

Legal Terms

Acquittal: A verdict in a criminal trial in which the defendant is found not guilty of the charge.

Answer: A pleading filed with the court and served upon the opposing party that responds to the allegations contained in the plaintiff's complaint. An answer may admit certain fact, or deny certain allegations.

Appeal: A legal action in which a litigant asks a higher court to review and reverse a lower court's decision.

Appellant: The litigant who brings the appeal.

Arraignment: The first appearance before the court in which the defendant is advised of the charges, possible penalties if found guilty, his/her rights in court, bond if any, the right to court appointed council.

Bail: A thing of value, for example, money or the deed to a house, given to the court to ensure a defendant's appearance in court. If the defendant appears at all court proceedings as required, the bail is returned at the end of the case, subject to all outstanding costs being paid. If the defendant fails to appear as required, the bail may be kept by the court. Bail can be personal, 10%, cash or surety.

Bench: The place where the judge sits. It is also another word for the court itself.

Bench Trial: A trial decided by a judge or magistrate instead of a jury.

Burden of Proof: The obligation of a litigant to offer evidence to prove or disprove an allegation in court. Examples are preponderance of the evidence beyond a reasonable doubt.

Case Law: The body of law created by judges' written opinions.

Complaint: An initial pleading filed in a civil case which spells out why the Plaintiff is suing the Defendant, and the amount of money which is being demanded. A complaint is filed with the court, accompanied by an appropriate filing fee, and will be served upon the defendant.

Conviction: A verdict in a criminal trial in which a defendant is found guilty of the charge.

Court Appointed Attorney: A private attorney who has agreed to represent criminal defendants who cannot afford to hire a private attorney. Eligibility is based upon financial information provided by the defendant.

Damages: Money awarded to a PLAINTIFF IN A CIVIL CASE. Damages are assessed against the defendant who is found by the jury or judge to have been responsible for the plaintiff's injuries. See injury.

Default Judgement: A judgement in favor of a party based on some failure to take action by the other party, generally not responding to the complaint or not appearing at a hearing.

Defendant: The person being sued in a civil case, or the person who has been charged with a crime/driving offense in a criminal/traffic case.

Defense Attorney: The lawyer who represents the defendant in any legal proceeding.

Discovery: An all-encompassing term for a process by which either side in a litigation asks questions in writing that are answered under oath by the opposing party; discovery also encompasses the requesting of certain documentary evidence, for example, copies of written estimates, correspondence, photographs, receipts, contacts, etc. Depositions, which involve oral testimony taken before a court reporter, are also considered part of discovery.

Docket: The official summary of proceedings in a case.

Execution: Unlike the meaning usually associated with this term, execution in a municipal court typically means the way a person attempts to collect on a judgement. There are several forms of execution, the most common being wage garnishment, bank attachment, and judgement debtor's examination.

Hearing: A court proceeding. The type of hearing will determine what will occur at that proceeding. Some hearings, such as trial, require that the parties be prepared to present evidence. Other hearings, like a pretrial, will not include the presentation of evidence.

Hung Jury: A jury that is deadlocked and cannot agree on a verdict.

Injury: Any legal harm, wrong or damage done to a person's body, property, rights or reputation, and that the law recognizes as deserving redress,

Jury Charge: The judge's address to the jury after all testimony has been heard in a trial. The charge explains the law that the jury is to apply in deciding on a verdict.

Lawsuit: A civil action brought in court in which a plaintiff seeks as a remedy provided by the law, such as damages.

Litigant: Someone who is a party to litigation. The litigant can be the side bringing the lawsuit or the side being sued.

Litigation: A legal dispute between parties argued in court.

Magistrate: An attorney licensed to practice law in Ohio that has been appointed by the Judge to handle certain types of hearings. If a party believes that a magistrate has made an incorrect decision, they can object to that decision and the Judge will review it.

Mistrial: A trial that is terminated by the judge before a verdict is returned. For example, a judge might declare a mistrial if the jury is deadlocked and cannot reach a decision.

Opinion: A written explanation of a court's decision in a matter.

Personal Bond: Sometimes called "personal recognizance." When given a personal bond, the defendant is not required to put up any money, and instead, the defendant's signature is his/her promise to appear at future hearings.

Petit Jury: A group of citizens summoned to and sworn by the court to hear evidence and render a verdict in a trial. In Municipal Court the jury is comprised of eight (8) jurors and one alternate juror.

Plaintiff: The party who has initiated the litigation.

Plea Bargain: An agreement between a criminal defendant and the City, in which the defendant admits having committed a crime. In return, the City dismisses or amends some or all of the charges, or asks a Judge to impose a less severe sentence than had the defendant been convicted at a trial. The judge is not bound by the terms of a plea bargain. A plea bargain ensures that a guilty defendant is punished.

Pretrial: A hearing conducted by the Court to determine whether or not the matter can be resolved without the need for a trial. A criminal pre-trial is held with the prosecutor, defense attorney and Court. This is the opportunity for the defense attorney to review evidence contained in the prosecutor's file, including witness statements, photographs, etc. Typically, some type of plea-bargain is offered by the City, and if accepted by the defendant, the case will not need to be scheduled for trial. A civil pretrial is similar in opportunity for the Plaintiff and Defendant to attempt to negotiate a settlement, discuss evidence, and ultimately for the Court to schedule the matter for trial in the event settlement is not possible.

Prosecutor: The lawyer who represents the State or City in a traffic/ criminal case.

Sentence: The punishment a judge imposes on a person convicted of a crime.

Settlement: An agreement between the plaintiff and defendant in a civil case to resolve the dispute without a trial.

Statutory Law: Written laws enacted legislatures, such as the Ohio State Legislature or the Youngstown City Council.

Subpoena: An Order of the Court for a certain person to appear at court on a certain date and time. A subpoena may be issued for a witness in a civil or criminal case, and also be used to force a witness to bring certain documents with them to the court hearing. Failure to comply with a subpoena may result in a warrant being issued for the non-reporting person's arrest.

Testimony: Statements made by witnesses in court.

Time Wavier: In criminal cases, the defendant has the right to be brought to trial within a certain number of days, depending on the level of offense charged. In many cases, the defendant agrees to waive the right to be brought to trial within that time period to allow the case to be scheduled for a pre-trial conference.

Verdict: The decision of the jury in a jury trial, or the judge in a bench trial.

Witness: Someone who offers evidence in court.