

**affidavit.** A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths. A great deal of evidence is submitted by affidavit, especially in pretrial matters such as summary-judgment motions.

**answer.** A defendant's first pleading that addresses the merits of the case, usually by denying the plaintiff's allegations. An answer usually sets forth the defendant's defenses and counterclaims.

**appeal.** A proceeding undertaken to have a decision reconsidered by bringing it to a higher authority; especially, the submission of a lower court's or agency's decision to a higher court for review and possible reversal.

**citation.** **1.** A court-issued writ that commands a person to appear at a certain time and place to do something demanded in the writ, or to show cause for not doing so. **2.** A police-issued order to appear before a judge on a given date to defend against a stated charge, such as a traffic violation. **3.** A reference to a legal precedent or authority, such as a case, statute, or treatise, that either substantiates or contradicts a given position. – Often shortened to (in sense **3.**) *cite*.

**complaint.** **1.** The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief. In some states, this pleading is called a *petition*. **2.** *Criminal law.* A formal charge accusing a person of an offense.

**custody.** **1.** The care and control of a thing or person for inspection, preservation, or security. **2.** The care, control and maintenance of a child awarded by a court to a relative, usually one of the parents, in a divorce or separation proceeding. **3.** The detention of a person by virtue of lawful process or authority.

**defendant.** A person sued in a civil proceeding or accused in a criminal proceeding.

**guardian.** One who has the legal authority and duty to care for another's person or property, especially because of the other's infancy, incapacity, or disability. A guardian may be appointed either for all purposes or for specific purposes.

**judgment.** A court's final determination of the rights and obligations of the parties in a case. The term judgment includes a decree and any order from which an appeal lies. – Also spelled *judgement*.

**lien.** A legal right or interest that a creditor has in another's property, lasting usually until a debt or duty that it secures is satisfied. Typically, the creditor does not take possession of the property on which the lien has been obtained.

**motion.** **1.** A written or oral application requesting a court to make a specified ruling or order. **2.** A proposal made under formal parliamentary procedure.

**order.** **1.** A command, direction, or instruction. **2.** A written direction or command delivered by a court or judge. – Also termed *court order*; *judicial order*.

**petition.** **1.** A formal written request presented to a court or other official body. **2.** In some states, a lawsuit's first pleading; complaint.

**plaintiff.** The party who brings a civil suit in a court of law.

**praecipe.** **1.** At common law, a writ ordering a defendant to do some act or to explain why inaction is appropriate. – Also termed *writ of praecipe*. **2.** A written motion or request seeking some court action, especially a trial setting or an entry of judgment. – Also spelled *precipe*.

**pro se.** For oneself; on one's own behalf; without a lawyer. – Also termed *pro persona*; *in propria persona*.

**supersedeas.** A writ or bond that suspends a judgment creditor's power to levy execution, usually pending appeal. – Also termed *writ of supersedeas*.

**transmittal letter.** A nonsubstantive letter that establishes a record of delivery, such as a letter to a court clerk advising that a particular pleading is enclosed for filing. Lawyers have traditionally opened transmittal letters with the phrase "Enclosed please find," even though...a transmittal letter may properly begin with a range of openers as informal as "Here is" to the more formal "Enclosed is." – Also termed *cover letter*.

**verification.** **1.** A formal declaration made in the presence of an authorized officer, such as a notary public, by which one swears to the truth of the statements in the document. Traditionally, a verification is used as a conclusion for all pleadings that do not tender issue. **2.** An oath or affirmation that an authorized officer administers to an affiant or deponent. **3.** Loosely, acknowledgment. **4.** Certified copy. **5.** Certificate of Authority. **6.** Any act of notarizing.

Black's Law Dictionary 7<sup>th</sup> ed. St. Paul, MN: West Group, 1999.