

The Court System

The courts are an independent branch of government that enforce laws, resolve disputes, and protect individual rights. In the United States we have two separate judicial systems, state and federal. Most cases are filed in the state court system. The Judicial Branch of government is responsible for interpreting the laws passed by our legislative and executive branches. Courts use many sources when deciding on a case: constitution (both U.S. and California), statutes, regulations, and prior decisions made by them or higher courts (precedent). Some laws are entirely made by the courts, known as common law, and evolve on a case-by-case basis.

California Court System

The California State government has been divided into three separate branches via the constitution – the legislative, executive, and judicial branches. Roles of each branch are as follows: the legislative branch enacts the laws; the executive branch, led by the Governor, is responsible for seeing that the laws are carried out; and the judicial branch settles disputes among persons or groups of persons and interprets the laws.

Article VI of the California Constitution states that the judicial power shall be held by the Supreme Court, the state's highest court with statewide jurisdiction; in courts of appeal consisting of districts established by the Legislature; and in a system of superior courts in each county having original jurisdiction over all cases and matters, civil and criminal. In 1998 the voters passed proposition 220, which provided for court unification in order to improve service to the public and increase flexibility for the courts. All 58 of California counties unified their municipal and superior courts into one unified countywide superior court in 2001. Municipal court judges became superior court judges.

There are three levels to the California state court system: Superior Courts, Courts of Appeal, and the Supreme Court or one could say there are two types of court systems in California: trial and appellate courts. The purpose of a trial is to determine what happened, whereas an appeal is only to determine if the lower court made a legal error. California has two special courts that are not in the system: juvenile and workers' compensation, which were created by the executive branch. Municipal courts, before they were done away with, were part of the special courts system.

Superior Courts

- ✍ One in each of the 58 counties.
- ✍ There are 400 court locations with 1,499 judges and 437 commissioners and referees.
- ✍ Superior courts have general subject matter jurisdiction.
- ✍ It is also the court of original jurisdiction, they have trial jurisdiction over all felony cases and all general civil cases.
- ✍ Trials are held, witnesses testify, evidence is presented, and judgments are rendered.
- ✍ Appeals from small claims courts are heard in the Superior Court.
- ✍ Appeals from the Superior Court are brought to the Courts of Appeal.
- ✍ Death penalty cases are appealed directly to the Supreme Court.

✍ How to reach the courts: www.courtinfo.ca.gov/courts/trial/courtlist.htm

✍ Types of superior courts:

- ? **Family law courts:** hears all cases related to domestic violence, divorce, child custody, and child support. Court provides mediation services to help parents resolve child custody and visitation problems. This court can issue restraining orders and orders involving child custody and visitation, child and spousal support.
- ? **Juvenile Courts:** handles three types of cases delinquency, status offense, and child abuse and neglect. *Juvenile delinquency* cases involve children who have violated the law, and if committed by an adult, would be considered crimes. *Juvenile status offenses* are non-criminal behaviors that are illegal due to the age of the child. For example truancy or cutting school and running away from home. *Juvenile dependency* cases concern family situations where allegations of abuse and neglect have been made and the court steps in to protect the child or children.
- ? **Criminal courts:** two types of crimes – misdemeanors and felonies. *Misdemeanor* is a lesser offense than a felony and is usually punishable by fine or imprisonment in a city or county jail. Misdemeanors are minor offenses such as traffic infractions. *Felonies* are criminal offenses punishable by state imprisonment or death. Examples of felonies are robberies and murders.
- ? **Small claims courts:** most disputes are about money damages under \$5,000. These courts can also order a person to return something they have borrowed, like a lawn mower. In this court one must argue their own case before the judge.
- ? **Traffic courts:** there are three levels of violations – infractions, misdemeanors, and felonies. The most common violation is an infraction. *Infractions* are moving violations like speeding. In most cases driver's stopped for moving violations are released after they sign a Note to Appear. Driving under the influence of drugs or alcohol is considered to be a *misdemeanor*. Driving without a valid license is also a *misdemeanor*. Driver's suspected of being under the influence are usually taken into custody. Vehicular manslaughter is a *felony*, which is punishable by state imprisonment.
- ? **Drug treatment courts:** both federal and California governments are working together to expand these courts. *Drug treatment courts* combine the judicial process and the resources provided through the alcohol and drug treatment services.

California Courts of Appeal

- ✍ There are six districts with 19 divisions and 105 justices.
- ✍ First district has five divisions with 4 justices each all in San Francisco.
- ✍ Second district has seven divisions with 4 justices each in Los Angeles and one division with 4 justices in Ventura.
- ✍ Third district has one division with 11 justices in Sacramento.
- ✍ Fourth district has one division with 10 justices in San Diego, one division with 7 justices in Riverside, and 1 division with 8 justices in Santa Monica.
- ✍ Fifth district has 1 division with 10 justices in Fresno.
- ✍ Sixth district has 1 division with 7 justices in San Jose.

- ✍ This court has appellate jurisdiction and is required to hear all appeals filed with it unless they are clearly frivolous.
- ✍ Appeals from the Workers' Compensation Appeals Board, the Agricultural Relations Appeals Board, and the Public Employment Relations Board are all heard by the Courts of Appeal.
- ✍ Hears most appeals from the Superior Court unless the law specifically states that a particular appeal goes directly to the California Supreme Court.
- ✍ Determines whether or not there has been an error at the Superior Court level by reviewing transcripts from the Superior Court.
- ✍ In the appeals process, each side files a brief stating its arguments and the basis for each argument.
- ✍ The Courts of Appeal do not re-try cases heard in the Superior Court but reviews the case to establish whether or not legal errors were made.
- ✍ In some instances the Court of Appeals may hear oral arguments from each side.
- ✍ There are no juries or witnesses.
- ✍ The briefs, oral arguments, and the transcripts are all considered when the Court is making its decision.
- ✍ Cases are decided by a three-judge panel.
- ✍ Decisions which meet certain criteria (i.e. establishes a new rule of law, involves legal issues of public interest, criticizes existing law, and makes an important contribution to legal literature) that are made by the panels are known as opinions and are published in the California Appellate Reports.
- ✍ All Courts of Appeal opinions are public and can be found on their website.
- ✍ Appeals from this court go to the California Supreme Court.
- ✍ How to reach the courts <http://www.courtinfo.ca.gov/courts/courtsofappeal/contact.htm>
- ✍ Court descriptions as well as information on its judges and information about its opinions can be found on each of the courts websites.

California Supreme Court

- ✍ Highest court in the state.
- ✍ Does not hold trials but reviews transcripts and determines whether or not there has been an error at the Appellate Court Level.
- ✍ The Supreme Court has original jurisdiction in habeas corpus proceedings, all cases in which a judgment of death has been pronounced by a trial court, and appeals from decisions of the Public Utilities Commission.
- ✍ This court is not required to review a case unless the death penalty has been imposed.
- ✍ It may reverse, affirm, or remand a case.
- ✍ All decisions made by the Supreme Court are binding on all other California state courts.
- ✍ It is the rule making body for the state courts and has administrative responsibility for the operation of the state court system.
- ✍ The Supreme Court also reviews the recommendations of the Commission on Judicial Performance and the State Bar of California concerning the discipline of judges and attorneys for misconduct.
- ✍ Composed of seven judges (1 chief justice and 6 associate justices) who hear cases in San Francisco, Los Angeles, and Sacramento.
- ✍ Appeals are heard by the U.S. Supreme Court only if there is a federal issue involved.

- ✍ How to reach the court: www.courtinfo.ca.gov/courts/supreme
- ✍ Located at:
 - 350 McAllister Street
 - San Francisco, CA 94102-4783
 - Office of the Clerk: 415-865-7000

How are judges selected?

Courts of Appeal and **Supreme Court** judges are appointed by the governor and confirmed by the Commission on Judicial Appointments. The State Bar has a Commission on Judicial Nominees Evaluation, which investigates the nominee and makes a confidential report to the governor on how qualified the person is. Their names appear on the ballot every four years when a governor is being elected and only in November. Judges of both courts serve a 12-year term.

Superior court judges only serve a 6-year term. Candidates run in nonpartisan races in both the primary and general elections of even numbered years. Any lawyer who wants to be a superior court judge can run for the office and try to get elected. Vacancies between elections are filled by appointments made by the governor. In most cases superior court judges reach office by appointment and then during elections they run as incumbents and usually have no opponents.

Qualifying for a judgeship

A person must have been a member of the State Bar or must have served as a judge of a court of record in California for a minimum of ten years for all the courts.

Judicial Terminology

Jurisdiction determines whether or not a court has the power and authority to decide a case. If a court does not have subject matter jurisdiction it may not hear a case. There are three types of subject matter: exclusive, general, and limited.

- ? **Exclusive** - Only a particular court can decide a case. For example bankruptcy cases must be heard by the Federal Bankruptcy Court.
- ? **General** - The court has the ability to hear and decide a wide range of cases. California Superior Courts are general jurisdiction courts.
- ? **Limited** - A court has restrictions on the cases it decides. For example small claims courts.

The **venue** determines the location of a legal action and designates the particular county in which a court with jurisdiction may hear and decide a case. A case is heard in the county that the claim originates or where one or more of the defendants reside.

The Judicial Council of California

- ✍ It is the constitutionally mandated body responsible for improving the administration of justice in California.
- ✍ It is the policymaking body of the California courts and is the largest in the nation.
- ✍ 27-members make up this body: the Chief Justice, 14 judges appointed by the Chief Justice (1 associate justice of the Supreme Court, 3 justices of the Courts of Appeal, and 10 trial/superior court judges), 4 lawyers appointed by the State Bar Board of Governors, one member from each of house of the Legislature and six advisory members which

include representatives of the California Judges Association and state court administrative agencies.

- ✍ Members are nominated through a process that is designed to attract applicants throughout the legal system.
- ✍ Among the criteria for selection is the candidate's diversity of experience, gender, ethnic background, and geography.

Commission on Judicial Appointments

The Governor's appointees to the Supreme Court and Courts of Appeal must be confirmed by this Commission. The members of the Commission are the Chief Justice of the Supreme Court, the Attorney General, and the senior presiding judge on the Courts of Appeal of the district of which the appointee is being considered. When a member of the Supreme Court is being considered, the third member of the commission is the senior presiding judge, statewide, for the Courts of Appeal. The commission holds public hearings to receive comments on the nominee's qualifications before voting on whether or not to confirm the governor's choice. The commission must file its approval with the Secretary of State before it is final.

Commission on Judicial Performance

The California Constitution establishes an independent agency, which investigates judicial complaints called the Commission on Judicial Performance. This commission handles censure, removal, retirement, or private admonishment of judges for misconduct or disability. Once formal charges have been made commission proceedings have to be public. Unlike other commissions the Commission on Judicial Performance writes its own rules. The commission is composed of eleven members: 3 judges appointed by the Supreme Court, 4 appointed by the Governor (2 attorneys & 2 members of the public), 2 appointed by the Assembly Speaker and 2 appointed by the Senate Rules Committee.

Contact information:

State of California

Commission on Judicial Performance

455 Golden Gate Avenue, Suite 14400

San Francisco, CA 94102

Tel: (415) 557-1200

Fax: (415) 557-1266

www.cjp.ca.gov

California Judges Association

The California Judges Association is a voluntary organization for judges of the state courts. It conducts educational workshops and analyzes legislation affecting the courts. At times it sponsors legislation as well.

State Bar of California

In 1927 the state legislature created the State Bar of California. It is a public corporation within the judicial branch of government. All members of the State Bar are officers of the court. Attorneys must be members of the State Bar of California to practice law in the state. The State Bar protects the public & assists attorneys in meeting their professional obligations. The State Bar is charged with admitting and disciplining attorneys.

23 members make up the governing body of the State Bar. 15 members are elected from the State Bar's general membership, 1 is elected by the California Young Lawyers Association Board of Directors, 6 non-lawyers are appointed (4 by the Governor, 1 by the State Senate Committee on Rules, and 1 by the Speaker of the Assembly). The final member of the Board of Governors is the State Bar President.

Federal Court System

The structure of the federal courts is very similar to the structure of the California State courts. The Supreme Court is the highest court in the federal judicial system. There are two levels of federal courts under the Supreme Court: trial and appellate. Within the federal court system trial courts are known as the United States District Courts. Districts courts have jurisdiction to hear most federal cases within limits established by Congress and the Constitution. There are a total of 94 district courts with 89 districts in the 50 states and the remaining divided between Puerto Rico, the Virgin Islands, the District of Columbia, Guam, and the Northern Mariana Islands. Bankruptcy courts are included in each district as a unit of the district court. Some states, due to their size, only have one judicial district while others have multiple districts.

The Court of International Trade and the United States Court of Federal Claims have nationwide jurisdiction over certain types of cases. The Court of International Trade receives cases involving international trade and customs issues. The United States Court of Federal Claims has jurisdiction over most claims for money damages against the U.S., disputes over federal contracts, unlawful "takings" of private property by the federal government, and other claims against the United States.

Selection of Federal Judges

Federal judges are nominated to the Supreme Court, courts of Appeal, and District Courts by the President and confirmed by the Senate. The Senate Judiciary Committee conducts hearings on the judicial nominees who are appointed for a life term. Potential nominees are recommended by Senators and occasionally members of Congress who belong to the President's Political Party.

Qualifying for a judgeship

There are no qualifications stated within the U.S. Constitution for judges. Congress and the Department of Justice have an informal list of criteria for potential federal judges.

Federal Courts' Jurisdiction

The majority of legal disputes in the United States are addressed in the individual state court systems. Certain conditions must be met before a federal court can hear a case. Generally, federal courts can only hear civil cases if they involve a federal law or the dispute is between residents of different states and more than \$75,000 is at stake (a diversity suit). In criminal matters, a federal court can hear a case if an individual is prosecuted by the federal government for violating federal law (i.e. bank robbery).

United States District Courts

Each state has at least one district court including the District of Columbia and Puerto Rico for a total of 94 district courts. The District courts have jurisdiction over both civil and criminal cases. The district courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States and over diversity suits.

United States Courts of Appeal

The 94 judicial districts are divided into 12 regional circuits each with a United States court of appeals. The Federal Circuit also has one court of appeals. Each court of appeal has jurisdiction of appeals from all final decisions of the district courts in their circuit, except where a direct review may be had in the Supreme Court. The Court of Appeals for the Federal Circuit has nationwide jurisdiction over specialized cases. Cases decided by the Court of International Trade and the Court of Federal Claims are appealed to the Court of Appeals for the Federal Circuit.

United States Supreme Court

This court consists of the Chief Justice of the United States and eight associate justices. Cases heard by this court may begin in the federal or state courts, and usually involve questions about the Constitution or federal law. The Supreme Court may hear appeals from the US Courts of Appeal or from the highest State court level. The Supreme Court also has original jurisdiction over controversies between two or more States. They only hear a limited number of cases each year.

A statute determines when the Supreme Court term begins; it begins on the first Monday in October and runs through June or July. This term is divided into “sittings and “recesses.” “Sittings” are when the Justices hear cases and deliver opinions and “recesses” are when they take up business before the court and write their opinions. Witnesses aren’t heard in most cases because the Supreme Court usually reviews cases heard in other courts. Justices of the Supreme Court are nominated by the President and confirmed by the Senate. It is stated within the Constitution that the Senate must give their “advice and consent” on all judicial nominations.

Judicial Conference

The Judicial Conference was established to be the policy making body concerned with the administration of the United States Courts. The Director of the Administrative Office of the United States Courts who handles administrative affairs for the courts is supervised by the Judicial Conference. The Director serves as the Secretary to the Judicial Conference. The Judicial Conference can also handle administrative affairs for the courts. The Judicial Conference also makes recommendations on legislation. The suggested legislation along with the proceeding of the Judicial Conference is submitted in an annual report to Congress by the Chief Justice, who is the presiding officer. The other members are the chief justice from each judicial circuit, the chief judge from the court of International Trade, and a district judge from each regional circuit court. The Judicial Conference usually meets twice a year.

It addresses and advises on a wide variety of subjects through a network of committees. The senior executive arm of the Conference is the Executive Committee. The Executive Committee consists of seven members and acts on behalf of the Conference on emergency actions in between sessions. The Executive Committee also reviews the jurisdiction of Conference

committees as well establishes the procedures for Conference assembly and the committee agendas.

Glossary of Terms

acquittal: Judgment that a criminal defendant has not been proved guilty beyond a reasonable doubt.

affidavit: A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths.

affirmed: In the practice of the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.

answer: The formal written statement by a defendant responding to a civil complaint and setting forth the grounds for defense.

appeal: A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the appellant.

appellate: About appeals; an appellate court has the power to review the judgment of another lower court or tribunal.

arraignment: A proceeding in which an individual who is accused of committing a crime is brought into court, told of the charges, and asked to plead guilty or not guilty.

bail: Security given for the release of a criminal defendant or witness from legal custody (usually in the form of money) to secure his appearance on the day and time appointed.

bankruptcy: Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court in getting a fresh start. Under the protection of the bankruptcy court, debtors may discharge their debts, perhaps by paying a portion of each debt. Bankruptcy judges preside over these proceedings.

bench trial: Trial without a jury in which a judge decides the facts.

brief: A written statement submitted by the lawyer for each side in a case that explains to the judges why they should decide the case or a particular part of a case in favor of that lawyer's client.

chambers: A judge's office.

capital offense: A crime punishable by death.

case law: The law as laid down in cases that have been decided in the decisions of the courts.

charge to the jury: The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

chief judge: The judge who has primary responsibility for the administration of a court but also decides cases; chief judges are determined by seniority.

circumstantial evidence: All evidence except eyewitness testimony.

clerk of court: An officer appointed by the court to work with the chief judge in overseeing the court's administration, especially to assist in managing the flow of cases through the court and to maintain court records.

common law: The legal system that originated in England and is now in use in the United States. It is based on judicial decisions rather than legislative action.

complaint: A written statement by the plaintiff stating the wrongs allegedly committed by the defendant.

contract: An agreement between two or more persons that creates an obligation to do or not to do a particular thing.

conviction: A judgment of guilt against a criminal defendant.

counsel: Legal advice; a term used to refer to lawyers in a case.

counterclaim: A claim that a defendant makes against a plaintiff.

court: Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

court reporter: A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.

damages: Money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.

default judgment: A judgment rendered because of the defendant's failure to answer or appear.

defendant: In a civil suit, the person complained against; in a criminal case, the person accused of the crime.

deposition: An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial.

discovery: Lawyers' examination, before trial, of facts and documents in possession of the opponents to help the lawyers prepare for trial.

docket: A log containing brief entries of court proceedings.

en banc: "In the bench" or "full bench." Refers to court sessions with the entire membership of a court participating rather than the usual quorum. U.S. courts of appeals usually sit in panels of three judges, but may expand to a larger number in certain cases. They are then said to be sitting en banc.

evidence: Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

federal question: Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

felony: A crime carrying a penalty of more than a year in prison.

file: To place a paper in the official custody of the clerk of court to enter into the files or records of a case.

grand jury: A body of citizens who listen to evidence of criminal allegations, which are presented by the government, and determines whether there is probable cause to believe the offense was committed. As it is used in federal criminal cases, "the government" refers to the lawyers of the U.S. attorney's office who are prosecuting the case.

habeas corpus: A writ that is usually used to bring a prisoner before the court to determine the legality of his imprisonment. It may also be used to bring a person in custody before the court to give testimony, or to be prosecuted.

hearsay: Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

impeachment: (1) The process of calling something into question, as in "impeaching the testimony of a witness." (2) The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government for trial in the Senate.

indictment: The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies.

in forma pauperis: In the manner of a pauper. Permission given to a person to sue without payment of court fees on claim of indigence or poverty.

information: A formal accusation by a government attorney that the defendant committed a misdemeanor.

injunction: An order of the court prohibiting (or compelling) the performance of a specific act to prevent irreparable damage or injury.

instructions: Judge's explanation to the jury before it begins deliberations of the questions it must answer and the law governing the case.

interrogatories: Written questions asked by one party of an opposing party, who must answer them in writing under oath; a discovery device in a lawsuit.

issue: (1) The disputed point in a disagreement between parties in a lawsuit. (2) To send out officially, as in to issue an order.

judge: Government official with authority to decide lawsuits brought before courts. Other judicial officers in the U.S. courts system are Supreme Court justices.

judgment: The official decision of a court finally determining the respective rights and claims of the parties to a suit.

jurisdiction: (1) The legal authority of a court to hear and decide a case. Concurrent jurisdiction exists when two courts have simultaneous responsibility for the same case. (2) The geographic area over which the court has authority to decide cases.

jury: Persons selected according to law and sworn to inquire into and declare a verdict on matters of fact.

jurisprudence: The study of law and the structure of the legal system.

lawsuit: A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty, resulting in harm to the plaintiff.

litigation: A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

magistrate judges: Judicial officers who assist U.S. district judges in getting cases ready for trial, who may decide some criminal and civil trials when both parties agree to have the case heard by a magistrate judge instead of a judge.

misdemeanor: Usually a petty offense, a less serious crime than a felony, punishable by less than a year of confinement.

mistrial: An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again from the selection of the jury.

nolo contendere: No contest-has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

opinion: A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment.

oral argument: An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

panel: (1) In appellate cases, a group of judges (usually three) assigned to decide the case; (2) In the jury selection process, the group of potential jurors.

parties: Plaintiffs and defendants (petitioners and respondents) to lawsuits, also known as appellants and appellees in appeals, and their lawyers.

petit jury (or trial jury): A group of citizens who hear the evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons. Federal civil juries consist of six persons.

plaintiff: The person who files the complaint in a civil lawsuit.

plea: In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges, a declaration made in open court.

pleadings: Written statements of the parties in a civil case of their positions. In the federal courts, the principal pleadings are the complaint and the answer.

precedent: A court decision in an earlier case with facts and law similar to a dispute currently before a court. Precedent will ordinarily govern the decision of a later similar case, unless a party can show that it was wrongly decided or that it differed in some significant way.

procedure: The rules for the conduct of a lawsuit; there are rules of civil, criminal, evidence, bankruptcy, and appellate procedure.

pretrial conference: A meeting of the judge and lawyers to discuss which matters should be presented to the jury, to review evidence and witnesses, to set a timetable, and to discuss the settlement of the case.

probation: A sentencing alternative to imprisonment in which the court releases convicted defendants under supervision as long as certain conditions are observed.

pro se: A Latin term meaning "on one's own behalf"; in courts, it refers to persons who present their own cases without lawyers.

prosecute: To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

record: A written account of all the acts and proceedings in a lawsuit.

remand: When an appellate court sends a case back to a lower court for further proceedings.

reverse: When an appellate court sets aside the decision of a lower court because of an error. A reversal is often followed by a remand.

sentence: The punishment ordered by a court for a defendant convicted of a crime.

service of process: The service of writs or summonses to the appropriate party.

settlement: Parties to a lawsuit resolve their difference without having a trial. Settlements often involve the payment of compensation by one party in satisfaction of the other party's claims.

sequester: To separate. Sometimes juries are sequestered from outside influences during their deliberations.

sidebar: A conference between the judge and lawyers held out of earshot of the jury and spectators.

statute: A law passed by a legislature.

statute of limitations: A law that sets the time within which parties must take action to enforce their rights.

subpoena: A command to a witness to appear and give testimony.

subpoena duces tecum: A command to a witness to produce documents.

summary judgment: A decision made on the basis of statements and evidence presented for the record without a trial. It is used when there is no dispute as to the facts of the case, and one party is entitled to judgment as a matter of law.

temporary restraining order: Prohibits a person from an action that is likely to cause irreparable harm. This differs from an injunction in that it may be granted immediately, without notice to the opposing party, and without a hearing. It is intended to last only until a hearing can be held.

testimony: Evidence presented orally by witnesses during trials or before grand juries.

tort: A civil wrong or breach of a duty to another person, as outlined by law. A very common tort is negligent operation of a motor vehicle that results in property damage and personal injury in an automobile accident.

transcript: A written, word-for-word record of what was said, either in a proceeding such as a trial or during some other conversation, as in a transcript of a hearing or oral deposition.

uphold: The decision of an appellate court not to reverse a lower court decision.

U.S. attorney: A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government.

venue: The geographical location in which a case is tried.

verdict: The decision of a petit jury or a judge.

voir dire: The process by which judges and lawyers select a petit jury from among those eligible to serve, by questioning them to determine knowledge of the facts of the case and a willingness to decide the case only on the evidence presented in court. "Voir dire" is a phrase meaning, "to speak the truth."

warrant: A written order directing the arrest of a party. A search warrant orders that a specific location be searched for items, which if found, can be used in court as evidence.

witness: A person called upon by either side in a lawsuit to give testimony before the court or jury.

writ: A formal written command, issued from the court, requiring the performance of a specific act.

writ of certiorari: An order issued by the Supreme Court directing the lower court to transmit records for a case for which it will hear on appeal

http://www.uscourts.gov/understanding_courts/gloss.htm