

## GLOSSARY OF TERMS - CIVIL

This "*Glossary of Terms*" is not intended to be a definitive legal definition of terms, but, is merely provided to assist the public with general understanding of court terminology. If you have a need for definitive legal definitions of these or any other legal terms, you should seek the services of an attorney.

**Alimony** - The money allowance one spouse must pay another by order of a court during or after a divorce action.

**Amendment** - Alteration of a law or resolution.

**Amicus Curiae** - A Latin term which means "friend of the court"

**Annulment** - The voiding of an act (marriage).

**Answer** - The pleading of a defendant in response to a plaintiff's complaint.

**Appeal** - A request that a case be removed from a lower court to a higher court in order for the case to be reviewed.

**Bond Estreature** - A disposition for cases in which a defendant's failure to appear in court causes the money or property deposited to secure release on bail not to be returned to the defendant.

**Change of Venue** - The movement of a case from one court of another court that has the same jurisdictional authority but is in a different geographic location.

**Complaint** - The initial written pleading on the part of the plaintiff of a civil case.

**Consolidated Case** - Cases within the same jurisdiction involving one defendant or the same litigants which are consolidated under one case number and disposed as one unit.

**Clerk's Default** -When a party against whom affirmative relief is sought has failed to file or serve any paper in the action, the party seeking relief may have the clerk enter a default against the party failing to serve or file such paper.

**Default judgment** - An award given to a plaintiff because the defendant fails to appear or to be represented in his own defense.

**Defendant** - A person required to answer a complaint in a civil case. Also referred to as the respondent.

**Deposition** - The testimony of a witness through the question and answer process, which testimony is taken under oath by a court reporter.

**Discovery** - The various legal processes which allow litigants to discover important facts about an opponent's position in a lawsuit.

**Dismissed with prejudice** - A judgment dismissing a case because the plaintiff's contentions have not been proved and, furthermore, the judgment bars the plaintiff from future action on the same issue.

**Dismissal without prejudice** - A dismissal of a case not based on its merits and not preventing a future suit on the same issue.

**Emancipation** - The independence of a minor from parental control and custody, which independence gives the minor the legal status of an adult.

**Eminent Domain** - Power of the state to take private property for public use, providing the state make reasonable compensation for the property.

**Foreclosure** - The taking and selling of mortgaged property to enforce payment of debt which was secured by the property.

**Grand Jury** - A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence, and find bills of indictment in cases where they are satisfied that there is probable cause that a crime was committed and that a trial ought to be held.

**Habeas Corpus** - A writ whose object is to bring a person before a court or judge.

**In Camera** - "In a room." In Camera proceedings are heard in a judge's private chambers or in a courtroom which has been cleared of all spectators.

**Judgment** - The final determination by a court of the rights of disputing parties to a lawsuit.

**Jury trial** - A trial in which a group of citizens is empanelled to determine the issues of fact in a case.

**Malpractice** - Negligent conduct by a professional person.

**Mandamus** - A common law writ from a court used to coerce a public official to perform duties that he is charged by law with performing.

**Mediation** - A process in which a neutral third party listens to the complaints and concerns of all parties to a dispute and then tries to assist those parties to reach an agreement that resolves those concerns. The mediator, unlike a judge, has no authority to impose a decision on the parties.

**Mistrial** - A trial which cannot stand in law because of lack of jurisdiction, wrong, drawing of jurors, or disregard of some other fundamental procedure.

**Non-jury trial** - A trial in which there is no jury and in which a judge determines both the issues of fact and law in a case.

**Nunc Pro Tunc** - A Latin phrase which means "now for then".

**Oath** - A solemn affirmation to tell the truth.

**Petition** - A written document filed in the court, initiating the case and requesting a decision in a matter described therein.

**Plaintiff** - A person who initiates a court action. Also referred to as complainant, claimant, or petitioner.

**Preponderance of Evidence** - The persuasive evidence which is necessary to prove one's case in a civil lawsuit.

**Quash** - To set aside.

**Quasi Judicial** - A term applied to "judicial" acts taken by Agencies and Authorities that are not really constituted as COURTS of law. As an example, a ruling handed down by a zoning board is a quasi-judicial ruling.

**Redemption** - The regaining of property.

**Remand** - To send back.

**Replevin** - A personal action brought to recover possession of goods unlawfully taken.

**Reopened case** - A case that has been reported previously as disposed, but is resubmitted to a court.

**Rescind** - To cancel

**Separation Agreement** - An agreement between a husband and wife who have stopped living together, which agreement may provide for child support, alimony, child visitation, and distribution of property.

**Service of Process** - The legal notification of the existence of a lawsuit to a defendant.

**Settlement** - The termination of a civil case before trial by the agreement between or among the parties involved.

**Specific Performance** - A legal remedy, which if decreed by a court, forces a party to perform a certain act in a specified way.

**Stipulation** - An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial.

**Style of case** - The parties to a law suit. who vs. who.

**Subpoena** - A document ordering an individual to appear in court and give testimony.

**Subpoena duces tecum** - A subpoena that orders a person to bring certain documents into court when he answers the subpoena.

**Summary judgment** - A judgment which is entered in favor of one party without a trial, as there are no real triable issues of fact.

**Summary Reporting system (SRS)** - Florida State Courts System uniform case reporting system, pursuant to Section 25.075(1), Florida Statutes.

**Summons** - A court document directing a litigant to answer a lawsuit or suffer the risk of a default judgment.

**Surety** - A person who agrees to be responsible for the debt of another.

**Transferred** - A manner of disposition in which a judicial order transfers a case from one court to another before hearing or trial.

**UIFSA** - Uniform Interstate Enforcement of Support Act. Chapter 88. Florida Statutes

**Verdict** - The decision made by a jury or by a judicial officer concerning the matters at issue.

**Void** - No legal force validity.

**Voir Dire** - A preliminary examination of prospective jurors or witnesses to inquire into their competence. Literal translation is to speak the truth.

**Waiver** - The voluntary relinquishment of a privilege or a right.

**Warrant** - A writ or document which authorizes and directs the performance of a certain act (arrest, search or the payment of money).