

GLOSSARY

During the trial, you may hear the lawyers or the judge use certain words or terms that you haven't heard before or that have different meanings when used in a courtroom than when used in ordinary life. The following list of definitions will familiarize you with some of those terms and words.

<i>Admissions</i>	Statements made by a party of the existence of a fact that the opposing party thinks helps its case.
<i>Affidavit</i>	A written statement made voluntarily under oath or under penalty of perjury.
<i>Allegation</i>	A statement, declaration, fact or assertion that one party claims is true and provable, even though it has not yet been proven.
<i>Answer</i>	The defendant's written response to the Complaint. It is usually prepared by the defendant's lawyer.
<i>Closing</i>	The oral statement of a lawyer, made at the end of the whole case, summarizing the evidence and explaining how the evidence supports his or her client's position.
<i>Complaint</i>	A written statement that starts a lawsuit by briefly alleging a set of facts that, it is claimed, entitles that party to relief. It is usually prepared by the party's lawyer.
<i>Counterclaim</i>	A claim presented in opposition to a claim.
<i>Cross or Cross-examination</i>	The questions asked of one side's witness by the other side's lawyer during the trial.
<i>Declaration</i>	A written statement made voluntarily under penalty of perjury.
<i>Defendant</i>	The party against whom a lawsuit is filed.
<i>Deponent</i>	A person who makes a sworn statement in the form of answers to questions outside of the courtroom, that are then transcribed into writing in a transcript (a deposition).
<i>Deposition</i>	The sworn testimony of a witness (the deponent), made outside the courtroom before trial, in the form of questions and answers that are transcribed word-for-word as they are asked and answered.
<i>Direct or Direct examination</i>	The questions asked of a witness during trial by the lawyer for the side who asked the witness to testify.
<i>Discovery</i>	The name given to a group of methods (for example, depositions and interrogatories) parties use to obtain facts and information about the case from the other party in order to prepare for trial.
<i>Exhibit</i>	A tangible item—for example, a document or a letter or a physical object—offered to a court during trial as evidence of some matter connected to the trial.

<i>Foundation</i>	Preliminary questions asked of a witness to establish that the witness has a sufficient basis upon which to testify on a particular subject.
<i>Hearsay</i>	A statement made by someone outside of court and not under oath. Ordinarily such statements are not allowed into evidence, but there are a number of exceptions that can permit them into evidence in some cases.
<i>Interrogatories</i>	A set of written questions about the case that one party asks of the other party. The answers are given in writing and under oath.
<i>Leading</i>	A lawyer is “leading” a witness when the lawyer asks the witness questions that seem to imply an answer or to put words in the witness’s mouth. A lawyer is generally not allowed to lead his or her own witnesses, but ordinarily may ask leading questions on cross-examination.
<i>Opening</i>	Statement made by each party’s lawyer at the beginning of a trial in which the lawyer outlines or summarizes the nature of the case and the proof the party plans to present.
<i>Party</i>	Person or entity involved as either the plaintiff or the defendant in a lawsuit.
<i>Plaintiff</i>	The party who files a lawsuit.
<i>Pleadings</i>	Documents, including the Complaint, Answer and Reply, that the parties file during the course of a lawsuit. These documents are usually prepared by the parties’ lawyers.
<i>Polling the Jury</i>	After a jury has delivered its verdict, the judge may ask the clerk to ask each member of the jury whether he or she agrees with the verdict. This practice is called polling the jury.
<i>Rebuttal</i>	Evidence or testimony given to explain, disprove, or undo the effects of facts or evidence presented by the other party.
<i>Redirect or Redirect Examination</i>	Follow-up questions that the party who first called a witness may ask after the witness has been cross-examined.
<i>Reply</i>	The plaintiff’s written response to the defendant’s Answer.
<i>Rest</i>	A party is said to rest or rest its case when it has presented all the evidence it intends to offer.
<i>Side-bar</i>	The position at the judge’s bench where the attorneys and the judge discuss things on the record with the court reporter recording it, but out of the hearing of the jury.
<i>Stipulation</i>	An agreement between the parties that a fact is true.
<i>Testimony</i>	Statements made by a witness, under oath.
<i>Transcript</i>	An official word-for-word copy of everything that is said on the record during a trial, hearing, deposition or other proceeding, prepared by a court reporter.