

Nebraska State Bar Foundation

Students News Reporter Contest



Basic Legal Definitions

Affidavit: A sworn written statement

Burden of Proof: is the duty, in law, to show, according to the facts, that the allegations to the lawsuit are either false or true – depending on the nature of the case

Case File: A complete collection of every document filed in court in a case

Cause of Action: is the reason/grounds on which the legal action is being submitted/brought

Certify: to testify in writing

Complaint: is a civil law action that initiates a lawsuit

Condition: are circumstances which are essential to the ascertain of a right; for example, it may be a condition to a loan that you give security, without giving security, you do not have the right to the loan

Conflict of Interest: means that you have competing interests in something that would make it difficult or impossible for you to fulfill your duty impartially

Consideration: is the thing, usually money, which you pay, under a contract, in exchange for getting something else

Contract: is a legal agreement entered into between two or more persons, known as “parties to the contract”, whereby an offer is made and accepted

Conviction: A judgment of guilt against a criminal defendant

Costs: the sum awarded to the successful party to a lawsuit – and usually amount to the “costs”, including legal fees, of having brought the case

Counsel: legal representative: lawyer or attorney

Court: Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

Court Reporter: A person who makes a word-for-word record of what is said in court, generally by using a stenographic machine, shorthand or audio recording, and then produces a transcript of the proceedings upon request

Creditor: A person to whom or business to which the debtor owes money or that claims to be owed money by the debtor

Damages: money paid to someone who has suffered injury or loss as a result of an action by a third party

Debtor: someone who owes money to a creditor

Decision: the verdict of a court in a case

Default: is the failure to do something required of you under contract – an obligation. Ordinarily the obligation is to pay money, which if you do not pay, would mean you are in default of the contract

Defendant: is the person who has charges to answer (criminal), or is being sued (civil)

Deposition: is where a witness testifies under oath and you have pre-trial discovery to determine whether or not the deposition is in fact true

Due Process: is a legal doctrine that a person's trial proceeding be fair

Evidence: documents, etc. that prove a claim as to facts

Exhibit: document, evidence, provided to a court to support a claim

Executory Contracts: Contracts or leases under which both parties to the agreement have duties remaining to be performed. If a contract or lease is executory, a debtor may assume it (keep the contract) or reject it (terminate the contract).

Fault: to be at "fault" means that you are to blame for something

Felony: a crime the nature of which is serious enough for you to spend one or more years in jail

Fiduciary Duty: is where you have an obligation to act in the best interest of a third party

Fine: punishment imposed for an offence

Good Faith: is to act honestly and without deception

Hearsay: Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial

Implied: means to give the appearance – thus, you have "implied warranty", which means that you have given the appearance that there was a warranty, even if there was not one

Judge: An official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices

Judgment: the official decision given by a court

Jurisdiction: the court's authority to hear your case

Jury: group of twelve citizens charged with hearing your case

Lawsuit: A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff

Litigation: A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

Minor: a person under the legal age of consent (18)

Moot: Not subject to a court ruling because the controversy has not actually arisen, or has ended

Motion: a request made to a judge asking him to rule on an issue of law

Natural Person: an individual – as opposed to a company or partnership

Negligence: a failure to use a degree of care

Oath: to swear to tell the truth

Oral Argument: An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions

Order: direction (written or oral) of a court

Plaintiff: the person who starts/commences a lawsuit

Plea: In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. See also nolo contendere.

Pleadings: applies in civil cases and are the allegations made by each of the parties to the case

Power of Attorney: a legal document authorizing another to act on your behalf

Proceedings: the process of a lawsuit

Prosecute: To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government

Quid Pro Quo: is a Latin term which means you'll get something for having given something

Reasonable: means a level that an ordinary person would be expected to have, e.g. "reasonable care" means the level of care expected from a reasonable person

Reply: a plaintiff's response to a defendant's answer

Settlement: is an agreement or decision in a civil case

Testimony: Evidence presented orally by witnesses during trials or before grand juries.

Verdict: formal decision by a jury/court on the facts of a case

Voir Dire: Jury selection process of questioning prospective jurors, to ascertain their qualifications and determine any basis for challenge

Witness: a person who gives evidence in court under oath or who signs a document to testify/certify that the person who signed the document was who he claimed to be