

## LEGAL WORDS YOU MAY NEED TO KNOW

**ACTION:** a lawsuit or proceeding in a court of law.

**AFFIDAVIT:** a written statement made under oath and notarized by a Notary Public.

**ALIMONY:** a payment of support provided by one spouse to the other.

**ALIAS SUMMONS:** another summons when the original is not served on the defendant.

**ANSWER:** the written response to a complaint, petition, or motion.

**APPEAL:** a legal action where the losing party requests that a higher court review the

**BAILIFF:** a member of the judge staff who is in charge of courtroom procedure and security. The bailiff may sometimes be called the "clerk."

**BRIEF:** written argument presented to a court for the purpose of informing and persuading the judge.

**CAPTION:** the heading of each legal document, which contains the name of the court, the names of the parties, the case number, and the name of the document itself.

**CASE:** a dispute which has been taken to court; a lawsuit.

**CAUSE OF ACTION:** a point of controversy; basis of a legal action.

**CERTIFIED COPY:** a copy of a paper from a court file made by the court clerk, which has an official stamp on it. Usually, you must pay a fee for a certified copy.

**CHANCELLOR:** a trial judge who now has essentially the same responsibilities as a Circuit Judge but who, in English history, had somewhat different ones.

**CHILD SUPPORT GUIDELINES:** Tennessee has child support guidelines which must be followed in awarding child support. The guidelines provide formula for calculating support based on the number of children in the family, and the combined gross income of the adults. There are only a few circumstances when the court can award child support higher or lower than the guidelines.

**CLERK OF THE COURT:** an officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there is one

head clerk, but many people who work in the Clerk's Office are also clerks. Also, a judge or assistant can be called a clerk.

**COMPLAINT:** a legal paper that starts a case.

**CONDONATION:** the act of forgiving one's spouse who has committed an act of wrongdoing that would constitute a ground for divorce. Condonation generally is proven by living and cohabiting with the spouse after learning that the wrongdoing was committed. It often is used as a defense to a divorce.

**CONTEMPT:** failure to follow a court order. One side can request that the court determine that the other side is in contempt and punish him or her.

**CONTINUANCE:** delaying your court hearing to a later date.

**CORROBORATION:** testimony from a person that backs up your story. If you are asking the court to grant a divorce, you must bring to the hearing a witness who can corroborate your grounds for divorce.

**COUNSEL:** attorney; lawyer.

**COUNTERCLAIM:** the defendant's claim against the plaintiff.

**CUSTODY:** the parent or person with whom the child lives most of the time has "custody" of the child. Tennessee uses the term "primary residential care" rather than "custody" in cases in which the children live with a parent. Custody has two parts: legal and physical. Legal custody refers to the decision-making authority. If a parent is awarded sole legal custody, it means that they alone can make major decisions for the child including, for example, medical/dental and educational decisions. Physical custody refers to where the child lives on a regular basis.

**DECLARATION:** a written statement made to the court under oath.

**DEFAULT:** a party's failure to answer a complaint, motion, or petition.

**DEFENDANT:** the person the case is brought against.

**DISCOVERY:** a way for getting information from the other side or other people. Discovery methods include *interrogatories* (written questions which one side gives the other side to complete) and *depositions* (question and answer sessions conducted in person and recorded).

**DISSOLUTION:** the legal end of a marriage. Another word for *divorce*.

**DOCKET:** the calendar or schedule of cases before a judge. Each has a number assigned to it.

**ENTER (AN ORDER):** a judge or chancellor enters an order when he or she signs the order and the order is filed with the Court Clerk.

**ESCROW:** an item being held by a third person (a neutral person) who holds it until the fulfillment of some condition.

**EVIDENCE:** testimony of witnesses and documents which are presented to the court and considered by the court in making a decision.

**EXECUTION:** a court order to the sheriff to seize goods the defendant owns.

**EX PARTE:** going before the court without notifying the other party. Some courts have special departments where motions without notice to the other party are heard, which are called ex parte departments.

**EXPERT WITNESS:** a person who is qualified by special knowledge or experience to give an opinion on the matter in dispute.

**FAIR MARKET VALUE:** the amount for which an item can be sold on the open market by a willing seller to a willing buyer.

**FILING:** giving the Clerk of Court your legal papers.

**GARNISHMENT OF WAGES:** a procedure whereby a portion of the defendant's wages are deducted regularly and paid to the plaintiff to satisfy a judgment.

**GROUND FOR DIVORCE:** the legal basis for a divorce. The law sets out specific circumstances under which a divorce will be granted. Before the court will grant a divorce, the person seeking the divorce must prove that those conditions exist.

**INJUNCTION:** a court order directing the defendant to do or not to do a particular thing. Failure to obey an injunction constitutes contempt of court, which is punishable by fine or imprisonment.

**JUDGMENT:** a court's decision.

**JUDICIAL NOTICE:** act by which a court will recognize the existence of a certain fact without the production of substantiating evidence.

**JURISDICTION:** the authority of the court to hear a case.

**LAW:** any public order or decision that is binding upon those to whom it is addressed. The law exists in many forms, including, constitutional law, statutory law, decisions, regulations, executive orders, local laws, and ordinances.

**LIEN:** a charge or claim on property belonging to another, for the satisfaction of a debt or duty.

**MARITAL PROPERTY:** includes ALL property acquired during the marriage, even if not titled in both names, with some exceptions.

**MASTER:** hears cases like a judge. A master's decision is reviewed by a judge before becoming final.

**MOTION:** a request to the court.

**OPINION:** the official written statement of a case, the court's decision and its reasons for reaching the decision it did.

**ORDER:** a judge's decision, usually in writing. In some cases, each party will give the judge a proposed (or sample) order, and the judge will make changes to and sign the order that the judge decides is the right one.

**PARTIES:** the plaintiff and the defendant.

**PENDENTE LITE:** temporary arrangements for custody, child support, child visitation, alimony, use and possession of the family home, etc., until a final hearing.

**PERSONAL PROPERTY:** movable property or possessions, as distinguished from real property.

**PETITION:** a legal paper that starts a case. Also called a *complaint*.

**PETITIONER:** the person who first files a legal case. The petitioner in the caption of a form does not change even when motions are filed later by the other party. Also called a *plaintiff*.

**PLAINTIFF:** the person who started the case. Also called a *petitioner*.

**PLEADINGS:** formal written statements by the parties to a lawsuit indicating their respective claims and defenses which are filed with the court.

**PRIMARY RESIDENTIAL CARE:** the parent (or other person) with whom the child lives most of the time has "primary residential care" of the child. Also called *custody*.

**PRO SE:** pronounced "Pro Say." representing yourself in court without an attorney.

**PROTECTION ORDER:** a non-criminal order obtained by abused spouse against abusive spouse.

**RESPONDENT:** the person against whom a legal case was originally filed. The respondent in the caption of a form does not change even when motions are filed later by that party. Also called a *defendant*.

**REAL PROPERTY:** land or buildings.

**RECONCILIATION:** married people getting back together.

**SEPARATION:** the living apart of a married couple.

**SERVED:** the defendant has been "served" when he or she personally receives a Summons to appear in court and a copy of the plaintiff's Complaint.

**SETTLEMENT:** resolving the dispute, without a judge's ruling, a mutually acceptable out-of-court agreement between the defendant and the plaintiff.

**SPOUSE:** husband or wife.

**SUBPOENA:** a form issued by the court requiring someone to appear in court.

**SUBPOENA DUCES TECUM:** an order commanding the person on whom it is served to appear at certain proceedings and to bring with him specified documents or other items which are in his possession.

**SUMMONS:** a notice requiring a defendant to appear in court.

**TORT:** injury caused by negligence or wrongful act of another person, which cannot be classified as a breach of contract.

**TRANSCRIPT:** the official record of a court proceeding. It is mainly comprised of the word-for-word testimony of witnesses and arguments by advocates and presiding officers.

**VENUE:** the county where the case should be heard.

**VISITATION:** the right of a separated or divorced parent to visit a child.

**WITNESS:** one who is called to court to testify in order to tell what he or she knows about the case.

*Adapted from publications of Maryland Self-Help Network  
and Northwest Justice Project.*