

Glossary of Terms

Abeyance: a state of temporary inactivity.

Affidavit: A written statement confirmed by the oath or affirmation for use as evidence in court.

Answer: A written response to a complaint or counterclaim.

Appeal: To ask a higher court to change or reverse the decision of the lower court.

Bailiff: A person who keeps order, custody of the jury, and custody of prisoners while in the court. The bailiff also manages the Judge's criminal cases.

Bench trial: A trial to the judge, only, and not to a jury.

Case Law: The law of a particular subject as formed through cases that interpret the meaning of the law.

Case Management Conference/Status: A meeting in a civil case with the Judge's staff attorney to set deadlines, dates, and to talk about how the case is progressing.

Cause of Action: The legal claim or claims that make up a lawsuit.

Certificate of Service: A written and signed notice at the bottom of a pleading that the party has served the document on the opposing party in the case.

Civil Action: A case to enforce or protect private rights. A case that is not a criminal case.

Clerk of Courts: The office that keeps a record of court proceedings and documents. The Clerk mails documents for service.

Common Pleas Court: The Hamilton County Court of Common Pleas has jurisdiction in criminal felony cases and in civil cases in which the amount of money at issue is more than \$15,000.00.

Complaint: The original or initial pleading that starts the case. The pleading which sets forth a claim or claims for relief.

Continuance: A request for a continuance means you are asking the Court for an extension of time or for a later court date. If the Court continues a case, it will be set for a different date.

Contempt of Court: Any act which is calculated to embarrass, hinder, or obstruct court in administration of justice, or which is calculated to lessen its authority or its dignity. Committed by a person who does any act in willful contravention of its authority or dignity, or tending to impede or frustrate the administration of justice, or by one who, being under the court's authority as a party to a proceeding therein, willfully disobeys its lawful orders or fails to comply with an undertaking which he has given.

Court Reporter: A person who types a record during court, or trial related proceedings such as depositions.

Cross-Examination: The questioning of a witness in court, or during deposition, by the opposite side.

Counterclaim: A claim brought by a defendant against the plaintiff.

Cross-claim: A claim brought by one plaintiff against another plaintiff, or by one defendant against another defendant.

Default Judgment Motion: A request for judgment against another party when that party has not appeared in the case or answered the complaint. Refer to Hamilton County Local Rule 13.

Defendant: The person defending or denying a claim or the accused in a criminal case.

Deliberations: When a jury is reviewing the evidence from trial and making a decision about the case.

Deposition: A formal questioning of a witness outside of court with a court reporter and the opposing counsel or party present.

Discovery: The formal process of gathering evidence for your case. It may consist of demands for production of documents, depositions of parties and potential witnesses, written requests for admissions of fact, examination of the scene and the petitions and motions employed to enforce discovery rights.

Direct Examination: The initial questioning of a witness by the party on whose behalf he is called.

Exhibits: A paper, document, photograph or other physical item submitted in a case that supports that party's legal argument or position. A properly admitted exhibit is part of the evidence that a judge or jury uses to decide the case.

Evidence: Proof properly presented at trial that may consist of witness testimony, or exhibits, for the purpose of proving a matter at issue.

Ex-Parte: On only one side; by or for one party; done at the request of one party, only.

Ex-Parte Hearing: The court hears only one side of a controversy.

Expert: One who is knowledgeable in a specialized field, that knowledge being obtained from either education or personal experience.

Hearing: Proceeding in which witnesses may be heard and other evidence submitted, that may decide the case.

Interrogatories: A set or series of written questions sent to a party, witnesses or other person having information or interest in a case. This is part of discovery.

Jurisdiction: The authority given by law to a court to try cases and rule on legal matters within a particular geographic area and/or over certain types of cases.

Jury: The people who are responsible for determining which side wins a case following trial on the matter.

Jury instructions: Directions given by the judge to the jury concerning the law that the jury is to apply to the case.

Jury trial: Trial to a jury as opposed to a trial to a judge.

Lay Witness: Person called to give testimony who does not have expertise in the matters about which he testifies.

Local Rules: The Hamilton County Court of Common Pleas Local Rules define local practices and procedures of this Court.

Magistrate: Magistrates are licensed attorneys appointed by a judge to aid in a particular case.

Magistrate's Decision: Pursuant to Ohio Civil Rule 53, a Magistrate shall prepare a magistrate's decision respecting matters referred to them. A judge must approve a magistrate's decision before it is a final judgment.

Magistrate's Order: A Magistrate may enter orders without judicial approval if necessary to regulate the proceedings.

Mediation: An out-of-court meeting with a neutral third party, the mediator, who helps parties resolve their case.

Motion: A request made to the court asking the court to take some action in favor of that party.

Motion to Compel: A party seeking discovery may move for an order "compelling", meaning requiring, an answer, designation, production, or inspection pursuant to Ohio Civil Rule 37.

Motion to Set Aside Magistrate’s Order: Under Ohio Civil Rule 53, any party may file a motion with the court to set aside a magistrate’s order. The motion shall be filed no later than ten days from when the order is filed.

Municipal Court: The Hamilton County Municipal Court has jurisdiction over misdemeanor criminal cases and traffic charges, as well as civil cases in which the amount of money at issue is less than \$15,000.00.

Objection to Magistrate’s Decision: Under Ohio Civil Rule 53, a party may file written objections to a magistrate’s decision within fourteen days of the filing of the decision. The party objecting must also file a transcript of the hearing in front of the Magistrate, if there was a hearing.

Ohio Civil Rules of Procedure: These rules state the procedure to be followed in all courts of this state in civil cases.

Ohio Revised Code: the statutory law in Ohio.

Objection: A party may contest a ruling to the admission of testimony or other evidence. The Ohio Rules of Evidence provide the grounds for proper objections.

Opening Statement: Before introducing any evidence in the case, a lawyer or a self-represented litigant tells the jury what the case is about and what evidence is expected to be brought in to prove that side of the case. It is not evidence.

Overruled: The Judge’s ruling that a lawyer’s objection is not well taken under the rules for conducting the trial.

Plaintiff: A person who brings an action; the party who complains or sues in a civil action.

Pretrial Conference: A meeting with the judge before trial to narrow the issues to be tried, to discuss matters or evidence to be heard, and to take all other steps necessary to aid in the trial of the case.

Redirect examination: When the party who brought the witness to court questions them after a cross examination.

Pro se: Representing oneself in court instead of having a lawyer.

Record: A written account of what has been filed and/or argued in court in a specific case.

Rest: At trial, a party is said to “rest,” or “rest his or her case,” when he or she is done presenting evidence.

Request for Admission: Written statements of facts concerning the case which are sent to an adverse party and which that party is required to admit or deny; those statements which are admitted will be treated by the court as facts that do not need further proof and need not be proved at trial.

Request for Production of Documents: A request to produce documents by one party to the opposing party asking for relevant documents to the case.

Parties: The plaintiff(s) and defendant(s) in the case.

Pleadings: The formal allegations by the parties of their respective claims and defenses.

Separation of Witnesses: An order of the court requiring all witnesses, except for the plaintiff(s) or defendant(s), to remain outside of the courtroom until each is called into court to testify.

Service: Delivery or other legal notice of a writ, summons and complaint, criminal summons, notice, order, etc. Proper methods of service are set forth in the Rules of Civil Procedure.

Staff Attorney: An attorney who assists the Judge and who manages the Judge's civil docket.

Stay: Pausing the case by the order of a court.

Stipulation: An agreement between the parties as to any matter in the case.

Subpoena: A subpoena is a command to appear at a certain time and place to give testimony.

Subpoena Duces Tecum: A command for a person to produce specific documents or other physical evidence related to an issue in the case.

Summary Judgment: Rule of Civil Procedure that permits any party to a civil action to move for a judgment on a claim, counterclaim, or cross-claim when he or she believes that there is no genuine issue of material fact and that he or she is entitled to prevail as a matter of law. Controlled by Civil Rule 56.

Sustained: To grant, as when a judge sustains an objection to testimony or evidence, he or she agrees with the objection.

Testimony: Evidence given by a witness under oath or affirmation.

Transcript: A copy of the record of a trial, hearing, or other proceeding.

Witness: One who testifies to what he or she has seen, heard, or otherwise observed.

Venue: The particular county, or geographical area, in which a court with jurisdiction may hear and determine a case.

Voir dire: The process in which a jury is selected; parties may ask questions of potential jurors to determine bias or interest in a case.