

Los Angeles Superior Court

Court-Speak Translated For Reporters

**A Reporter's Guide
to legal terminology
and concepts most
often misunderstood
by the media.**

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Reporters—particularly those new to the courts—often hear legal vocabulary they don't fully understand and may use terminology incorrectly.

This reporter's guide is not a comprehensive legal dictionary or manual. Rather it includes words and concepts that reporters most often misunderstand.

There are hundreds of very common legal terms that are not included in this guide. However, the guide is under constant revision and new terms may be added at any time. Reporters who find the language they hear in courthouses and courtrooms confusing should feel free to contact the Public Information Office for explanation.

Definitions in this guide may be quoted verbatim and/or attributed to the Los Angeles Superior Court.



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DEFINITIONS

Acquittal – A finding of not guilty.

Adjournment – Postponing or recessing a court hearing.

Adjudicate – To exercise judicial authority in settling a case.

Affidavit – A written statement given voluntarily and under oath.

Answer – The defendant’s response to a plaintiff’s allegations in a complaint.

Arraignment – Proceeding in which an accused person is brought before a judge to hear the charges and to enter a plea of guilty, not guilty or no contest. Bail is set at this hearing.

Bail – Money or other security given to secure a person’s release from custody, and guarantee his or her later appearance in court.

Beyond a Reasonable Doubt – The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution.

Bond – A written statement that obligates one person to pay a specified amount of money to another if a certain condition occurs.

Burden of proof – In criminal, the prosecution has the burden of proving a defendant guilty beyond a reasonable doubt. In civil, the plaintiff has the burden of proving the case by preponderance of evidence.

Closing Arguments – Lawyers’ final statement to the judge and/or jury after all parties have presented their evidence.

Complaint – *Civil* – A document filed by the plaintiff containing a statement of the facts constituting the cause of action and a demand for judgment. It’s the beginning of a civil action.

Complaint – *Criminal* – A document filed by the prosecutor describing the alleged offenses committed by the defendant.

Conservatorship – Proceeding to appoint a manager for a person who is either physically or mentally unable care for himself or herself.

Deadlocked – When a jury cannot reach a verdict due to irreconcilable differences of opinion. The fact that a jury has been deliberating for several days does not mean that the jury is deadlocked.

Declaration – A written statement made by witnesses, not under oath, subjecting them to perjury for its violation.

Default Judgment – A judgment entered after failure of a party to appear, or plead, or take some required step in a case at the appointed time.

Demurrer (de²-M'er) – A challenge to the legal sufficiency of a complaint or information

Deposition – Written or oral testimony, out of court, given under oath in front of an authorized third person such as a court reporter.

Disposition – The conclusion of a case by dismissal judgment or verdict.

Dissolution of Marriage – The act of terminating a marriage; divorce.

Docket – A record with the complete history of each case. It contains short chronological summaries of the court proceedings. This is often referred to as the register of actions in civil cases.

Doe – Used in legal papers to refer to any person whose name is unknown at the time of the filing of the pleadings.

Exonerate bail – The refund of a bail deposit to the depositor.

Ex Parte civil – (Eks-partee) civil – Matter brought by one side, for the benefit of that side only. In most circumstances, 24 hours notice to the opposing side is required and the ex parte matters are handled in open court.

Ex Parte criminal – (Eks-partee) criminal – One side speaking with the judge without the other side being present and may be with or without giving the opposing side notice of the communication.

Expungement – Official and formal erasure of a record or partial contents of a record. The record of a felony conviction cannot be expunged.

Felony – A crime punishable by death or imprisonment in state prison.

Fine – A sum of money a person must pay as punishment for a crime or act.

Guardian Ad Litem – A person appointed by the court to look after the interests of a minor or an incapacitated person whose property or rights are involved in litigation.

Guardianship – Legal right given to a person to be responsible for the food, housing, health care and other necessities of a person under 18 years of age.

Habeas Corpus – From the Latin “You have the body”. An order commanding that a person be brought before a judge.

Most commonly, a writ of habeas corpus is a legal document that forces law enforcement authorities to produce a prisoner they are holding and to legally justify his or her detention.

Held to Answer – In felony cases, the transfer of a case to the General Jurisdiction court for arraignment after a preliminary hearing, or after a waiver of preliminary hearing at the Limited Jurisdiction court level.

Hung Jury – A jury that cannot reach a verdict.

In Camera Hearing – A hearing, on or off the record, which takes place in the judge’s chambers, outside of the presence of the opposing party, the jury and the public.

Indictment – An accusation by a grand jury charging a person with a crime.

Information – An accusatory pleading filed by the prosecutor within 15 days after the defendant is held to answer, which details the charges against the defendant.

Interrogatories – Written questions asked by one party and served on an adversary, who must serve written answers under oath.

Judgment – Civil – The judge’s final decision in a case. It says how much a person who lost has to pay the person who won, and when.

Judgment – Criminal – A sentence in a criminal case upon conviction.

Legal Separation – An action filed by a married person who wishes to maintain the marital status but separate and resolve all of the other issues of the marriage.

Manslaughter – Involuntary – The unintentional taking of human life as a result of performing an unlawful act or in negligently performing a lawful act.

Manslaughter – Voluntary – The unlawful taking of human life under circumstances short of premeditated intent to kill.

Minute Order – A memorandum of the orders and proceedings of the court made by the clerk and maintained as the official record of a proceeding.

Misdemeanor – Crime punishable by a maximum \$1,000 fine, and or a maximum of one year in county jail.

Mistrial – A trial which is terminated before a verdict is reached either because of some extraordinary circumstance, fundamental error prejudicial to the defendant, or hung jury.

Motion In Limine – (Li³-mi³-nee) – A motion heard immediately before trial requesting that the court exclude certain evidence that might prejudice the jury.

Murder – The unlawful killing of a human being by another with malice aforethought either expressed or implied.

Nunc Pro Tunc – A Latin phrase meaning “now for then”. Usually used to reflect changes to a minute order done after the time it was completed with a retroactive effect. Commonly used to correct minor errors.

Opening Statement – At the commencement of trial, the parties or their attorneys provide a picture of that they believe their evidence will show.

Order to Show Cause (OSC) – A notice of motion to someone to appear at a stated time and place and show cause why the motion should not be granted.

Parole – The supervised conditional release of a prisoner before the expiration of his or her sentence. If the parolee observes the conditions of parole, he or she need not serve the rest of his or her term.

Peremptory Challenge – An objection to a juror where no specific reason for the objection is given.

Plea – The formal response of a defendant to a charge. The pleas are: guilty (formal admission to an offense), not guilty (denial of commitment of offense) and no contest (*nolo contendere*, a Latin phrase meaning “I will not contest it”). Defendant neither admits nor denies the charges. Although considered the same as a guilty plea in a criminal case, a *nolo contendere* plea cannot be used against the defendant in a civil action based on the same acts.)

Plea Bargain – An agreement between the prosecutor and the defendant. It lets the defendant plead guilty to a less serious charge, if the court approves.

Pleadings – The written statements of fact and law filed by the parties to a lawsuit.

Preliminary Hearing – A hearing to determine if there is evidence of a crime and probable cause to believe that the defendant committed it.

Preponderance of Evidence – The standard of proof in a civil case, where the evidence proves that something is more likely to have occurred than not.

Pro Bono – For the public good. When the lawyers represent clients without a fee, they are said to be working pro bono.

Pro Hoc Vice – (Vee-chay) – For this one particular occasion. For example, an out-of-state lawyer may be admitted to practice in a local jurisdiction for a particular case only.

Pro Per, Pro Se or Self-Represented Litigants – Person who presents their own cases in court without lawyers.

Probation – An alternative to imprisonment allowing a person found guilty of an offense to stay in the community under court-ordered terms and conditions. Formal probation involves probation officer supervision while informal or summary probation does not.

Remand – Return the defendant to custody to await further action.

Satisfaction of Judgment – The discharge of an obligation by paying a party what is awarded to him, by the judgment of a court or otherwise.

Stay – The act of stopping a proceeding by a court order.

Stipulation – An agreement between the parties or their attorneys.

Summary Judgment – When the judge decides a case without going to trial. The decision is based on the papers filed by both parties.

Transcript – The official record of proceedings in court, taken verbatim by the court reporter, and then transcribed into booklet form upon request or order of the court.

Unlawful Detainer – The process to force someone to move out of your property; eviction.

Verdict – The jury’s final decision. In criminal cases, the verdict must be unanimous in favor of conviction (guilty) or acquittal (not guilty). In civil cases, the verdict must be at least 9-3 in order to convict or acquit the defendant.

Voir Dire – (Vwa-deer) – Prospective jurors are questioned by the court and counsel to determine their qualifications to act as fair and impartial jurors. (From the French: “to see, to speak.”)

TERMS AND COMPARISONS

Beyond a Reasonable Doubt requires that the prosecution in criminal cases present evidence that is so conclusive that every element of the crime has been proven and that reasonable doubts are removed from the mind of the ordinary person. This standard does not require the elimination of all doubt. **Preponderance of the Evidence** is the burden in civil cases, where greater weight of evidence supports the claims of one side over the other.

Dismissal Without Prejudice means that the moving party can refile the same claim in the future, while **Dismissal With Prejudice** means that the moving party cannot refile the same claim.

Evidence is any proof presented at trial including the testimony of witnesses, records, documents, objects, etc. Exhibits are objects, documents, records, etc. presented at trial and made a part of the case.

Judge is an official of the judicial branch of government, elected or appointed by the Governor and employed by the State, who has been admitted to practice law in California for at least 10 years, with authority to decide lawsuits brought before the courts.

Commissioner is an attorney admitted to practice law in California for at least 10 years, elected by the judges of the Court and is an employee of the Court, given the power to hear and make decisions in certain kinds of legal cases including misdemeanors, felonies through the preliminary hearing stage, family law and juvenile cases. **Referee** is a person appointed by and an employee of the Court (generally an attorney) to hear and make decisions on limited legal matters, such as juvenile and traffic offenses. In California, the term Justice is used to identify members of the Courts of Appeal and the State Supreme Court. A **“pro tem” (judge pro tempore)** is a commissioner or referee temporarily replacing a judge.

Jurisdiction refers to the legal authority of a court to hear a case, or the geographic area, the subject matter or persons over which a court has the authority to hear a case. **Venue** refers to the place where an incident or fact is declared to have happened or the county in which a case is brought for trial

Jury Trial is when the jury is the body responsible for deciding the outcome of the case based on the facts presented. The judge in a jury trial rules on matters of law. In a **Court or Bench Trial**, the judge decides the outcome.

Juvenile Delinquency case involves a person under 18 alleged to have committed a crime. There are no jury trials in delinquency cases. **Juvenile Dependency** case involves a person under 18 who has been abandoned, abused or neglected. These cases and hearings are confidential, with the exception of some delinquency matters involving the most serious criminal charges.

Limited Criminal refers to misdemeanors, infractions and traffic offenses. **Limited Civil** refers to cases with claims up to \$25,000 including small claims cases. **General Criminal** refers to felony matters and **General Civil** refers to cases over \$25,000.

Opening statements are made by the parties at the beginning of the trial, explaining what they believe the evidence in the case will show. **Closing arguments** happen at the conclusion of the trial, where the parties tell the jury what they think the evidence presented has proven, or not proven.

Peremptory challenge allows the parties to excuse prospect jurors without providing a reason.

In criminal cases, if the maximum sentence for a felony offense is the death penalty or life with or without parole, the defendant and prosecution may each exercise 20 peremptory challenges. If there are two or more defendants on the case, they must exercise the 20 original challenges jointly, and then each defendant is entitled to five additional individual challenges. The prosecution may exercise the original 20 challenges, plus five additional challenges for each defendant. The total number of challenges must be equal on both sides, i.e. the prosecution will be allowed the same number of challenges as all the combined defendants.

If the maximum sentence for any one offense charged is more than 90 days in county jail, the defendant and prosecution may each exercise 10 challenges. If there are two or more defendants on the case, they must exercise the 10 original challenges jointly. Each defendant is entitled to five additional individual challenges. The prosecution may exercise the original 10 challenges, plus five additional challenges for each defendant. The total number of challenges must be equal on both sides, i.e. the prosecution will be allowed the same.

In civil cases, each party is normally entitled to six peremptory challenges. If there are more than two parties, the court must divide them into two or more sides, according to their interests in the case, and each side shall be entitled to eight peremptory challenges. If there are more than two sides, the court may make an order allowing additional challenges.

Challenge for cause requires that the party state the legal reason for excusing the juror and the judge must rule on the request to excuse. There is no limit to the number of challenges for cause.

Quash means to set aside or vacate. If a bench warrant is quashed, it is vacated and not issued or released. A **warrant recall** refers to a warrant that has been released, possibly executed, and is then ordered "recalled" by the court which terminates the warrant.

Related cases (civil) arise out of the same happenings or require the same findings of fact. **Consolidated** cases are those joined due to common questions of law or facts for the purpose of a joint trial, the oldest of which is usually designated as the lead case into which all of the other cases are consolidated.

Time waiver is when the defendant gives up the right to have a certain phase of the legal process take place within the normally specified amount of time (statutory time limits). If a defendant's trial is not started within the statutory time limits, the case must be dismissed, unless time is waived. A defendant may waive his right to a speedy trial.

With a time waiver, the court may set or continue a trial date without the sanction of dismissal should the case fail to proceed on the date set for trial (or within 10 days thereafter - this is known as the trailing period). Once the defendant agrees to a date beyond the statutory time, the ten day trailing period becomes automatic. The date the trial is then scheduled on is known as "0 of 10". For each day the trial is trailed, the number increases accordingly, 1 of 10, 2 of 10, etc. A new ten day period will begin if a trial date is continued (with a waiver) beyond the ten day trailing period.

A **continuance** re-sets the trial date beyond the statutory time period. "Trailing" a case for trial means to re-set the trial date within the statutory time period.

Misdemeanors – *Defendant in custody* - trial must begin within 30 days of arraignment or plea. *Not in custody* - trial must begin within 45 days of arraignment or plea.

Felony - trial within 60 days of the defendant's arraignment in the General Jurisdiction court, unless statutory time is waived.

Vacate a court order, judgment or hearing date means to cancel it or render it null and void. If a hearing date is advanced and vacated, a matter that is scheduled on a future date is called on an earlier date by the court, heard or not heard (generally the matter is disposed of in some fashion) and the future scheduled hearing date is vacated.

CRIMINAL

Assault is a threat or attempt to do bodily harm which may or may not include physical violence. **Battery** is any unlawful contact or other wrongful physical violence or constraint inflicted on a person without consent.

Bail is a security deposit (usually money) given to release a defendant from custody and to ensure that the defendant appears in court. **Bail exoneration** is when the security deposit is returned. **Bail forfeiture** is when the court keeps the security deposit because the defendant failed to appear in court as promised.

Burden of Proof – in a criminal case, it is the responsibility of the prosecution to prove that the defendant is guilty of the crimes as charged. The defendant is not required to mount a defense to the charges. If the prosecution does not present sufficient evidence to convict the defendant, the defendant is found not guilty. The defendant is not found innocent of the charges. A finding of not guilty does not mean that the defendant is innocent of the crimes charged, but that the prosecution has not presented sufficient legal evidence to find the defendant guilty.

City Attorney is an elected official employed by a particular city and prosecutes misdemeanor and infraction violations which occur within the city limits. A city attorney may also handle civil matters for the city depending on their charter. **District Attorney** is an elected official, employed by the county, who prosecutes felony violations throughout the county and misdemeanors for unincorporated areas of the county. Attorneys who work in the office of the District Attorney are called **Deputy District Attorneys**. Prosecution is the agency bringing criminal charges against the defendant (city attorney, district attorney, etc.) who represents the "People". They do not exclusively represent the victim in a criminal case.

Concurrent sentences are served at the same time.

Consecutive sentences are served successively, one after the other.

Guilty plea is the admission of the charge(s). Plea of **nolo contendere (no contest)** has the same effect as a guilty plea, but cannot be used as an admission of guilt in a civil case arising out of the same circumstances.

Jail is a facility maintained by a local police agency to house people accused of a crime until their case is concluded or convicted of a crime and serving a sentence of less than one year. **Prison** is a facility maintained by the state or federal government to house convicted felons serving a sentence of one year or longer.

Preliminary hearing is when the court determines if there is probable or sufficient cause to try a person on a felony charge.

Probable cause is a reasonable basis for assuming that a charge of fact is well founded.

Probation is the sentencing alternative requiring a convicted defendant to be supervised and adhere to certain rules and restrictions. Summary probation occurs when a judge grants probation to a defendant without prior referral to the Probation Department and can be supervised or unsupervised. **Parole** is the conditional release from prison that allows the person to serve the remainder of their sentence out of prison if certain conditions are met.

Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, against his will, by force or fear. Any person who feloniously steals, takes or defrauds someone of their personal property is guilty of theft. Any person who enters any house, room, apartment, building, warehouse, store, vessel, locked vehicle or aircraft with intent to commit grand or petit larceny (theft) or any felony is guilty of **burglary**.

CIVIL

Arbitration is where the parties present evidence and a neutral person finds in favor of one party over the other. **Mediation** is where a neutral person works with the parties to negotiate a mutually acceptable settlement of the case.

Class action is a civil lawsuit brought by a number of people being injured or having a claim resulting from the same entity or action and filing collectively against a defendant.

Complex cases require exceptional judicial management to avoid unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.

Conservatorship is a court order appointing an individual to care for a person 18 years of age or older who is unable to care for himself. **Guardianship** is a court order appointing an individual to care for a person under the age of 18 years.

PROBATE

Intestate - To die without making a will or leaving instructions for disposal of your property after death.

Testate having made a will or having died leaving a valid will.

Testator A person who has made a will or who has died leaving a valid will.

Letters (in probate) - The instrument by which a person is empowered to act pursuant to court order.

Letters of Administration - The instrument by which a person is empowered to take charge of the property of an intestate, to collect the credits and pay the debts of the estate.

Letters of Conservatorship - The instrument by which a person is appointed to take care of the person and/or property of an adult person who is unable to properly care for himself or his property.

Letters of Guardianship - The instrument by which a person is empowered to take charge of the person and/or estate of a minor(s).

Letters Testamentary - The instrument of authority under which a person named as an executor in a will formally takes charge of the estate and proceeds to carry out the directions of the will.

GRAND JURY

Civil Grand Jury acts in a "watch-dog" capacity and investigates county, city, and joint-power government agencies within Los Angeles County. Each July, 23 citizens are sworn to serve as civil grand jurors for 12 months. Service is a full-time job, 5 days a week and approximately 30 to 40 hours each week. Grand Jury proceedings are confidential.

Criminal Grand Jury is empowered to bring indictments (formal charges of generally felony crimes) and to perform criminal investigations in connection with these indictments. The District Attorney or the Attorney General presents evidence to the Criminal Grand Jury. A vote of 14 or more jurors is required to return an indictment. The Criminal Grand Jury consists of 23 members plus a designated number of alternates. It is formed monthly for the term of service of 30 calendar days. It may hear cases involving prominent public figures to prevent prejudicial pretrial publicity, guard against publicity based on unfounded charges, and cases where victims and witnesses need protection. Proceedings are confidential.

RULE REGARDING ACCESS TO PROBATION REPORTS

Penal Code section 1205.05 allows the public 60 days after sentencing of access to any of the defendant's probation reports in his current case. It does not include a right of access to reports from the defendant's prior cases. When a probation violation is filed, the public is entitled to any probation violation report and any earlier probation report in that same case (likely a sentencing or pre-sentence report) for 60 days following the probation violation.

SEARCH WARRANTS

Pursuant to Penal Code Section 1534[a], search warrants and affidavits are confidential until the return of service is filed or ten days after issuance. Search warrants and affidavits are stored in the Clerk's Office. Our court does not regularly receive a copy of the arrest report with the filings. Further, policy states that arrest reports lodged with the court in conjunction with probable cause determinations are confidential and maintained apart from the case file. The arrest reports are only released pursuant to a court order.

Warrants are not always issued in criminal cases and thus may not exist. If this is the case, there will be no supporting documents. Warrant documents are made public pursuant to the criteria described above.

PROCESS TO FILE FOR PHOTOGRAPHY DURING COURT HEARINGS

MC500 Media Request to Photograph in Courtrooms and MC510 must be filled out and submitted by your agency prior to the hearings you are interested in covering. These forms must be completely filled out with Media agency name, contact numbers, case number, title of case and name of judge. This is a legal filing to the judge presiding over the case of interest. The judge will consider all factors in making the order and use their discretion to permit or deny the request.

The MC500 Media Request to Photograph in Courtrooms and MC510 Order for Media Request To Permit Media Coverage are available on the Court's Web site, www.lasuperiorcourt.org under the *News and Media* link on the main web page.

We ask that requests are faxed to the Public Information Office at **213-621-7642**. Our staff will forward the request on to the courtroom for presentation to the judge. Once a decision is made we will contact you with the information.

IDENTIFYING PUBLIC INFORMATION STAFF

Like other Court personnel, we wear orange and teal employee badges. Personnel from our office also have distinctive gold badges identifying them as members of the PIO staff.

COURTROOM RULES REGARDING PHOTOGRAPHY

No photography of any kind is permitted in hallways, lobbies, elevators or any other public spaces in the courthouse. This applies to all devices capable of capturing images, including cell phones. Anyone capturing photographic images inside the courthouse may be taken immediately before a judge to be sanctioned. Sanctions may include fines or incarceration. Images captured will be deleted from the device. Interviews inside the building are discouraged as they may obstruct hallway traffic.

Media representatives **MUST AVOID** any and all contact with JURORS. Jurors wear distinctive red and white badges at all times. You should not approach, converse with or interview them.

Use of cell phones in the courtroom is strictly prohibited and will result in impounding of offending cell phones and barring the person from the courtroom. Laptop computers may be used, depending on the policy of the judge. The laptop will must operate on battery power at all times. Hand-held audio recorders, pda's and other electronic devices are not permitted for use in the courtroom unless permission is given to do so. No eating, drinking, reading newspapers or chewing gum in the courtroom. Hats must be removed, sunglasses should not be worn and shorts are unacceptable attire. There is no talking while court is in session.

When filming in a courtroom, the following rules must be observed:

- At no time is it permissible to film jurors. Jurors entering and exiting the courtroom, sitting in the jury box, and the notebooks left in the jury box must not be filmed.
- Filming must not commence until the judicial officer has called the case you have been given permission to film. Filming must stop immediately when the case concludes.
- It is not permissible to film the audience, or anyone sitting beyond the 'rail' (the barrier between the public seating area and the area where counsel tables are located in) in the courtroom. Tight shots must be used to avoid capturing these images.
- Any other restrictions ordered by the judicial officer or communicated to you by the court staff or PIO staff must be followed.

While inside the courtroom, anyone found to violate any of the Court rules may be prohibited from filming and possibly excluded from the courtroom.

When court documents become available, copies of the documents can be purchased in the Public Information Office, located in **Room 107 at the Stanley Mosk Courthouse, 111 N. Hill Street**. Copies are 50 cents per page.

If you have questions regarding the court rules, please contact the **Public Information Office, (213) 974-5227**.