

### 3.8: Appendix F- Common Legal Words and Terms

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The following are some common legal words and terms used by attorneys and courts in New York State.

**Action, Case, Suit, and Lawsuit:** These words mean the same thing. They refer to a legal dispute, issue, or claim.

**Answer:** A legal document in which the person against whom an action is brought answers the claims of the person bringing the lawsuit.

**Appearance Ticket:** In a criminal matter, an appearance ticket is served ordering a person to appear in court for a lesser criminal offense or traffic violation instead of arresting that person. This is also called a summons.

**Argument:** An attorney's presentation of evidence; summation at the end of a trial or explanation before an appellate court.

**Bill of Particulars:** A part of the discovery process of a lawsuit to obtain more detailed information about the case.

**Charge or instruction to jury:** After the attorneys are done presenting their evidence and summations, the judge gives the jurors the law relating to the issues and the evidence presented.

**Civil:** The rights and remedies of private persons that have been wronged and harmed in a non-criminal manner.

**Claim:** What a person alleges that another person did wrong.

**Court Clerk:** In the courtroom, the court clerk sits in front of the judge, is an officer of the court, administers the oath to jurors and to witnesses before they testify, and records orders made by the court during the trial and verdict.

**Closing argument:** The final statements by the attorneys to the jury or court summarizing the evidence they think they have established, and the evidence that they think the other side has failed to establish. This is also called the summation. In New York criminal cases, the defense goes first with his closing argument, and then the prosecutor closes. In New York civil cases, the plaintiff closes after the defense.

**Common law:** A body of principles and rules which derive their authority from usage and customs built up over many years, particularly from the unwritten law of England. It is also that of a body of law that develops from judicial decisions as distinct from statutory law.

**Complaint:** A legal document in which the person bringing the lawsuit states allegations or claims against the other party.

**County Clerk:** The County Clerk is a public office where legal documents are placed, kept, recorded, and placed on record.

**Court:** A branch of the government organized to administer justice. It includes both judges and juries.

**Court Attendant:** Also known as a bailiff, court attendants have the charge of keeping order in a courtroom, the custody of the jury, the custody of prisoners while in court, and providing courtroom security.

**Cross-Examination:** The examination of a witness by the party opposed to the one who produced the witness. The purpose is to test the veracity of evidence given by the witness during direct examination.

**Crime:** A wrongdoing described in the laws of NYS and punishable by a fine, incarceration, or both.

**Defendant:** A person or entity against whom a lawsuit has been started. In some legal proceedings they are called a respondent. In a criminal prosecution, this is the person who is charged with committing a crime.

**Direct Examination:** The first line of questioning of a witness by the party producing the witness.

**Evidence:** Proof legally presented at trial through witnesses, photographs, documents, exhibits, physical objects, videos, or other legal means to establish a particular fact, issue, or both.

**Fact:** A reality of events of which the actual occurrence is to be determined by evidence to establish the truth.

**Issue:** The problem or dispute which the parties seek to resolve.

**Judge:** A person appointed or elected to administer the law in a court.

**Law Clerk:** Usually a person who has completed law school. They may or may not be a fully licensed attorney. They assist a judge with various tasks, such as legal research and the writing of legal opinions.

**Opening Statement:** Made by the attorneys, it is the outline of the case and anticipated evidence to be presented at trial. It is presented to a judge and/or jury at the start of the trial before any evidence is submitted. In a criminal case, the district attorney is required to give an opening statement and goes first. The defense attorney is under no obligation to present an opening statement in a criminal case.

**Parties:** The person or entity bringing the action and the person or entity against whom the action is brought. The parties in a lawsuit are often referred to as opposing parties.

**Personal Injury:** A civil wrong between private persons or entities. It involves civil actions such as automobile accidents, malpractice, “slip and fall”, and libel/slander cases. Typically, plaintiffs are suing to recover money damages for medical bills, pain and suffering, or damage to their reputation. Personal injury is also called torts.

**Petitioner:** The person or entity bringing the action usually in a family court or surrogate court proceeding. In some proceedings, they are called the plaintiff.

**Plaintiff:** The person or entity bringing the lawsuit. In some proceedings they are called the petitioner.

**Pleadings:** These are the formal legal documents in a lawsuit. The complaint contains the claims of the plaintiff and the answer contains the response of the defendant to the plaintiff’s claims.

**Reasonable Doubt:** Standard used to determine the guilt or of an accused in a criminal case. (For more, see definition in Chapter 2.)

**Record:** All the pleadings, exhibits, and word-for-word testimony recorded during a trial by a court reporter.

**Redirect Examination:** The re-questioning of a witness by the direct examiner after the cross-examination of the witness.

**Remedy:** What a party is seeking as a result of being wronged by another party. In civil cases, this is usually money for damages or injuries suffered. In criminal cases, it is usually restitution and/or punishment as set forth by law.

**Respondent:** A person or entity against whom a lawsuit or legal proceeding has been started. In some legal proceedings; they are called a defendant.

**Subpoena:** A legal document which is served on a witness compelling the witness to present documents or evidence, and/or appear in court or at a hearing at a particular time and place.

**Summation:** The final statements by the attorneys to the jury or court summarizing the evidence they think they have established and the evidence they think the other side has failed to establish. This is also called the closing argument. In New York criminal cases, the defense goes first with his closing argument, and then the prosecutor closes. In New York civil cases, the plaintiff closes after the defense.

**Summons:** The notice served on the opposing party by the person bringing a civil lawsuit. In a criminal matter, a summons is served ordering a person to appear in court for a lesser criminal offense or traffic violation instead of arresting that person. This is also called an appearance ticket.

**Testimony:** Oral statements given under oath at a trial or hearing.

**Tort:** A civil wrong between private persons or entities. It involves civil actions such as automobile accidents, malpractice, “slip and fall”, and libel/slander cases. Typically, plaintiffs are suing to recover money damages for medical bills, pain and suffering, or damage to their reputation. Torts are often called personal injury.

**Verdict:** The finding made by a judge or jury on the issues submitted to them at the conclusion of a trial.

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