

Santa Cruz County
Trial Lawyers Association



Elementary Law Program



VOCABULARY WORDS

ARREST -To take someone to jail.

BAILIFF -A deputy sheriff who works in the courtroom. The bailiff's job is to guard prisoners and keep order in the court.

BILL OF RIGHTS -The first ten "amendments" ("additions") to the United States Constitution. The Bill of Rights contains such important legal rights as your freedom of speech and your right to have a jury decide your case.

BURDEN OF PROOF -The plaintiff in a case (that is, the person who is suing) has the job of proving which facts are true. This job is called the plaintiffs "burden of proof". The burden of proof in a criminal case is called "beyond a reasonable doubt". What this means is that if the prosecutor fails to prove "beyond a reasonable doubt" that the defendant is guilty of the crime, the defendant will be found "not guilty".

CIVIL CASE- If you hurt someone, that person can "sue" you (that is, take you to court) to make you pay for the damage you caused. This type of case is called a civil case. If you are sued in a civil case, you might have to pay money, but you cannot be forced to go to jail. You can be forced to go to jail only if you are found guilty in a criminal case.

CLOSING ARGUMENT- A lawyer's speech at the end of the trial.

COURT CLERK -A person who helps the judge by administering the oath to witnesses and by holding the evidence.

COURT REPORTER- A person who types down what is said in the courtroom.

CRIME -When a law is broken. If you commit a crime, you can be forced to go to jail.

CROSS-EXAMINATION- When a lawyer questions a witness who is testifying against the lawyer's client.

DEFENDANT -A accused person who might have committed a crime is the "defendant" in a criminal case. A person who has been sued is the "defendant" in a civil case.

DEFENSE ATTORNEY- A lawyer who represents a defendant.

DIRECT EXAMINATION -When a lawyer questions a witness who is testifying in favor of the lawyer's client.

EVIDENCE- Facts presented to a jury, either by the testimony of a witness or by an object.

EXAMINATION- When a lawyer questions a witness.

HEARSAY -What someone else said.

EXHIBIT -An object which is evidence in a case.

JUDGE- The person in charge of the courtroom. The judge makes sure that all of the rules are followed, and that justice is done.

JURY- Twelve people who decide who wins the case.

JURY INSTRUCTIONS -The law that the judge reads to the jury at the end of the case.

LAWYER- A person who advises people about the law and represents them in court. Also called an attorney.

OATH- Before a witness testifies, he or she "swears an oath" to tell the truth. If the witness lies while testifying, the witness has committed a crime called "perjury". The jury swears an oath to do its job properly. The bailiff swears an oath to make sure that no one who is not a member of the jury speaks with the jury while the jury is deciding the case.

OPENING STATEMENT- A lawyer's speech at the beginning of the trial.

PEACE OFFICER -A person whose job it is to protect us from criminals and to arrest people who might have committed a crime. A peace officer is called a "police officer" if employed by a city, a "sheriff" if employed by a county, or a "highway patrol officer" if employed by the state.

PLAINTIFF -The People of the State of California are the "plaintiff" in a criminal case. A person who is suing is the "plaintiff" in a civil case. (Remember that the plaintiff is the person who makes the complaint. See? "plaint" appears in both words.)

PRESUMPTION OF INNOCENCE- A defendant in a criminal case is presumed to be innocent unless the prosecutor proves "beyond a reasonable doubt" that the defendant is guilty. In other words, the defendant is protected by a "presumption of innocence."

PROSECUTOR -A lawyer who represents the People of the State of California in a criminal case. Also called a district attorney.

THEFT -The crime of stealing. A person who steals is a thief.

VERDICT -The jury's decision.

WITNESS- Someone who testifies in court.