

Colorado Courts At A Glance



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A Message from the Chief Justice of the Colorado Supreme Court

Welcome to Colorado Courts At A Glance! Colorado's third branch of government, the Judicial Branch, is charged with two responsibilities: we resolve disputes and we supervise more than 50,000 adult and juvenile offenders on probation. Our busy state courts system has four levels of courts: county, district, Court of Appeals, and Supreme Court. County courts handle more than 562,000 filings annually. The district courts handle more than 187,000 filings per year. The 22 judges of the Court of Appeals, sitting in panels of three, handle approximately 2,700 cases. The seven-member Supreme Court, in which all justices hear each case, disposes of more than 1,600 cases each year. The state's seven water courts, which are a division of district courts, handle more than 1,100 cases per year.

The emphasis of all of the state courts is on offering the best possible customer service to everyone who interacts with our court system. This booklet provides an overview of Colorado's state courts and the justice system in order to help you, our "customer," better understand how the courts function and what rights you have in the courts. A more complete understanding of the justice system also will help you appreciate the important role an independent judiciary plays in protecting your constitutional rights. For more than 41 years, Colorado has used a merit-based selection system, rather than partisan elections, to choose the best people to serve as our judges.

The justice system works most effectively and fairly when all Coloradans are informed about its functions and responsibilities. We hope you will find this booklet useful and informative.

Mary Mullarkey
Colorado Supreme Court Chief Justice

Introduction

Colorado's courts play important roles in your life. When you buy or sell goods or property, get married or divorced, have children, work, retire, drive a car, and even after you die, your state courts can protect your rights and can enforce your responsibilities. If you are the victim of a crime, are accused of committing a crime, or witness a crime, you may be required to appear in a Colorado court. You may also be called upon to serve as a juror, one of the most important privileges we all share as citizens.

In addition to state courts, there are federal courts in Colorado that deal with federal laws, such as bankruptcies and matters involving the United States Constitution. This booklet does not discuss federal courts. They are part of a parallel but entirely different judicial system.

This booklet is designed to answer questions that you, the people of Colorado, may have about your state judicial branch. The following few pages present an overview of the Colorado Judicial Branch – how it works and how it affects you. A glossary containing legal terms is provided beginning on page 11.

Your rights in court

If you are arrested or charged with a crime, even some types of traffic violations, you have certain constitutional rights. It is wise to exercise these rights even if you later decide to plead guilty to the charges.

What are these rights?

- You have the right to remain silent and to refuse to answer any questions asked by police officers and other officials about the event. Anything you say may be used against you.
- You have the right to have a lawyer represent you. If you cannot afford to pay for a lawyer, you can ask the judge to appoint one for you.
- You have the right to a public and speedy trial, either by a jury or a judge only.
- You are not required to prove your innocence; instead, you are presumed innocent of any crime unless the district attorney (city attorney in a municipal court) presents sufficient evidence to prove your guilt beyond a reasonable doubt.
- You are entitled to testify in your own defense if you want to, but you cannot be forced to testify.
- You or your attorney may cross-examine any person who testifies against you.
- You are allowed to bring in witnesses, and the judge can order any person you want as a witness to appear in court.

If you are found guilty, you have the right to appeal. You also have the right to make a statement or present additional information to the judge at the time of sentencing. The judge decides the sentence unless the death penalty is a possibility, in which case the jury decides.

Violations of private rights and duties are considered civil cases. Suits can be brought for such matters as the recovery of damages from negligence, breach of contract, or violation of civil rights. The court does not appoint attorneys in civil cases; however, legal aid services may be available for people who cannot afford a lawyer to represent them in civil matters.

Family law cases – involving such things as dissolution of marriage, child support, allocation of parental responsibility, and dependency and neglect – also are considered civil cases. People who cannot afford legal representation for family law cases also may qualify for legal aid services or for court-appointed counsel.

For more information on our courts, please visit

<http://www.courts.state.co.us/Courts/Education/Index.cfm>.

Types of courts

Several different courts in Colorado handle various kinds of cases. These courts are:

MUNICIPAL COURTS

Municipal (city) courts deal with violations of city laws committed within the city limits. Generally, these laws involve traffic, shoplifting, and minor offenses such as dog leash-law violations and disturbances. For some cases, you may have the right to a jury trial and to tell your side of the story in municipal court. Municipal courts are not state courts; however, you may appeal a municipal court decision to a state court.

COUNTY COURTS

Every county in the state has a county court, with at least one county judge. These courts handle traffic cases and minor criminal matters, as well as civil actions involving no more than \$15,000. You may have a jury trial in many types of county court cases. An appeal from a county court decision may be made to the district court.

Denver's court system, which will be explained later, differs from the courts in other counties in that it is administered by the City and County of Denver.

SMALL-CLAIMS COURTS

Small-claims courts are divisions of county court. Individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than \$7,500. Court sessions are held during the day or evening to accommodate the public. There are no jury trials in small claims courts, and sometimes a magistrate hears the cases instead of a judge. Normally, neither side can be represented by an attorney. No plaintiff may file more than two claims per month or 18 claims per year in small-claims court.

DISTRICT COURTS

Each county in the state is served by a district court. Colorado is divided into 22 judicial districts. Unlike county courts, where there is at least one judge per county, district judges are assigned to the judicial district and may serve more than one county within that judicial district, particularly in rural areas of the state, where as many as seven counties may be included in a district.

District courts have authority to handle many types of cases, including dissolution of marriage, civil claims in any amount, juvenile matters, probate (estates), mental health, and criminal matters. You may appeal a district court decision to the Colorado Court of Appeals and/or to the Colorado Supreme Court.

WATER COURTS

Colorado has seven water courts, one in each of the major river basins (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, and San Juan rivers). Water court is a division of district court, and the Supreme Court appoints a district court judge from within each water division to act as water judge. Other personnel include the clerk of the water court and a water referee, who investigates applications for water rights and has the authority – under a water judge's supervision – to rule on such applications and other related matters. Water courts have exclusive jurisdiction over water rights, their adjudication, and litigation concerning such rights. Thus, cases relating to the determination of water rights and the uses and administration of water resources are determined by water judges. There are no jury trials in water courts, and all appeals from water judges' decisions are filed directly with the Colorado Supreme Court.

DENVER COURTS

Denver's court system differs from those in the rest of the state, in part because Denver is both a city and a county.

The Denver County Court functions as a municipal as well as a county court and is paid for entirely by Denver taxes rather than by state taxes. Denver County Court judges are appointed by the mayor of the city of Denver.

Denver has the only separate juvenile court and separate probate court in the state. In other parts of Colorado, district courts handle juvenile and probate matters. The Denver juvenile and probate courts are state courts, along with Denver District Court.

PROBATE COURT

Probate courts oversee the distribution of estates after deaths. They also appoint guardians and conservators to oversee the affairs of living persons who have been declared incapacitated. Probate courts also handle all involuntary mental health and alcoholism commitments.

Denver is the only Colorado jurisdiction to have a special probate court. In Colorado's other judicial districts, probate matters are handled by district court judges along with other civil, criminal, domestic-relations and juvenile matters.

JUVENILE COURT

Juvenile courts handle matters of juvenile delinquency, dependency and neglect, paternity, adoption and relinquishment. All cases in juvenile court are civil actions.

Delinquency cases involve allegations that a juvenile has broken criminal laws. The parents of the juvenile also are named in a delinquency petition. If a juvenile is found to have broken criminal laws, the court's options range from ordering special schooling or treatment for the juvenile to incarceration of the juvenile.

Dependency and neglect cases involve allegations of abuse or neglect of children by their parents or legal guardians. If a child is found to be dependent and neglected, the juvenile court will order a treatment plan for the adult involved if possible or, as a last resort, if a treatment plan is unsuccessful, may terminate parental rights.

Denver is the only Colorado jurisdiction to have a special juvenile court. In Colorado's other judicial districts, juvenile matters are handled by district court judges along with other civil, criminal, domestic-relations and probate matters.

COURT OF APPEALS

The Colorado Court of Appeals, located in Denver, has 22 judges. One is appointed by the Colorado Supreme Court chief justice as chief judge. The court sits in divisions, each consisting of three judges. Divisions of this court sometimes go to various parts of the state to hear oral arguments in cases that have been appealed from the state trial courts.

Unlike the other courts discussed above, the Court of Appeals is not a trial court. The Court of Appeals usually is the first court to hear appeals of decisions made by Colorado district courts and Denver's probate and juvenile courts. In addition, it is responsible for reviewing the decisions of several state administrative agencies. Its determination of an appeal is final unless, upon petition of a party, the Colorado Supreme Court agrees to review the matter.

SUPREME COURT

The Colorado Supreme Court has seven justices. A chief justice is elected by the court from its membership. The chief justice is the chief executive officer of the judicial branch of state government.

The Supreme Court is the court of last resort or the final court in the Colorado court system. An individual who has appealed to the Court of Appeals and is still dissatisfied with the outcome may ask the Supreme Court to review the case. In most situations, the Supreme Court has a right to refuse to do so. In some instances, such as water-rights or election-related cases, individuals can petition the Supreme Court directly regarding an administrative body's or lower court's decision.

In addition to its legal duties, the Supreme Court has supervisory and administrative responsibilities. The Supreme Court has supervisory power over all other state courts and over all attorneys practicing law in Colorado. The following bodies assist the Supreme Court in its duties:

The State Court Administrator's Office serves as the administrative arm of the state courts system. The office prepares the annual budget and request for appropriation from the Colorado legislature; supervises adult and juvenile offenders on probation; manages fiscal operations and purchasing; supervises personnel and payroll; maintains the Office of Dispute Resolution; and is responsible for computer operations, planning, internal fiscal and management audits, and training of judges and branch personnel.

The Attorney Regulation System provides the process for receiving and investigating complaints against attorneys through the Office of the Attorney Regulation Counsel. The Presiding Disciplinary Judge hears cases and determines appropriate discipline. An attorney disciplined through this process can appeal the decision to the Supreme Court.

The State Board of Law Examiners reviews the educational, professional, ethical and moral qualifications of individuals who want to be lawyers in Colorado. The board recommends qualified applicants to the Supreme Court. The court uses those recommendations to determine who may practice law in Colorado.

For more information on our courts, please visit <http://www.courts.state.co.us/Courts/Index.cfm>.

Judges

Colorado's population increases every year. As a result, the number of cases filed in the courts increases every year. Colorado judges work hard to cope with the increasing number of cases so individuals may have prompt court hearings. This is not an easy task.

Judges do their best to move cases through their courts as fast as possible while still making certain that everyone has a fair hearing. The sheer number of cases sometimes makes this difficult. With the approval of the chief justice, senior judges who retire from service may assist local courts with case backlogs, and fill in for judges during vacations and emergencies.

Trial judges have many responsibilities in addition to presiding over trials. The judges frequently must hold hearings where they listen to evidence and arguments and decide questions of law that are involved in a case. Judges spend considerable time researching legal matters and writing orders and opinions. Trial judges also have the responsibility of advising people of their constitutional rights when they are charged with a crime.

To ensure that there is an adequate number of judges to handle cases in a timely manner, the state court system will occasionally request the addition of new judgeships to the trial courts in the districts where they are most needed. Only the Legislature has authority to add new judgeships to the state system.

Judges on the Court of Appeals and the justices on the Supreme Court do not handle trials. They decide an appealed case by reading the printed record of the trial and by considering written briefs and hearing the arguments of the lawyers on both sides. They research and review the law involved in the case and then write opinions, some of which are published and become part of the law of Colorado.

HOW DOES A JUDGE BECOME A JUDGE?

A judge must be a special person: fair, just and knowledgeable in the law. How do judges attain their places on the bench?

The people of Colorado passed a constitutional amendment in 1966 which provides that state judges be appointed rather than elected on a political ticket. This is called a merit selection system. When a vacancy occurs in a state court, a judicial nominating commission interviews applicants and recommends two or three individuals to the governor for consideration. The governor then appoints one of them as a judge to fill the vacancy.

Every judicial district has a nominating commission. Each judicial nominating commission consists of three attorney members and four non-attorney members. The non-attorneys are appointed by the governor, and the attorneys are appointed jointly by the governor, Supreme Court chief justice and the attorney general. Every nominating commission has one more non-lawyer than there are lawyers, and no political party may have a majority of more than one on a commission. A state commission recommends individuals for the Court of Appeals and Supreme Court vacancies. The state commission is composed of one lawyer and one non-lawyer from each of Colorado's seven congressional districts, plus a non-lawyer member-at-large.

The Colorado Constitution requires each judge to stand for retention election after serving a full term. Voters select "yes" if they wish to grant the judge another term in office or "no" if they think the judge should not be retained in office.

Initially, a judge serves a two-year provisional term before standing for retention and then serves a full term. A county judge serves a four-year term; a district judge, six years; a Court of Appeals judge, eight years; and a Supreme Court justice, 10 years. All judges must retire by age 72.

Our courts also benefit from the service of retired judges, who may be appointed at the request of trial courts, to hear cases in which judges have recused themselves or to fill in when a judge is absent or when there is a judicial vacancy or an overscheduled docket. Senior judges contract to provide 60 or 90 days of service per year. In return, the judge's retirement benefit is temporarily increased.

For more information on judicial nominating commissions, please visit http://www.courts.state.co.us/Courts/Supreme_Court/Nominating.cfm.

JUDICIAL PERFORMANCE

In 1988, the Colorado General Assembly created judicial performance commissions for the purpose of providing voters with fair, responsible, and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills.

The State Commission on Judicial Performance develops evaluation techniques for district and county judges, judges of the Court of Appeals, and justices of the Supreme Court. Criteria include integrity; knowledge and understanding of substantive, procedural, and evidentiary law; communications skills; preparation for, attentiveness to, and control over judicial proceedings; sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and services to the legal profession and the public.

Each judicial district has its own 10-member Judicial Performance Commission. The governor and chief justice each appoint one attorney and two non-attorneys. The president of the Senate and speaker of the House each appoint one attorney and one non-attorney.

The state commission is responsible for evaluating the performance of judges of the Court of Appeals and of the justices of the Supreme Court. Its members are appointed in a similar manner.

Narrative profiles and recommendations concerning retention are available at least 45 days before each general election for those judges subject to that year's retention vote. The information is available on the judicial Web site and is published in the Colorado Legislature's Blue Book of Ballot Issues, which is mailed to each voter household prior to the election.

For more information on the commissions, please visit <http://www.cojudicialperformance.com>.

COMMISSION ON JUDICIAL DISCIPLINE

The Colorado Commission on Judicial Discipline oversees the ethical conduct and behavior of state court judges, justices, and senior judges. Created in 1966, the commission is composed of 10 members: four citizens, two attorneys, two district court judges, and two county court judges. The citizen and attorney members are appointed by the governor and must be approved by the Colorado Senate. The judge members are appointed by the Colorado Supreme Court. Commission members serve staggered four-year terms.

The commission does not have jurisdiction over Denver County Court or municipal court judges. Complaints against these judges go to the mayors of the respective cities.

The commission has the constitutional authority to investigate allegations of any of the following acts:

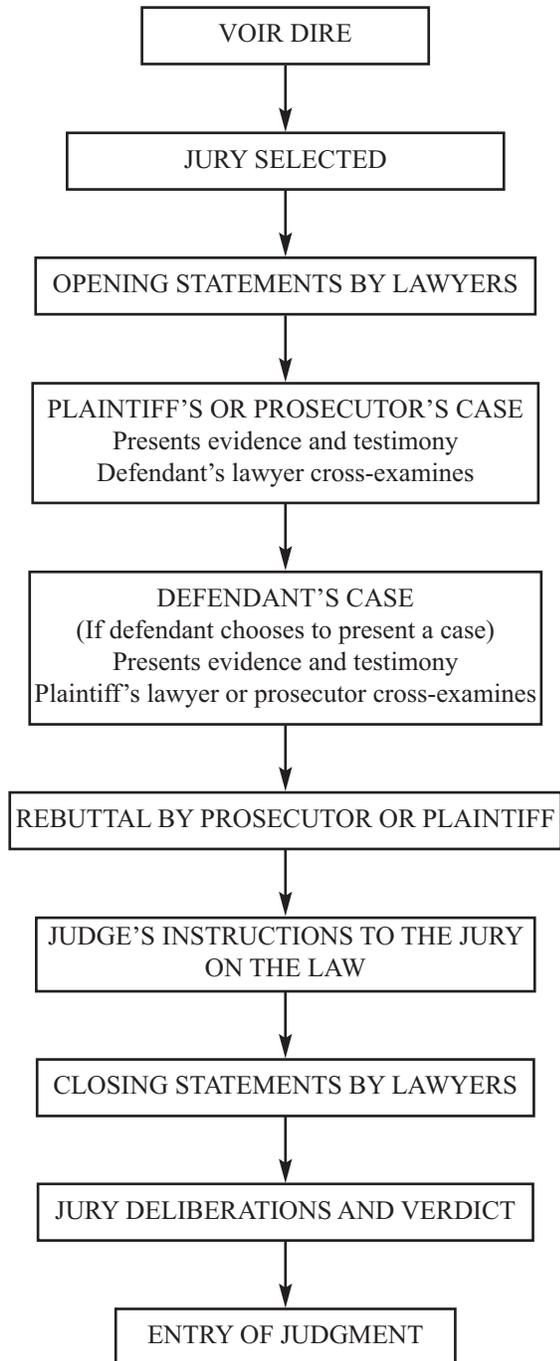
- Willful misconduct by a judge, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
- Willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
- Intemperance, including extreme or immoderate personal conduct, recurring loss of temper or control, abuse of alcohol, or the use of illegal narcotics or dangerous drugs;
- Any conduct on the part of a judge that constitutes a violation of the Colorado Code of Judicial Conduct; or
- A disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

For more information on the commission, please visit

http://www.courts.state.co.us/Courts/Supreme_Court/Committees/Committee.cfm/Committee_ID/13.

The jury system

Anatomy of a Colorado jury trial



The jury system is an important part of the court process in Colorado. Persons accused of crimes have a right to trial by jury. Parties to a civil suit may choose to have their case decided by a jury.

Jurors are selected at random from a computerized list of names taken from voter and driver's license registration records, and Department of Revenue lists. Juror summonses are then sent to the people selected, informing them when and where they are to appear for jury service.

About 95 percent of all jury trials in the world take place in the United States. Those who have served as jurors often express a feeling of pride in and respect for our system of justice and an appreciation for the opportunity to be part of the judicial process.

Efforts to streamline the jury system and make it more effective are continuing. Jurors in Colorado serve for only one day or one trial in any calendar year.

Colorado jurors may take notes during trials and submit written questions to be posed to witnesses by the judge if the judge approves. Jurors also are given notebooks containing pertinent information about the case such as the judge's instructions, a glossary of terms used during the trial and information about witnesses and exhibits. If the parties agree, jurors also may discuss the case with each other before the trial is complete. Parties are encouraged to use technology to speed the presentation of evidence.

Employers must pay regular employees who are serving as jurors their regular wages (or up to \$50 per day) for the first three days of the trial. Unemployed jurors may claim a reimbursement for expenses. The state pays \$50 per day to all jurors after the third day.

The opportunity to serve on a jury allows you to become a better informed and more responsible citizen and to learn more about your courts and the law.

For more information on jury service, please visit <http://www.courts.state.co.us/Jury/Index.cfm> and be sure to click on the "Colorado Jury Service" video link.

The legal system

Like the United States, the State of Colorado has three branches of government: Executive, Legislative, and Judicial. The Colorado Constitution defines each branch's responsibilities. The Constitution also guarantees many specific legal rights to all Coloradans and provides for the establishment of state courts. Courts are part of the Judicial Branch of government, and their major function is to resolve disputes.

CIVIL DISPUTES

Colorado's courts have power (called jurisdiction) to decide two kinds of disputes – civil and criminal. Civil cases usually involve conflicts between private citizens, such as disputes over contracts, wills, personal injuries, or family law matters. Government departments, agencies, and officials may also be involved in civil cases. In deciding civil cases, judges often must interpret laws made by the Legislative Branch or rules made by government departments or agencies that are part of the Executive Branch.

Litigation is only one way to resolve legal disputes; other methods are called alternative dispute resolution, or ADR. There are two basic types of ADR: negotiation, in which the parties have control of the decision-making; and adjudication, in which a neutral person makes the decision.

Mediation is the most commonly used negotiation type of ADR. In mediation, a trained neutral third party helps the parties reach a resolution, but the parties make the actual decision. Arbitration is the most common adjudication type of ADR. Arbitration is like an informal trial where a neutral third party hears evidence and arguments from the parties and then makes a binding decision (called an award). An award made through binding arbitration can be appealed only for very limited reasons.

CRIMINAL CASES

Criminal cases in state trial courts involve charges of violations of certain laws enacted by the Colorado General Assembly, the Legislative Branch. Criminal charges are filed by government attorneys, called district attorneys, on behalf of the people of the State of Colorado. Some criminal charges – called indictments – are filed by grand juries, but this procedure is rarely used in Colorado state courts.

The Colorado General Assembly establishes the definition of crimes and sets the ranges of penalties that trial judges may impose on convicted criminals. The Judicial Branch is responsible for the state courts and probation services. The Colorado Department of Corrections – a department of the Executive Branch – is responsible for the state prison system and community corrections facilities. Parole – also under the Department of Corrections – is the supervision of convicted criminals after they are released from the state prison system. The governor has constitutional power to change the sentences of convicted criminals.

City (also called municipal) governments are similar in organization to the state government. City councils pass ordinances that control the behavior of individuals within the city limits. City attorneys may file charges when certain ordinances have been violated, and trials on such charges are held in a municipal court before a municipal judge. Municipal courts are not part of the state court system, but the procedures are very similar to those followed in state courts.

CRIMINAL SENTENCES

Whenever a defendant in a criminal case pleads guilty to or is found guilty of a criminal charge, the judge must sentence the defendant according to the law. Before any defendant is sentenced (except in traffic or other less serious criminal matters), the judge is given a report from the probation department. This report contains information about the defendant and recommendations from the probation department and other professionals involved in the case as to the sentence that should be imposed.

A defendant may be sentenced to serve a stated period of time in a correctional facility. The Department of Corrections decides in which institution the defendant will serve the sentence.

Upon the recommendation of a district attorney, the judge may postpone sentencing a defendant for a stated period of time after the defendant enters a plea of guilty. If the defendant is a law-abiding citizen

for that time, the judge may dismiss the case and the criminal record of the defendant may be erased. This is called a deferred sentence.

A defendant may be granted probation. If this is done, the judge places the defendant under the supervision of the probation department instead of imposing a sentence to a correctional institution. Most defendants who receive probation are first-time offenders involved in nonviolent crimes. Payment to the victim for any losses (called restitution) is usually a requirement of probation. A defendant who violates probation or a deferred sentence may be sent to a correctional facility.

Defendants who are sent to a correctional facility may be released before their sentence is fully served by being granted parole by the State Board of Parole. Defendants on parole must keep a parole officer advised of all their activities for the time required by the board. Defendants who violate conditions of parole may be returned to a correctional facility.

For more information on our court system, please visit <http://www.courts.state.co.us/Courts/Index.cfm>.

Probation

Each judicial district has a probation department that is managed by a chief probation officer who is appointed by the judges of the district, with the approval of the chief judge.

The mission of probation is to protect the community while holding offenders accountable. Probation does this by:

- Providing the judge with information on the offender to help the judge to fashion the most appropriate sentence;
- Providing support to victims; and
- Ensuring convicted offenders pay restitution to the victim, comply with conditions of the court, and complete community service as ordered.

Information provided to the judge prior to sentencing is based on details of the current offense and the offender's criminal and social history; circumstances of the victim, such as restitution needed; and recommendations for sentencing. If the offender is granted probation, these reports are helpful to the supervising probation officer for case planning. If the offender is to be incarcerated, the report is forwarded to the Department of Corrections, where it is used in the diagnostic and placement process. Eventually, it may be reviewed by the parole board if the offender applies for parole.

For those granted probation, supervision may include counseling, referral of defendants to treatment facilities, collection of restitution, drug and alcohol testing, and home detention. Personalized case management plans are developed through evidence-based assessment tools that are used to determine risk and need to help ensure efficient and effective use of resources. Special-needs offenders are referred to specialized programs. These programs are designed for female offenders, sexual perpetrators, drunk drivers and drug offenders. Evaluators work to refer offenders to programs that best address their needs. These referrals are often to weekly outpatient groups, individual therapy, or daily outpatient sessions. Certain high-risk offenders are referred to intensive supervision probation programs, which may include home monitoring. Defendants who fail to comply with conditions of probation can be returned to court and may subsequently be incarcerated or at least have their conditions of probation increased.

The probation department's post-sentence victim services program is charged with the responsibility of notifying qualifying victims of crime about changes in the probation status of the person convicted of committing a crime against them. Victims who have asked for the service are told about numerous points of information, such as whether the offender has asked for early termination of probation, whether the offender's probation may be revoked or whether the offender's probation has been modified. Referrals to service agencies are also made for victims in need.

For more information on probation, please visit <http://www.courts.state.co.us/Administration/Division.cfm/Division/prob>.

Administration

The Colorado Judicial Branch, with 311 judges and 3,500 staff members, is centrally administered by the chief justice of the Supreme Court. To assist the chief justice, the Supreme Court appoints the state court administrator. Judicial districts are supervised by chief judges, who are appointed by the chief justice. The chief judge within each district appoints a district administrator, a chief probation officer, and clerks of court to assist in the management of the district.

Innovative business techniques and new procedures are constantly under evaluation for possible introduction throughout the branch at all levels in order to improve efficiency and to make the courts more accessible to the citizens of Colorado.

USEFUL LINKS

Colorado Judicial Branch: <http://www.courts.state.co.us>

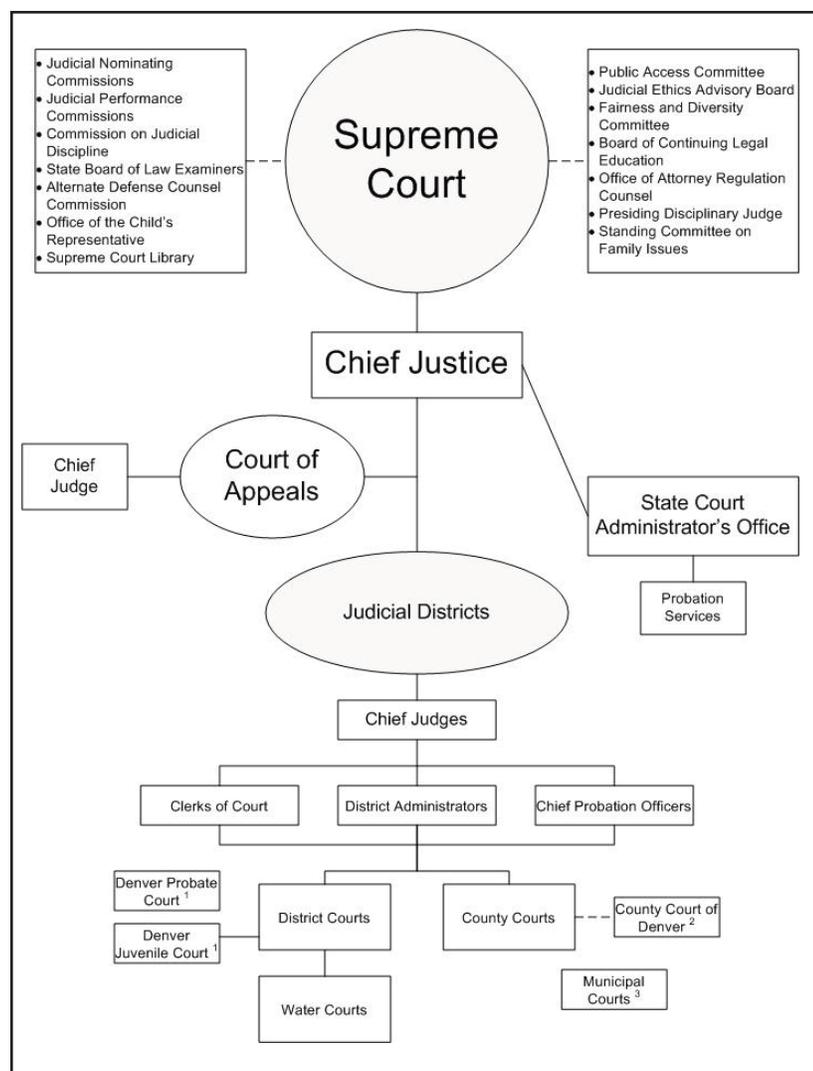
Colorado Court Facts: http://www.courts.state.co.us/Courts/Education/Court_Facts.cfm

Colorado State Government: <http://www.colorado.gov>

Colorado Constitution: <http://www.michie.com/colorado>

Court Case Information: <http://www.cocourts.com>

Colorado Judicial Branch Organizational Chart



The Colorado court system consists of the Supreme Court, an intermediate Court of Appeals, district courts and county courts.

Each county has both a district court and a county court. Special probate and juvenile courts created by the Colorado Constitution exist in the City and County of Denver.

Colorado statutes also authorize locally funded municipal courts with jurisdiction limited to municipal ordinance violations.

1 - Exclusive to the City and County of Denver. In the rest of the state, the district courts are responsible for juvenile and probate matters.

2 - The Denver County Court functions as a municipal as well as a county court and is separate from the state court system.

3 - Created and maintained by local government but subject to Supreme Court rules and procedures.

Glossary

Law has a special language. Some familiar words have a different meaning when used in connection with our courts. This list will help you understand them.

ALTERNATIVE DISPUTE RESOLUTION (ADR) A way to resolve legal disputes that involves such methods as mediation or arbitration, as a way to avoid litigation in court. ADR is generally less expensive and less time-consuming and can be less adversarial than litigation.

APPEAL A request to take a case to a higher court for review. No new evidence may be introduced during the appellate process; the reviewing court considers whether errors occurred during prior proceedings.

APPELLATE JURISDICTION The power of a court to review a case that has already been tried by a lower court.

BRIEF A written document presented to the court by a lawyer to serve as the basis for argument.

CAPITAL CASE A criminal case in which the death sentence may be imposed.

CIVIL MATTERS Matters or cases pertaining to the private rights of individuals.

COMMON LAW The law of a country based on custom, usage, and the decisions of courts.

CONTEMPT OF COURT The punishable act of showing disrespect for the authority or dignity of a court.

CONVICTION The finding that a person is guilty beyond a reasonable doubt of committing a crime.

COUNSEL A lawyer or a group of lawyers.

COURT OF RECORD A court in which a permanent record of proceedings is made.

CRIMINAL MATTERS Matters or cases concerned with acts considered harmful to the general public that are forbidden by law and are punishable by fine, imprisonment, or death.

DAMAGES Money claimed by, or ordered paid to, a person who has suffered injury due to the fault of someone else.

DEFENDANT A person sued or accused.

DISTRICT ATTORNEY A lawyer elected or appointed in a specified judicial district to serve as a prosecutor for the state in criminal cases.

DOCKET A list of cases to be heard by a court.

DOMESTIC RELATIONS Refers to dissolution of marriage (divorce), parenting time and parenting responsibilities, child support, maintenance (alimony), and property division.

EVIDENCE Anything presented to the judge or jury to prove or disprove a fact. Evidence can be witness testimony, statements, writings, recordings, or objects. Statements by lawyers are not evidence.

FELONY A crime punishable by death or by imprisonment in a state penal institution.

GRAND JURY A jury of 12 to 23 citizens that investigates accusations concerning crimes. If there is sufficient evidence, the jury may return an indictment. Used more often in federal court than in state courts.

INDICTMENT A formal accusation against a person by a grand jury, based upon probable cause that the person committed a crime.

INFORMATION A formal accusation of crime, based on an affidavit of a person allegedly having knowledge of the offense.

JEOPARDY Exposure to possible conviction, such as being on trial in court.

JURISDICTION The legal power to hear and decide cases; the territorial range of such power.

JURY A group of people who swear or affirm to hear evidence, to inquire into the facts in a case, and to give a decision in accordance with their findings.

JUVENILE CASES Cases involving delinquent children (under 18 years of age), children needing oversight, and dependent or neglected children (including abused children).

MENTAL HEALTH CASES Cases involving actions in which a mentally ill person is committed to a hospital or other institution for treatment. A guardian may be appointed to handle the person's affairs.

MISDEMEANOR A less serious criminal offense punishable by a sentence of two years or less.

OPINION A formal statement by a judge or justice hearing a case.

ORDINANCE A law passed by a city or town legislative body.

PLAINTIFF A person who brings a suit in a court of law.

PRE-SENTENCE INVESTIGATION REPORTS Reports by probation officers that present information necessary for the judge to sentence the offender.

PROBATE MATTERS Matters or cases having to do with wills or estates.

PROBATION An alternative form of sentencing for one convicted of a crime. After the convicted person agrees to behave properly, the person is placed under the supervision of a probation officer, rather than being put in jail or prison.

PROSECUTOR A lawyer who represents the government in bringing legal proceedings against an alleged wrongdoer.

PUBLIC DEFENDER A lawyer employed by the government to represent an accused person who cannot afford to hire a lawyer.

RESTITUTION The act of making good or of giving the equivalent for any loss, damage or injury.

SENTENCING When the defendant is brought before the court for imposition of punishment such as fines and costs, time in jail or prison, or probation.

SUBPOENA A written legal order directing a person to appear in court.

SUMMONS An official order to appear in court in a criminal case. In civil cases, it is a notice that a case has been filed and that an answer is required.

TESTIMONY A statement made under oath by a witness or a party to establish a fact.

WARRANT A writ or order authorizing an officer to make an arrest, search, or to perform some other designated act.

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