

Common Words and Phrases

Admonishment: A statement made by the judge to the jury regarding their conduct as jurors.

Bench trial: A trial without a jury in which the judge decides which party prevails.

Beyond a reasonable doubt: A verdict of "guilty" in a criminal case means that the jury has found that the person's guilt has been established beyond a reasonable doubt. The proof has to leave you with the conviction that the charge is true.

Challenges: Individuals may be excused from service on a jury by a judge or the attorneys in a particular case for various reasons. If a lawyer wishes to have a juror excused, he or she must issue a "challenge" for that juror. There are two types of challenges:

a. **For cause:** The juror may be excused for cause, meaning that he or she may have some connection to the parties in the case which would cause an impartial observer to believe the juror might be biased either in favor or against one of the parties. There is no limit to the amount of challenges for cause that might be used by either side in a case. The judge must agree with the cause cited for the challenge before the juror is released.

b. **Peremptory:** Each side has a certain number of challenges that can be used to excuse a juror without giving a reason. The judge must excuse the juror in question if a peremptory challenge is issued. This does not mean that the juror is incompetent in any way. It may mean that the attorney is exercising a "hunch" but cannot point to any specific reason why a juror may not be impartial.

Civil case: A civil case involves a dispute between two or more individuals or corporations. The party bringing the action may request monetary damages or may ask the court to order the defendant to perform or stop performing certain actions or both. In a civil case a person called the plaintiff files a complaint against another party, the defendant, who then must file an answer to the complaint.

Common law: A body of law derived from judicial decisions rather than by constitutions or by statute.

Complaint: A written statement by the plaintiff that initiates a civil case. The complaint states the wrongs alleged to have been committed by the defendant and asks for relief by the court.

Counsel: Another name for lawyer or attorney.

Conviction: A judgment of guilt against a defendant.

Criminal case: Criminal cases are tried in federal court if they involve breaking a federal law. In the federal court a criminal case must be brought by the U.S. Attorney who serves as the attorney for the government. The evidence alleging the individual committed a federal crime must be presented to a grand jury and if the citizens on the grand jury agree, they issue an indictment. The person is then arrested and required to plead "guilty" or "not guilty" to the crime. If the person pleads "not guilty," he or she must have a trial.

Deliberations: The name for the discussions held by the jury to decide the outcome of a case.

Directed verdict: If there is no issue of fact for the jury to decide after all the evidence has been presented, the judge will direct the jury to return a certain verdict and the jury must do so.

Evidence: Any type of proof legally presented during trial through witnesses, records or exhibits.

Felon: A person convicted of an offense punishable by a term of imprisonment exceeding one year.

Foreperson: Before beginning deliberations, the jury must select a foreperson who will be responsible for making sure discussion is carried on in a free and open manner, that all issues have been completely discussed and that every juror has been given an opportunity to participate. The foreperson also counts the votes and completes and signs the verdict form.

Grand jury: A group of 16-23 citizens who listen to evidence of criminal activity presented by the prosecutors (known in the federal system as "U.S. Attorneys") and decide whether there is enough evidence to charge an individual or individuals with the commission of a crime.

Hearsay: Hearsay statements are those made by a witness who did not actually see or hear the incident in question but heard about it from someone else. Hearsay statements are not usually admitted into evidence.

Indictment: A formal, written allegation of the criminal charges against an individual or group. An indictment is issued by a grand jury if the grand jury finds reason to believe from the evidence presented by the U.S. Attorney that an individual or group has committed a crime.

Impartial: Without any prejudice or bias or preconception. The jurors at the beginning of a trial should be impartial so they can base their verdict on the legal evidence presented during the trial.

Instruction: The guidelines given to the jury by the judge at the beginning and at the end of the trial explaining what the law is in the case and how the jurors should evaluate the evidence.

Jury pool: The group of people reporting for jury duty at the court location.

Litigants: The parties who are involved in a lawsuit.

Mistrial: An invalid trial caused by some kind of fundamental error in law or procedure. If a mistrial is declared, the trial must start over again with a new jury.

Motion: A request by a litigant to a judge for a decision on a case-related issue.

Nolo contendere: Literally "no contest." A plea of nolo contendere has the same effect as a guilty plea for sentencing purposes but cannot be used as an admission of guilt for any other purpose.

Perjury: A false statement made under oath in court.

Petit jury: Literally "little jury." Contrasted with the grand jury which hears evidence of possible crimes, the petit jury is impaneled to sit on an individual civil or criminal case and render a verdict in that case.

Polled: Calling the names of the jurors and asking individually or collectively how they voted before the verdict is officially recorded.

Preponderance of the evidence: Greater weight of the evidence. This refers to the amount of proof required in a civil case which is a lower standard than "beyond a reasonable doubt" required in a criminal case.

Sequester: To separate. If a judge orders a jury to be sequestered, the jurors will be housed together in a hotel and prevented from contacting anyone outside of the court. This is very seldom done and when it is, it is for protection of the jurors from influence by the media or threats by outside parties.

Subpoena: An official order from the court that a person present himself or herself at a certain time.

Testimony: Statements made under oath by a witness.

Unanimous: All jurors must agree on the verdict.

Verdict: The official decision or finding of the jury which is reported to the court.

Voir dire: Means "to speak the truth" in French. It refers to the examination of prospective jurors by the judge and attorneys to determine whether the individuals are qualified to serve on a jury in a particular case.

Witness: Someone who can give a firsthand account of something seen, heard or experienced.

