

LEGAL TERMINOLOGY & DEFINITIONS

acknowledgment: the act of going before a qualified officer (e.g., Clerk) and declaring the validity of the document. The officer certifies same, whose certification is known as the acknowledgment.

acquit: the act of freeing a person from the charge of an offense by means of a decision, verdict or other legal process; to discharge.

action: a civil judicial proceeding whereby one party prosecutes another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on adversary party or potentially adversary party.

actual place of business: Any location that the defendant, through regular solicitation or advertisement, has held out as its place of business (sec. 308.6 CPLR).

ad damnum: clause of a pleading alleging amount of loss or injury.

adjournment: a temporary postponement of the proceedings of a case until a specified future time.

adjudicate: to hear or try and determine judicially.

adversary: An opponent. The defendant is the plaintiff's adversary.

adversary system: the system of trial practice in the U.S. and some other countries in which each of the opposing, or adversary, parties has full opportunity to present and establish its opposing contentions before the court.

affiant: one who swears to an affidavit; deponent.

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized.

affinity: Related by marriage; family relation from one's spouse's family.

affidavit of service: an affidavit intended to certify the service of a writ, notice, or other document.

affirm: an act of declaring something to be true under the penalty of perjury by a person who conscientiously declines to take an oath for religious or other pertinent reasons.

affirmation: A solemn and formal declaration under penalties of perjury that a statement is true, without an oath.

affirmed: Upheld, agreed with (e.g., The Appellate Court affirmed the judgment of the City Court).

allegation: the assertion, declaration, or statement of a party to an action, made in a pleading, setting out what the party expects to prove.

allege: To assert a fact in a pleading.

alternate juror: a juror selected as substitute in case another juror must leave the jury panel.

amend: To change.

amicus curiae: A Friend of the Court. A non-party to a proceeding that the Court permits to present its views.

annul: to make void, as to dissolve the bonds of marriage.

answer: a paper submitted by a defendant in which he/she responds to and/or denies the allegations of the plaintiff.

appeal: a proceeding to have a case examined by an appropriate higher court to see if a lower court's decision was made correctly according to law.

appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney.

appellant: the party who takes an appeal to a higher court.

appellee: the party against whom an appeal is taken.

arbitration: the submission voluntarily or involuntarily of a disputed matter to selected persons and the substitution of their award or decision for the judgment of a court or its confirmation by the court as a judgment of the court.

argument: a reason given in proof or rebuttal.

at issue: whenever the parties to a suit come to a point in the pleadings which is affirmed on one side and denied on the other, they are said to be "at issue."

attachment: The taking of property into legal custody by an enforcement officer (see specialty section: Recovery of Chattel).

attestation: the act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness.

attorney of record: attorney whose name appears in the permanent records or files of a case.

award: A decision of an Arbitrator.

bail: the security given (or posted) to ensure the future appearance of a defendant.

bar: 1. Prohibit - to bar the prosecution of an action. 2. The members of the legal profession.

bench: The Judge's seat or the judge, himself/herself, (e.g., the attorney addressed the bench).

bifurcated trial: a case in which the trial of the liability issue in a personal injury or wrongful death case is heard separate from and prior to trial of the damages in question.

bill of costs: A written statement of the itemized taxable costs and disbursements.

bill of particulars: factual detail submitted by a claimant after a request by the adverse party which details, clarifies or explains further the charges and/or facts alleged in a pleading.

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law which the lawyer wished to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

calendar call: the calling of matters requiring parties, or their attorneys, to appear and be heard, usually done at the beginning of each court day.



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