty.

R

rap sheet See **criminal history record information**.

ratio decidendi (RAY she oh DES ih DEN dye) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to

the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an individual is guilty of crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment. Used as legal standard to determine negligence.

rebuttal Evidence which disproves evidence introduced by the opposing party.

recidivism (reh SID ih vizm) Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

recognizance See **personal recognizance**.

record Official documents, evidence, transcripts, etc., of proceedings in a case.

recusal Process by which a judge excuses him/herself from hearing a case.

recusation Plea by which defendant requests that judge hearing his/her trial excuse him/herself from case.

re-direct examination Opportunity to question witness after cross-examination regarding issues brought up during the cross-examination. Compare **rehabilitation**.

redress To set right; to remedy; to compensate.

referral Process by which a juvenile case is introduced to court, agency or program where needed services can be obtained.

referee Person appointed by a court to assist with certain proceedings, such as taking testimony.

rehabilitation Reexamining a witness whose credibility has suffered during cross-examination to restore that witness’s credibility. Compare **re-direct examination**.

rehearing Another hearing of case by same court in which suit was originally heard.

rejoinder Defendant’s answer to the plaintiff’s **reply**.

relevant evidence Evidence that tends to prove or disprove a matter at issue.

relief See **remedy**.

remand To send a case back to court where originally heard for further action. Also, to

send an individual back into custody after a preliminary examination.

remedy Means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated. Also called relief.

remittitur (reh MID ih dur) Judge's reduction of damages awarded by jury.

removal Transfer of state case to federal court for trial.

replication Plaintiff's reply to defendant's **plea, answer** or **counterclaim**.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to defendant's argument, **counterclaim** or **answer**. Plaintiff's second **pleading**.

respondent See **appellee**.

rest When one side finishes presenting evidence in a trial.

restitution Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.

restraining order Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.

retainer Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.

return Report to judge of action taken in executing writ issued by judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside lower court's decision.

reversible error Error sufficiently harmful to justify reversing judgment of lower court. Also called prejudicial error. Compare **harmless error**.

revocable trust (REV uh kuh b'l) Trust that grantor may change or revoke.

revoke To cancel or nullify a legal document.

robbery Felonious taking of another's property in that person's presence by force or fear. Differs from **larceny**.

rule of court Rules governing how a given court operates.

rules of evidence Standards governing whether evidence is admissible.

S

sanction Penalty for failure to comply with rule, order or law.

satisfaction See **accord and satisfaction**.

search warrant Written order issued by a judge that permits a law enforcement officer to search a specific area for specific items.

secondary evidence See **best evidence**.

secured debt Debt in which debtor gives creditor a right to repossess property or goods (called **collateral**) if debtor defaults on the loan.

self-defense Use of force to protect one's self, family or property from harm or threatened harm by another.

self-incrimination, privilege against Right of people to refuse to give testimony against themselves. Guaranteed by Fifth Amendment to U.S. Constitution. Asserting right is often referred to as "taking the Fifth."

self-proving will Will whose validity does not have to be testified to in court by witnesses to it since the witnesses executed an **affidavit** reflecting proper execution of will prior to maker's death.

sentence Punishment inflicted on a person convicted of crime.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. Federal government and several other states also use.

sentencing report See **pre-sentencing report**.

separation of witnesses See **sequestration of witnesses**.

sequestration Keeping all jurors together during a trial to prevent them from being influenced by information received outside courtroom.

sequestration of witnesses Keeping all witnesses (except plaintiff and defendant) out of courtroom except for their time on the stand to prevent them from hearing testimony of other witnesses. Also called separation of witnesses.

service Delivery of legal document, such as **complaint, summons** or **subpoena**.

settlor See **grantor**.

sidebar Conference between judge and lawyers, usually in courtroom, out of earshot of jury and spectators.

slander False and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Compare **libel**.

small claims court Court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.

sovereign immunity Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.

specific performance **Remedy** requiring person who has breached a contract to fulfill his/her part of the contract, as opposed to simply paying damages. Ordered when paying damages would be inadequate or inappropriate.

spendthrift trust Trust set up for benefit of someone whom **grantor** believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

standard of proof See **burden of proof**.

standing Legal right to bring a lawsuit.

stare decisis (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Compare **precedent**.

state's evidence Testimony given by accomplice or participant in a crime, given under promise of immunity or reduced sentence, to convict others.

status offenders Youths who habitually engage in conduct not considered criminal if committed by an adult, but which cause charges to be brought in juvenile court and show minor is beyond parental control, e.g., being truant from school.

status offense Act declared to be an offense when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.

statute Law enacted by legislative branch of government. Also called statutory law. Compare **common law**.

statute of limitations Timeframe within which a lawsuit must be brought or an individual charged with a crime. Differs for different types of cases/crimes or in different states.

statutory construction Process by which a court seeks to interpret legislation.

statutory law See **statute**.

stay Court order halting a judicial proceeding or the action of halting such proceeding.

stenographer See **court reporter**.

stipulation Agreement by attorneys on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date.

sua sponte (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.

sub judge (sub JOO dih SEE) Before a court or judge; under judicial consideration.

sui generis (SOO ee JEN er iss) Of its own kind or class; the only one of its kind.

sui juris (SOO ee JUR iss) Of his own right. Possessing full social and civil rights.

subpoena (suh PEE nuh) Court order compelling a witness to appear and testify.

subpoena duces tecum (suh PEE nuh DOO sess TEE kum) Court order commanding a witness to bring certain documents or records to court.

subrogation Substituting one person in place of another in asserting a lawful claim, demand or right.

substantive evidence Evidence presented to prove a fact in issue.

substantive law Law which creates, defines and regulates rights. Compare **procedural law**.

summary Quickly executed.

summary judgment Judgment made when there are no disputes of the facts of a case and one party is entitled to prevail as matter of law.

summary offense In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

summons Notice to a defendant that he/she has been sued and is required to appear in court. Also, notice requiring person receiving it to report for jury duty or as witness in a

trial. As relates to potential jurors, also called **venire**.

sunshine laws Laws forbidding or restricting closed meetings of government bodies and providing for public access to records.

supersedeas (SOO per **SEE** dee uhss) Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

support trust Trust that instructs trustee to spend only as much as is needed for beneficiary's support.

suppress To forbid use of evidence at trial because it is improper or was improperly obtained. See **exclusionary rule**.

survivorship Another name for **joint tenancy**.

sustain Court order allowing an objection or motion to prevail.

suspended sentence Sentence postponed by order of the court. Also, decision of court to postpone pronouncement of sentence.

swindling Obtaining money or property by fraud or deceit.

T

temporary restraining order Judge's order forbidding certain actions until a full hearing can be held to determine whether injunction should be issued. Often referred to as TRO. Compare **preliminary injunction**.

tenancy by the entirety See **joint tenancy**.

tenancy in common Form of legal co-ownership of property in which survivors, when one of the owners dies, do not have rights to decedent's shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a will.

testamentary trust Trust set up by a will. Compare **living trust**.

testator Person who makes a will.

testimony Evidence given by witness under oath at trial or via affidavit or deposition.

theft See **larceny**.

third party Person, business or government agency, etc., not actively involved in a legal proceeding, agreement or transaction, but who is somehow involved.

third-party claim Action by a defendant that brings a third party into a lawsuit. Compare **intervention**.

title Legal ownership of property.

tort Injury or wrong committed on a person or property of another for which remedy can be sought in civil court, except that which involves a contract.

tortfeasor One who commits a **tort**; a wrongdoer.

transcript Official record of all testimony and events that occur during a trial or hearing.

transfer hearing Hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court.

trial de novo A new trial.

TRO **Temporary restraining order**.

true bill **Indictment** by grand jury. Notation on indictment that charge should go to court. Compare **no bill**.

trust Legal device used to manage real or personal property, established by one person (**grantor** or settlor) for the benefit of another (**beneficiary**). A third person (**trustee**) or the **grantor** manages the trust.

trust agreement or declaration Legal document that sets up a trust.

trustee Person or institution that manages a trust.

turncoat witness Witness whose testimony was expected to be favorable, but who later becomes a hostile witness.

U

undue More than necessary; excessive.

unlawful detainer Detention of real property without consent of owner or other person entitled to its possession.

usury (YOO seh ree) Charging higher interest rate than law allows.

V

vacate To nullify, render void.

venire (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court to act as jurors. Also, a group of people summoned for jury duty.

venue (VEN YOO) Geographical area from which a jury is drawn, where a criminal trial is held and where an **action** is brought. Also, the geographical location in which the alleged actions that gave rise to the legal action occurred.

verdict Decision reached by a jury or judge on the facts presented at a trial.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which witness relinquishes the right against self-incrimination, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

warrant Writ directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search.

weight of evidence Persuasiveness of some evidence as compared to other.

will Legal document that sets forth how an individual wants his/her property disposed of when he/she dies.

willfully Intentionally, as distinguished from accidentally, carelessly or inadvertently, but not necessarily maliciously.

with prejudice Judge's decision in a case whereby any future action on the claim is barred in any court.

without prejudice Without loss of rights.

witness One who testifies to what he/she has seen, heard or otherwise experienced.

work release Sentence under which defendant is imprisoned, but is released during day to work at a job approved by Department of Corrections or the court.

writ Judicial order directing a person to do something.

writ of certiorari See **certiorari**.

writ of execution Writ directing sheriff or other officer of the court to enforce a judgment or decree of a court.

