

MOCK TRIAL TERMS TO KNOW

ACQUIT	To find a criminal defendant not guilty of the charges against him or her. As in the phrase “today, the defendant was acquitted of all charges.”
ACTION	A dispute taken to court for resolution. The terms "case, suit and lawsuit" are synonymous with action. As in, “good morning your honor, my name is Joe Titan, and I will represent the defendant in this action.”
AFFIDAVIT	A voluntary statement or declaration of facts which has been written down and confirmed under oath.
ALLEGATION	An assertion, declaration or statement which is made in a pleading by one of the parties to the action and tells what that party intends to prove. As in the “the state of California alleges that the defendant engaged in an act of premeditated murder.”
ANSWER	Written response in a civil case. In it the defendant admits or denies the allegations of the plaintiff's complaint.
APPEAL	Legal process used to ask a higher court to review a decision.
APPELLANT	The party appealing a judgment or decision. AKA the petitioner.
APPELLATE COURT	A court having jurisdiction (authority) to hear appeals. The highest federal appellate court is the United States Supreme Court.
APPELLEE	The party against whom the appeal is taken. AKA the respondent
ARRAIGNMENT	Criminal case proceeding in which the defendant is brought before the trial court to answer criminal charges by entering a plea of guilty or not guilty.
ATTORNEY AT LAW	Individual who is admitted to the bar and thus may represent clients in legal proceedings. Attorneys are called officers of the court because they have a dual responsibility to protect the integrity of the legal system while simultaneously pursuing their clients' claims. An attorney who has been admitted to the bar in one state is entitled to practice in the courts of that state, but that does not entitle him or her to practice in the courts of another state, in a Federal court or in the Supreme Court. In order to do so, he or she must qualify and be sworn in separately.
ATTORNEY OF RECORD	Attorney whose name appears on the permanent records and files of a particular case.
AUTOPSY	The examination of a dead body to determine the cause of death.
BAIL	Monetary sum which can be assessed by a judge to insure that a criminal defendant who is being released prior to trial will, in fact, appear in court on a trial date. Securities posted as bail are returned when court appearances are satisfied.

BAILIFF	Courtroom attendant responsible for keeping order in the courtroom and overseeing the jury. In an actual trial, the bailiff watches over the defendant to protect the security of the courtroom. In a mock trial, the major duties of the bailiff are to call the court to order and to swear in the witnesses.
BURDEN OF PROOF	Responsibility for affirmatively proving the disputed facts in a case. In a criminal case the people must prove the defendant guilty beyond a reasonable doubt. In a civil case the plaintiff must simply provide a preponderance of the evidence to win his case.
CASE	Lawsuit, suit or action being resolved through the use of the court system.
CHAMBERS	Private office of the judge.
CIVIL LAW	Generally deals with personal actions and usually involves a contract, collection of a debt or compensation for personal injury or property loss.
CLOSING ARGUMENT	Final statement given by an attorney for each party which summarizes each party's position on the guilt or innocence of the defendant. Facts and evidence presented during the trial can be reviewed so that inferences may be drawn from them. The ultimate purpose is to persuade those addressed to render a verdict in favor of the client represented.
COMPLAINT	The first pleading in a civil case filed by the plaintiff. It alleges the material facts and legal theories to support the plaintiff's claim against the defendant. (Called a Petition in State Court.)
CONVICTION	A finding by the judge or jury that a person charged with a criminal offense is guilty beyond a reasonable doubt of committing the crime charged.
CORONER	An official whose responsibilities include the performance of designated functions, the most important of which is the investigation of the cause of any violent or suspicious death that takes place within the geographical boundaries of his or her authority.
COUNSEL	An attorney or lawyer. The giving of advice and guidance concerning a legal matter.
COURT	Judicial tribunal established to administer justice. Also another word for judge – as in “the court sustains the objection.”
	COURT CLERK In an actual trial, the court clerk calls the court to order and swears in the witnesses to tell the truth. For the purpose of a mock trial, the court clerk's major duty is to time the trial.
CRIME	An act considered dangerous to the general public and contrary to the good of a community that is forbidden by law and punishable by fine, imprisonment or death.
CRIMINAL ACTION	The procedure by which a person accused of committing a crime is charged brought to trial and judged. The main part of a criminal action is

the trial in which the innocence or guilt of the accused is determined. If the defendant is not found guilty, he or she will be acquitted of charges. If the defendant is found to be guilty, a suitable punishment, such as a fine, imprisonment or even a death sentence will be imposed depending upon the punishment provided in the statute under which he or she was prosecuted.

CRIMINAL LAW

A body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

CROSS EXAMINATION

The questioning of a witness by opposing counsel. The scope of cross-examination is generally restricted to matters covered during direct examination. However, for the Mock Trial program, scope of cross-examination is not limited.

DAMAGES

Monetary compensation claimed by a person who has suffered a loss or injury to his/her person, property or rights as a result of the negligence or unlawful conduct of another.

DEFAULT

Failure of the defendant to file an answer or appear in a case within a certain period of time. This will usually result in a default judgment against the defendant.

DEFENDANT

The person or party accused of a crime or sued in a civil case that is standing trial.

DIRECT EXAMINATION

Questioning of a witness by the party who calls the witness.

EVIDENCE

A fact presented in court through the testimony of a witness, an object or written documents.

EXHIBIT

A document or object which is offered into evidence during a trial or hearing.

FELONY

A major crime that is punishable by death or imprisonment for more than one year.

INDICTMENT

A formal written accusation by a grand jury charging that a person or business committed a specific crime.

INJUNCTION

A writ or order by a court which requires a party to refrain from doing a particular thing or commanding that the party perform a particular act.

JUDGE

Official who directs the trial, decides what laws might apply to the case and rules on points of law.

JURISDICTION

The legal authority of a court to hear and decide cases, the exercise of judicial power within certain geographic boundaries.

JURY (GRAND)

A group of persons who inquire into and investigate accusations in criminal cases, hears evidence and meet in secret to decide whether to issue indictments.

JURY (PETIT)

The group of persons called to decide the facts and render a verdict at

the trial of a civil or criminal case.

JURY TRIAL

Under the Sixth Amendment to the U.S. Constitution, a person is entitled to trial by jury. This right applies to the states by virtue of the Fourteenth Amendment. The right to trial by jury applies only to crimes in which there is a possibility of imprisonment as punishment.

LAW

Provisions which regulate the conduct of society, primarily generated by the legislature through statutes and sometimes by court decisions.

MISDEMEANOR

A classification of offenses which are less serious than felonies. A misdemeanor is punishable by a fine or imprisonment other than in a penitentiary for a period of less than a year. Under federal law, and most state laws, any offense other than a felony is classified as a misdemeanor.

MOTION

A request made to the court by one of the attorneys

OATH

A pledge, affirmation or declaration to provide true information. For an oath to be legally effective, it must be administered by a public official. A spoken oath is generally sufficient; however, a written and signed oath can be required by law.

OBJECTION

A formal attestation or declaration of disapproval concerning a specific point of law or procedure during the course of a trial.

OPENING STATEMENT

Beginning statement given by an attorney for each party which previews what each attorney expects to happen in the trial.

OPINION

Written statement issued to report the decision of an appellate court.

PARTIES

Persons, partnerships, corporations, businesses or governmental organizations involved in legal proceedings--litigants.

PLAINTIFF

In a civil action, the party who files the lawsuit; in a criminal case, the State of Oklahoma is the plaintiff (prosecution).

PLEA

Response of a defendant to the criminal charges; the plea will usually be "guilty" or "not guilty."

PLEADINGS

Written documents stating the allegations and claims of the opposing parties in a legal dispute.

PROSECUTION

In a criminal case, the State of Oklahoma is the prosecution.

REDIRECT EXAMINATION

The additional questioning of a witness by the party who calls the witness and which is performed after cross-examination.

SENTENCE

Punishment imposed by the court in accordance with the range of sentences outlined by statute.

STATUTE

Law enacted by the legislature.

SUBPOENA

Legal document issued by the court to order a person to appear as specified and give testimony.

SUMMONS	Legal document issued by the court which directs the sheriff or another officer to notify the named defendant that a complaint has been filed and that he/she is required to appear and answer the complaint on or before the date and time specified.
SUSTAIN	To grant, support or uphold. During a trial when an attorney objects to the introduction of evidence and the judge agrees with the objection, the judge sustains the objection.
TESTIMONY	Oral evidence statement made by a competent witness who has taken an oath to tell the truth which is used to establish some fact or set of facts.
TRIAL	Formal presentation of facts to a court or jury in order to reach a legal resolution.
VERDICT	Formal decision of the court.
VOIR DIRE	The preliminary examination which an attorney may make of a witness where the competency of the witness is objected to. In the movie entitled Gideon's Trumpet, the attorney's prior to Gideon's last trial conducted a voir dire. As a result, two jurors were "dismissed."
WITNESS	Individual who gives testimony regarding what he/she has seen, heard or otherwise observed.