

A Guide to Terms Used in Washington State Courts

Glossary of Terms

A

Acquit: To find a defendant not guilty in a criminal trial.

Action: Proceeding taken in a court of law. Synonymous with case, suit, lawsuit.

Adjudication: A judgment or decree.

Administrator: 1. One who administers the estate of a person who dies without leaving a will. 2. A court official.

Advance sheets: Initial, temporary publications of decisions of Washington's appellate courts. Advanced sheets are published weekly.

Adversary system: Basic U.S. trial system in which each of the opposing parties has an opportunity to state his or her viewpoint before the court. Plaintiff argues for defendant's guilt (criminal) or liability (civil). Defense argues for defendant's innocence (criminal) or against liability (civil).

Affidavit: A written or printed declaration or statement under oath. See certificate under penalty of perjury of perjury.

Affidavit of prejudice: A written motion by a party to a judge, requesting that the judge not hear the case.

Affirm: The assertion of an appellate court that the judgment of the lower court is correct and should stand.

Allegation: An assertion, declaration or statement of a party to an action made in a pleading, stating what the party expects to prove.

Alleged: (allegation) stated; recited; claimed; asserted; charged.

Answer: A formal response to a claim, admitting or denying the allegations in the claim.

Appeal: Review of a case by a higher court.

Appeal on the record: Refers to a review by a superior court of a district or municipal court decision, through an examination of the lower court's transcript, tape recording or other official documentation of the proceeding.

Appearance

1. The formal proceeding by which a defendant submits to the jurisdiction of the court.
2. A written notification to the plaintiff by an attorney stating that he or she is representing the defendant.

Appellant: Party appealing a decision or judgment to a higher court.

Appellate court: A court having jurisdiction over appeal and review.

Appellee: The party against whom an appeal is taken. See respondent.

Arbitration: The hearing and settlement of a dispute between opposing parties by a third party whose decision the parties have agreed to accept.

Arraignment: In criminal cases, a court hearing where a defendant is advised of the charges and asked to plead guilty or not guilty.

At issue: The time in a lawsuit when the complaining party has stated a claim, the other side has responded with a denial and the matter is ready to be tried.

Attachment: Taking a person's property to satisfy a court-ordered debt.

Attorney at law: A lawyer; one who is licensed to act as a representative for another in a legal matter or proceeding.

Attorney of record: An attorney, named in the records of a case, who is responsible for handling the case on behalf of the party he or she represents.

B

Bail: An amount of money determined by the judge and posted with the court clerk as security.

Bail bond: An agreement by a third party to pay a certain sum of money if the defendant fails to appear in court.

Bailiff: A court employee who, among other things, maintains order in the courtroom and is responsible for custody of the jury.

Bankruptcy: A legal proceeding where a person or business is relieved of paying certain debts.

Bench warrant: Process issued by the court itself or "from the bench" for the attachment or arrest of a person.

Best evidence: Primary evidence; the best evidence which is available; any evidence falling short of this standard is secondary; i.e., an original letter is best evidence compared to a copy.

Brief: A legal document, prepared by an attorney, which presents the law and facts supporting his or her client's case.

Burden of proof: Measure of proof required to prove a fact. Obligation of a party to prove facts at issue in the trial of a case.

C

Calendar: List of cases arranged for hearing in court.

Caption: The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.

Case: Any proceeding, action, cause, lawsuit or controversy initiated through the court system by filing a complaint, petition, indictment or information.

Caseload: The number of cases a judge handles in a specific time period.

Cause of action: A legal claim.

Certificate under penalty of perjury: A written statement, certified by the maker as being under penalty of perjury. In many circumstances, it may be used in lieu of an affidavit. See affidavit.

Certiorari: Procedure for removing a case from a lower court or administrative agency to a higher court for review.

Challenge for cause: A request by a party that the court excuse a specific juror on the basis that the juror is biased.

Chambers: A judge's private office.

Change of venue: The removal of a case begun in one court, to another. See venue.

Charge: Formal accusation of having committed a criminal offense.

Chief judge: Presiding or administrative judge in a court.

Chief justice: Presiding justice of the Supreme Court.

Circumstantial evidence: All evidence of indirect nature; the process of decision by which judge or jury may reason from circumstances known or proved to establish by inference the principal fact.

Citation: 1. Summons to appear in court. 2. Reference to authorities in support of a legal argument.

Civil law: All law that is not criminal law. Pertains to the settlement of disputes between individuals, organizations or groups and having to do with the establishment, recovery or redress of private & civil rights.

Claim: The assertion of a right to money or property.

Clerk of court: An officer of a court whose principal duty is to maintain court records and preserve evidence presented during a trial.

Closing argument: The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

Code: A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.

Commit: To lawfully send a person to prison, a reformatory or an asylum.

Common law: The system of jurisprudence which is based on judicial precedent, rather than legislatively enacted statutes of law. Also called "case law."

Community service: A sentencing alternative usually used in lieu of a monetary penalty or fine.

Commutation: Change of punishment from a greater to a lesser degree, such as from death to life imprisonment or ending a sentence that has been partially served.

Comparative negligence: Negligence of a plaintiff in a civil suit which decreases the recovery of damages by his or her percentage of negligence compared to a defendant's negligence.

Competency: In the law of evidence, the presence of those characteristics which render a witness legally fit and qualified to give testimony.

Complainant: One who makes a complaint. See plaintiff.

Complaint:

1. (criminal) Formal written charge that a person has committed a criminal offense. 2. (civil) Initial document entered by the plaintiff which states the claims against the defendant.

Condemnation: The legal process by which real estate of a private owner is taken for public use without consent but upon the award and payment of just compensation.

Contempt of court: Any act that is meant to embarrass, hinder or obstruct a court in the administration of justice. Direct contempt is committed in the presence of the court; indirect contempt is when a lawful order is not carried out or is refused.

Contested hearing: A hearing held in courts of limited jurisdiction for the purpose of allowing a person to dispute the determination that an infraction has been committed. The person may subpoena and examine witnesses and present evidence. Such hearings are held without a jury.

Continuance: Adjournment of the proceedings in a case from one day to another.

Convict:

1. To find a person guilty of a charge (verb).
2. One who has been found guilty of a crime or misdemeanor; usually refers to convicted felons or prisoners in penitentiaries (noun).

Corpus delicti: The body or material substance upon which crime has been committed; e.g., the corpse of a murdered person, the charred remains of a burned house.

Corroborating evidence: Evidence supplementary to that already given and tending to strengthen or confirm it.

Costs: An allowance for expenses in prosecuting or defending a suit. Ordinarily does not include attorney's fees.

Counterclaim: Claim presented by a defendant in opposition to, or deduction from, the claim of the plaintiff.

County clerk: Elected official who is clerk of the superior court. See clerk of court.

Court: 1. Place where justice is administered.

2. Judge or judges sitting in the court administering justice.

Court administrator: Manager of administrative, nonjudicial affairs of the court.

Court commissioner: A judicial officer at both trial and appellate court levels who performs many of the same duties as judges and justices.

Court of appeals: Intermediate appellate court to which most appeals are taken from superior court.

Court reporter: Person who records and transcribes the verbatim testimony and all other oral statements made during court sessions.

Court, district: Court of limited jurisdiction where civil cases up to \$50,000 and small claims cases up to \$2,500 can be heard. Criminal and gross misdemeanors and traffic citations are also heard in district court.

Court, juvenile: Division of superior court that deals with the conduct and circumstances of children under the age of 18.

Court, municipal: Court whose jurisdiction is confined to a city or local community. In Washington, jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances.

Court, small claims: A division of state district court where parties can bring claims up to \$4,000. Procedures are simplified and lawyers are generally not allowed.

Court, superior: State trial court of general jurisdiction. See general jurisdiction.

Court, supreme: "Court of last resort." Highest court in the state and final appellate court.

Courts of limited jurisdiction: Includes district and municipal courts.

Crime: Conduct declared unlawful by a legislative body and for which there is a punishment of a jail or prison term, a fine, or both.

Criminal insanity: Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.

Criminal law: Body of law pertaining to crimes against the state or conduct detrimental to society as a whole. Violation of criminal statutes are punishable by law.

Cross-examination: The questioning of a witness by the party opposed to the one who produced the witness.

Custody: Detaining of a person by lawful process or authority to assure that individual's appearance to any hearing; the jailing or imprisonment of a person convicted of a crime.

D

Damages: Compensation recovered in the courts by a person who has suffered loss, detriment or injury to his or her person, property or rights, through the unlawful act or negligence of another.

De novo: "Anew." A trial de novo is a completely new trial held as if the original trial in the court of limited jurisdiction had never taken place.

Declaratory judgment: A judgment that declares the rights of the parties on a question of law.

Decree: Decision or order of the court. A final decree completes the suit; an interlocutory decree is a provisional or preliminary decree, which is not final.

Default: A failure of a party to respond in a timely manner to a pleading; a failure to appear for trial.

Defendant: (criminal) Person charged with a crime. (civil) Person against whom a civil action is brought.

Defense attorney: The attorney who represents the defendant.

Deferred sentence: See sentence, deferred. (An alternative to a prison sentence consisting of probation, jail, or other appropriate condition.)

Deposition: Sworn testimony taken and recorded in an authorized place outside of the courtroom, according to the rules of the court.

Determinate sentence: See sentence, determinate. (A sentence that states exactly the number of actual years, months or days of total confinement, partial confinement or community supervision or the number of actual hours or days of community service work or dollars or terms of a fine or restitution. The fact an offender can, through "earned early release", reduce the actual period of confinement, does not affect the classification of the sentence as a determinate sentence.)

Direct examination: The questioning of a witness by the party who produced the witness.

Discovery: A pretrial proceeding where a party to an action may be informed about (or "discover") the facts known by other parties or witnesses.

Dismissal with prejudice: Dismissal of a case by a judge, which bars the losing party from raising the issue again in another lawsuit.

Dismissal without prejudice: The losing party is permitted to sue again with the same cause of action.

Disposition: 1. Determination of a charge; termination of any legal action.

2. A sentence of a juvenile offender.

Dissent: The disagreement of one or more judges of a court with the decision of the majority.

Dissolution: Legal ending of a marriage. Formerly called divorce.

District and Municipal Court Judges' Association: Association of judges of courts of limited jurisdiction established by statute to study and make recommendations concerning the operation of the courts served by its members.

District court: See court, district. (Court of limited jurisdiction where civil cases up to \$50,000 and small claims cases up to \$2,500 can be heard. Criminal and gross misdemeanors and traffic citations are also heard in district court.)

Divorce: See dissolution. (Legal ending of a marriage.)

Docket: Book containing entries of all proceedings in a court.

Domicile: Place considered to be a person's permanent home.

Double jeopardy: Prohibition against more than one prosecution for the same crime.

Due process: Constitutional guarantee that an accused person receives a fair and impartial trial.

DUI: Driving under the influence of intoxicating liquor or drugs.

E

Eminent domain: The power to take private property for public use by condemnation. See condemnation.

En banc: "On the bench." All judges of a court sitting together to hear a case.

Enjoin: To require a person to perform, or abstain or desist from some act.

Entrapment: The act of officers or agents of a government in inducing a person to commit a crime not contemplated by the person, for the purpose of instituting a criminal prosecution against him or her.

Et al: "And others."

Evidence: Any form of proof legally presented at a trial through witnesses, records, documents, etc. See expert evidence.

Ex parte

1. A proceeding brought for the benefit of one party only, without notice to or challenge by an adverse party.
2. The department of the court, which hears ex parte proceedings.

Exhibit: Paper, document or other object received by the court as evidence during a trial or hearing.

Expert evidence: Testimony given by those qualified to speak with authority regarding scientific, technical or professional matters.

Extradition: The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.

F

Fact-finding hearing: A proceeding where facts relevant to deciding a controversy are determined.

Felony: A crime of graver nature than a gross misdemeanor.

Fine: A sum of money imposed upon a convicted person as punishment for a criminal offense or infraction.

Fraud: An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right or in some manner to do injury to that person.

G

Garnishment: Proceeding whereby property, money or credits of a debtor in the possession of another are applied to the debts of the debtor, as in the garnishment of a person's wages.

General jurisdiction: Refers to courts that have no limit on the types of criminal and civil cases they may hear. Superior courts are courts of general jurisdiction.

Grand jury: A body of persons sworn to inquire into crime and, if appropriate, bring accusations (indictments) against the suspected criminals. Not generally used in Washington.

Gross misdemeanor: A gross misdemeanor is a criminal offense for which an adult could be sent to jail for up to one year, pay a fine up to \$5,000 or both.

Guardian ad litem: A person appointed by a court to manage the interests of a minor or incompetent person whose property is involved in litigation.

H

Habeas corpus: "You have the body." A writ of habeas corpus requires a person be brought before a judge. It is usually used to direct an official to produce a prisoner so that the court may determine if such person has been denied his or her liberty without due process.

Hearing: An in-court proceeding before a judge, generally open to the public.

Hearsay: Evidence based on what the witness has heard someone else say, rather than what the witness has personally experienced or observed.

Hung jury: A jury whose members cannot agree on a verdict.

Hypothetical question: A combination of facts and circumstances, assumed or proved, stated in such a form as to constitute a coherent statement of facts upon which the opinion of an expert can be asked by way of evidence in a trial.

I

Immunity: Freedom from duty or penalty.

Impeachment of a witness: An attack on the credibility of a witness by the testimony of other witnesses.

Inadmissible: That which, under the established rules of evidence, cannot be admitted or received.

Indictment: Written accusation of a grand jury, charging that a person or business has committed a crime.

Indigent: Needy; poor; impoverished. A defendant who can demonstrate his or her indigence to the court may be assigned a court-appointed attorney at public expense.

Information: An accusation of some criminal offense, in the nature of an indictment, but which is presented by a competent public officer instead of a grand jury.

Infraction: An act which is prohibited by law but which is not legally defined as a crime. In Washington State, many traffic violations are classified as infractions.

Injunction: Writ or order by a court prohibiting a specific action from being carried out by a person or group.

Instruction: Direction given by a judge to the jury regarding the applicable law in a given case.

Interrogatories: Written questions developed by one party's attorney for the opposing party. Interrogatories must be answered under oath within a specific period of time.

Intervention: Proceeding in a suit where a third person is allowed, with the court's permission, to join the suit as a party.

J

Judge: An elected or appointed public official with authority to hear and decide cases in a court of law.

Judge, pro tem: Temporary judge.

Judgment: Final determination by a court of the rights and claims of the parties in an action.

Jurisdiction: Authority of a court to exercise judicial power.

Jurisprudence: The science of law.

Juror: Member of a jury.

Jury: Specific number of people (usually 6 or 12), selected as prescribed by law to render a decision (verdict) in a trial.

L

Law: The combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom.

Law clerks: Persons trained in the law who assist judges in researching legal opinions.

Leading question: One which suggests to a witness the answer desired. Generally prohibited on direct examination.

Limited jurisdiction: Refers to courts that are limited in the types of criminal and civil cases they may hear. District, municipal and traffic violation bureaus are courts of limited jurisdiction.

Litigant: One who is engaged in a lawsuit.

Litigation: Contest in court; a lawsuit.

M

Magistrate: Court official with limited authority.

Mandate: Command from a court directing the enforcement of a judgment, sentence or decree.

Mandatory arbitration: The hearing and settlement of a dispute, involving a money judgment of \$50,000 or less, by a third party whose decision is binding on the parties.

Misdemeanor: Criminal offenses less than felonies; generally those punishable by fine or imprisonment of less than 90 days in a local facility.

Mistrial: Erroneous or invalid trial. Usually declared because of prejudicial error in the proceedings or when there was a hung jury.

Mitigating circumstances: Those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

Mitigation hearing: A hearing held in courts of limited jurisdiction for the purpose of allowing a person to explain the circumstances surrounding his or her commission of an infraction. The determination that an infraction has been committed may not be contested.

Modify: In the appellate process, to change the terms of, rather than revise, a judgment of a trial court, administrative agency or intermediate appellate court.

Monetary penalty: A penalty levied against a person convicted of a traffic infraction.

Moot: Previously decided or settled, but lacking legal authority. A moot point is one not settled by judicial decisions.

Motion: Oral or written request made by a party to an action before, during or after a trial upon which a court issues a ruling or order.

Municipal courts: Court whose jurisdiction is confined to a city or local community. In Washington, jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances.

N

Negligence: The absence of ordinary care.

O

Oath: Written or oral pledge by a person to keep a promise or speak the truth.

Objection: Statement by an attorney taking exception to testimony or the attempted admission of evidence and opposing its consideration as evidence.

Of counsel: Phrase used to identify attorneys that are employed by a party to assist in the preparation and management of a case but who are not the principal attorneys of record in the case.

Offender

1. A person who has committed a felony, as established by state law, and is 18 years of age or older.
2. A person who is less than 18 but whose felony case has been transferred by the juvenile court to a criminal court.

Omnibus hearing: A pretrial hearing normally scheduled at the same time the trial date is established. Purpose of the hearing is to ensure each party receives (or "discovers") vital information concerning the case held by the other. In addition, the judge may rule on the scope of discovery or on the admissibility of challenged evidence.

Opening statement: The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

Opinion: Statement of decision by a judge or court regarding a case tried before it. Published opinions are printed because they contain new legal interpretations. Unpublished opinions, based on legal precedent, are not printed.

Opinion, per curiam: Phrase used to distinguish an opinion of the whole court from an opinion written by only one judge.

Overrule

1. Court's denial of any motion or point raised to the court.
2. To overturn or void a decision made in a prior case.

P

Parties: Persons, corporations, or associations who have commenced a lawsuit or who are defendants.

Penalty assessment: An assessment or fee added to a monetary penalty or fine. Such fees are earmarked for the support of specific state programs such as traffic safety, criminal justice training, etc.

Peremptory challenge: Procedure which parties in an action may use to reject prospective jurors without giving a reason. Each side is allowed a limited number of such challenges.

Perjury: Making intentionally false statements under oath. Perjury is a criminal offense.

Personal recognizance: In criminal proceedings, the pretrial release of a defendant without bail upon the defendant's promise to return to court.

Petition: Written application to a court requesting a remedy available under law.

Petition for review: A document filed in the state Supreme Court asking for a review of a decision made by the Court of Appeals.

Petitioner

See plaintiff.

Plaintiff: The party who begins an action; the party who complains or sues in an action and is named as such in the court's records. Also called a petitioner.

Plea: A criminal defendant's official statement of "guilty" or "not guilty" to the charge.

Plea bargaining: In a criminal case, the process in which the accused and the prosecutor negotiate a mutually satisfactory disposition of the case. Such bargains are not binding on the court.

Pleadings: Formal, written allegations by the parties of their respective claims.

Polling the jury: A practice whereby the jurors are asked individually whether they agreed, and still agree, with the verdict.

Power of attorney: Document authorizing another to act as one's agent or attorney in fact (Not an attorney at law).

Precedent: Previously decided case, which is recognized as an authority for determining future cases.

Preponderance of evidence: The general standard of proof in civil cases. The weight of evidence presented by one side is more convincing to the Trier of facts than the evidence presented by the opposing side.

Presentence report: A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

Presiding judge: Chief or administrative judge of a court. See chief judge.

Pro tem: "Temporary".

Probable cause: Reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

Probate: The legal process of establishing the validity of a will and settling an estate.

Probation: Set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community, usually under the supervision of a probation officer.

Proceeding: Any hearing or court appearance related to the adjudication of a case.

Prosecution: 1. Act of pursuing a lawsuit or criminal trial.
2. The State of Washington, the party that initiates a criminal case.

Prosecutor: The public officer in each county who is a lawyer and who represents the interests of the state in criminal trials and the county in all legal matters involving the county. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute. Also known as prosecuting attorney.

R

Reasonable doubt: If, in the minds of the jury, a doubt exists which may have arisen from the evidence, or lack of evidence, a doubt that would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence, or lack of evidence.

Rebuttal: The introduction of contradicting or opposing evidence showing what a witness said is not true; the stage of a trial at which such evidence may be introduced.

Record: 1. To preserve in writing, print or by film, tape, etc.
2. History of a case.
3. The word-for-word (verbatim) written or tape-recorded account of all proceedings of a trial. See transcript.

Record on appeal: The portion of the record of a lower court necessary to allow a higher court to review the case.

Redirect examination: Follows cross-examination and is carried out by the party who first examined the witness.

Remand: To send back. A disposition by an appellate court that results in sending the case back to the original court from which it came for further proceedings.

Reply: Pleading by the plaintiff in response to the defendant's written answer.

Respondent

1. Party against whom an appeal is brought in an appellate court; the prevailing party in the trial court case.
2. A juvenile offender.

Restitution: Act of giving the equivalent for any loss, damage or injury.

Rests the case: When a party's presentation of evidence is concluded.

Reversal: Setting aside, annulling, vacating, or changing to the contrary, the decision of a lower court or other body.

S

Search and seizure, unreasonable: In general, an examination without authority of law, of one's premises or person for the purpose of discovering stolen or illegal property or some other evidence of guilt to be used in prosecuting a crime.

Search warrant: A written order, issued by a judge or magistrate in the name of the state, directing an officer to search a specified house or other place for stolen property, drugs, or contraband. Usually required as a condition for a legal search and seizure.

Sentence: Judgment formally pronounced by a judge upon a defendant following conviction in a criminal prosecution.

Sentence, concurrent: Two or more sentences, which run at the same time.

Sentence, consecutive: Two or more sentences, which run one after another.

Sentence, deferred: An alternative to a prison sentence consisting of probation, jail, or other appropriate condition.

Sentence, determinate: A sentence that states exactly the number of actual years, months or days of total confinement, partial confinement or community supervision or the number of actual hours or days of community service work or dollars or terms of a fine or restitution. The fact an offender can, through "earned early release", reduce the actual period of confinement, does not affect the classification of the sentence as a determinate sentence.

Sentence, suspended: Execution of the sentence has been withheld by the court based on certain terms and conditions.

Separation (jury): Recessing the jury for meals.

Service: Delivery of a legal document to the opposite party.

Set aside: Annul or void as in "setting aside" a judgment.

Settlement: 1. Conclusion of a legal matter.

2. Compromise agreement by opposing parties in a civil suit before judgment is made, eliminating the need for the judge to resolve the controversy.

Settlement conference: A meeting between parties of a lawsuit, their counsel and a judge to attempt a resolution of the dispute

Small claims: See court, small claims. (A division of state district court where parties can bring claims up to \$4,000. Procedures are simplified and lawyers are generally not allowed.)

Speedy trial: Right of a defendant to be tried promptly.

Statute: A law created by the Legislature.

Statute of limitations: Law, which specifies the time within which parties must take judicial action to enforce their rights.

Stay: Halting of a judicial proceeding by order of the court.

Stipulation: Agreement by the attorneys and parties on opposite sides of a case regarding any matter in the trial proceedings.

Subpoena: Document issued by the authority of the court to compel a witness to appear and give testimony or produce documentary evidence in a proceeding. Failure to appear or produce is punishable by contempt of court.

Subpoena duces tecum: "Bring the document with you." A process by which the court commands a witness to produce specific documents or records in a trial.

Suit: Any court proceeding in which an individual seeks a decision. See case.

Summons: Document or writ directing the sheriff or other officer to notify a person that an action has been commenced against him or her in court and that he or she is required to appear, on a certain day, and answer the complaint in such action.

Superior Court Judges' Association: Association of judges of Washington's courts of general jurisdiction established by statute to study and make recommendations concerning the administration of justice in the courts served by its members.

Suspended sentence: See sentence, suspended. (Execution of the sentence has been withheld by the court based on certain terms and conditions.)

T

Testimony: Any statement made by a witness under oath in a legal proceeding.

Tort: An injury or wrong committed, with or without force, to the person or property of another, which gives rise to a claim for damages.

Transcript: The official record of proceedings in a trial or hearing, which is kept by the court reporter.

Trial: The presentation of evidence in court to a Trier of fact who applies the applicable law to those facts and then decides the case.

Trial de novo: "Anew." A trial de novo is a completely new trial held as if the original trial in the court of limited jurisdiction had never taken place.

Trier of facts: The jury or, in a non-jury trial, the judge.

Venue: The specific county, city or geographical area in which a court has jurisdiction. See change of venue. (The removal of a case begun in one court, to another.)

Verdict: Formal decision made by a judge or jury (Trier of facts).

Voir dire: (pronounced "vwar-deer") - "To speak the truth." The process of preliminary examination of prospective jurors, by the court or attorneys, regarding their qualifications.

W

Washington Appellate Reports: Bound volumes that contain printed decisions of the state's Court of Appeals.

Washington Reports: Bound volumes that contain printed decisions of the Washington State Supreme Court.

Washington State Bar Association: A state wide association of attorneys organized under rules of the Washington State Supreme Court to administer bar examinations, conduct a mandatory legal education program for attorneys and perform disciplinary functions in those cases where it appears an attorney may have violated rules of the Attorney's Code of Professional Conduct. More than 20,500 active members belong to the association (1997).

Willful act: An intentional act carried out without justifiable cause.

Witness: Person who testifies under oath before a court, regarding what he or she has seen, heard or otherwise observed.

Writ: A special, written court order directing a person to perform, or refrain from performing, a specific act.

Washington Court System

-**THE SUPREME COURT** (Six-year terms, staggered): Appeals from the Court of Appeals and administers state court system.

- **COURT OF APPEALS** (Six-year terms, staggered, Division I, Seattle; Division II, Tacoma. Division III, Spokane): Appeals from lower courts except those in jurisdiction of the Supreme Court.

- **SUPERIOR COURT** (Four-year terms): Civil matters, Domestic relations. Felony criminal cases, Juvenile matters and Appeals from courts of limited jurisdiction.

- **COURTS OF LIMITED JURISDICTION** (Four-year terms District and Municipal courts): Misdemeanor criminal cases, Traffic, non-traffic, and parking infractions. Domestic violence protection orders. Civil actions of \$75,000 or less. And Small claims up to \$5,000.

Types of Cases

Civil: Civil cases are usually disputes between private citizens, corporations, governmental bodies, or other organizations. Examples are actions arising from landlord and tenant disputes, personal injuries, breach of warranty on consumer goods, contract disputes, adoptions, marriage dissolutions (divorce), probates, guardianships, and professional liability suits. Decisions are based upon a preponderance of evidence. The party suing (plaintiff) must prove his or her case by presenting evidence that is more persuading to the Trier of fact (judge or jury) than the opposing evidence.

There are special court procedures for the protection of persons threatened by harassment and domestic violence. Persons may request protection orders through documents available at their County Clerk's office.

Criminal: Criminal cases are brought by the government against individuals or corporations accused of committing a crime. The government makes the charge because a crime is considered an act against all of society. The prosecuting attorney prosecutes the charge against the accused person (defendant) on behalf of the government (plaintiff). The prosecution must prove to the judge or jury that the defendant is guilty beyond a reasonable doubt. The more serious crimes are called felonies and are punishable by more than a year's confinement in a state prison. Examples are arson, assault, larceny, burglary, murder, and rape.

Lesser crimes are called misdemeanors and gross misdemeanors. Both are punishable by confinement in a city or county jail. Examples of gross misdemeanors are theft of property or services valued at up to \$250 and driving while under the influence (DUI) of alcohol or drugs. Among the many types of misdemeanors are disorderly conduct, prostitution, and possession of less than 40 grams of marijuana.

Trial Process: Jury Selection, Opening Statements, Evidence, Jury Instructions, Closing Arguments, Jury Deliberations, Criminal Sentencing, Crime Victims and Witnesses.