

## TERMS COMMONLY USED IN TRIBAL COURT

ACTION:	A legal dispute brought before a court. An “action” is also referred to as a “case,” “lawsuit,” and “cause of action.”
ADJOURN:	To suspend indefinitely, or until a later stated time.
ADJUDICATION:	The final judicial determination of a case by a finding of guilt or innocence by a trial court in a criminal case or the giving of a judgment or a decree in a civil case.
AFFIDAVIT:	A written statement of fact that is verified by oath or affirmation.
ALLEGATION:	A declaration, assertion, or statement of a party to a lawsuit, made in a pleading, and setting out what the party intends to prove.
ANSWER:	The legal paper in which the defendant answers the claims of the plaintiff in a lawsuit.
APPEAL:	A request to a higher court to change the judgment of a lower court.
APPEARANCE:	<ol style="list-style-type: none"><li>1. Coming into court; the formal act by which a defendant submits to the jurisdiction of a court.</li><li>2. Document identifying one who is representing himself or another. An attorney files an “appearance”; making it known to the court and the other parties that (s)he is representing a specific individual.</li></ol>
ARRAIGN:	To bring a person charged with a crime before the court for the purpose of informing him or her of the charges, setting bail, making pre-trial motions, and taking a plea to the charges.
ARREST WARRANT:	An order issued to a peace officer by a judge or magistrate, requiring the arrest of a named person.
ASSETS:	Generally, all property belonging to a person, corporation or estate that may be used to pay his/her/its debt.
ATTEST:	Signing as a witness to the execution of a written document.
BAIL:	A method of pretrial release of an accused person by means of having the accused or someone on his or her behalf deposit money with the court or agree to pay a certain amount to insure his or her appearance at later proceedings, such as trial.
BENCH TRIAL:	Trial of a case held before a judge sitting without a jury.
BENCH WARRANT:	An order issued by the court (“from the bench”) for the arrest of a person for violating a court order.
BRIEF:	A written argument submitted to the court by counsel setting forth facts and/or law supporting his or her client’s case.
BURDEN OF PROOF:	The duty to prove a fact or facts in dispute. In criminal cases, the prosecution must prove its case “beyond a reasonable doubt.” In most civil cases, the plaintiff must prove its case by a “preponderance of the evidence.”
CASE:	A legal dispute brought before a court.
CERTIFIED COPY:	A copy of a document, order or record of the court, or other public office, signed and certified as an exact duplicate by the officer of the court having custody of the original.
CHANGE OF VENUE:	A transfer or removal of a case to a court of another territorial location and jurisdiction, either because it should have been commenced there in the first place, or for the convenience of the parties or witnesses, or because a fair trial cannot be had in the original court location.
CITATION:	The court copy (original) of the “traffic ticket” is the citation, and also serves as the original complaint in the case.
CIVIL ACTIONS:	Generally, non-criminal cases concerning the claim of one private individual against another.
COMPLAINANT:	In a civil case, one who makes a complaint often referred to as the “plaintiff.” In a criminal case, the one who instigates the prosecution also referred to as the “complaining witness.”
COMPLAINT:	In a civil lawsuit, the first paper filed with the court in which the plaintiff gives the reasons for the suit.
CONTEMPT OF COURT:	An act or failure to act that violates a court order, impedes the functioning of the court, or impairs the authority of the court.

COUNSEL:	An attorney; one who gives advice, especially legal advice.
DAMAGES:	Money paid to a person who has been injured.
DEFAULT:	A failure to do what ought to be done, i.e., when a defendant does not plead within the time allowed or fails to appear for trial.
DEFAULT JUDGMENT:	Action taken by the court when a person fails to appear in court in answer to a summons in a civil case.
DEFENDANT:	The person against whom a lawsuit is started or a crime charged.
DISCOVERY:	The process of gathering and preserving evidence prior to trial in a civil or criminal case.
DISMISSAL:	An order or judgment deciding a particular lawsuit in favor of the defendant by sending it out of court without a trial.
DISPOSITION:	Determination of a case, whether by dismissal, plea and sentence settlement and dismissal, verdict and judgment.
EVIDENCE:	Testimony, documents, physical objects, or other things presented at a trial or court hearing for the purpose of proving or disproving facts relevant to a case.
EX PARTE:	Involving only one party to a lawsuit, without prior notice to any other party.
FILING:	The act of recording the various legal documents pertaining to a suit with the clerk of the court.
FOREIGN JUDGMENT:	A judgment issued by a court having jurisdiction in a foreign state, another Indian territory, or a court in the state of Michigan.
FULL FAITH AND CREDIT:	A court's constitutional obligation to recognize and enforce order, decrees, and judgments issued by other courts of other U.S. states or Indian tribes.
GARNISHMENT:	A court order to take part of a person's wages or other money owed to him or her before he or she receives the money, because of an unpaid debt owed to a creditor who has obtained a judgment against the debtor.
GUILTY:	Responsible for a crime.
HEARING:	A court proceeding on the record. Hearings are often used to determine issues arising before or after the full trial of a case and may be less formal than the trial.
HEARSAY:	Second-hand evidence not arising from personal knowledge of the witness but generally from repetition of what the witness has heard others say
IMPANEL:	To select a jury and enroll their names.
INDIGENT:	Impoverished; needy; poor; without funds.
INNOCENT:	Not guilty; acquitted of a crime.
JUDGMENT:	The decision of a court of law.
LIBEL:	Injury to a person's character, or reputation by print, writing, pictures, or signs.
MEDIATION:	In Tribal Court, the process is referred to as "Peacemaking." It is the culturally based form of alternative dispute resolution in which the peacemaker's act as a neutral party to help the litigants reach an agreement.
MOTION:	An application to the court for the purpose of obtaining a certain order or decision in favor of the applicant.
NOTICE OF HEARING:	A document notifying a person of the time, date, place, and subject matter of an upcoming court proceeding.
OATH:	A declaration of a statement's truth, which renders one willfully asserting an untrue statement punishable for perjury.
ORDER:	A direction of a court made or entered in writing.

PARTY:	1. A person concerned with or taking part in a matter or transaction, such as a party to a contract. 2. A person by or against whom a lawsuit is brought, i.e., the plaintiff or defendant.
PERJURY:	A deliberate lie said under oath.
PLAINTIFF:	In civil cases, the person who initiates the lawsuit is the plaintiff. In criminal matters, the prosecuting attorney is the plaintiff.
PRETRIAL CONFERENCE:	Hearing in a criminal or civil case between the judge and the attorneys (or the parties) to discuss any questions or matters that can be resolved prior to the trial. Such a hearing is usually informal.
PRO PER/PRO SE LITIGANT:	A person who represents himself or herself in court without the aid of a lawyer.
RECORD:	The word for word (verbatim) account by the official court recorder of all proceedings at the trial.
RESTITUTION:	The amount of money that is necessary to either compensate damages to the crime victim or in civil cases, the amount of money necessary to restore a party who was wronged to the position he or she was in prior to suffering the wrong.
RETURN:	An endorsement or report by an officer, recording the manner in which he or she served the process or order of the court.
SHOW CAUSE ORDER:	An order to appear in court and present reasons why certain circumstances/action should be continued, permitted, or prohibited.
SLANDER:	Injury to a person's character or reputation by the spoken word.
STIPULATION:	An agreement between opposing parties on any matter relating to the proceedings or trial.
SUBPOENA:	A writ or order to compel attendance in a court with a penalty for failure to do so.
SUMMONS:	A notice given to a party stating that proceedings have been instituted against him or her and directing that the person appear in court at a given date and time to answer the complaint; and further, should he or she fail to answer, a judgment will be entered against him or her.
TRANSCRIPT:	The verbatim record of proceedings in a trial or a hearing.
VERDICT:	A decision by a judge or jury on the issues submitted to the court for determination.
WITH PREJUDICE:	A dismissal "without prejudice" means that the plaintiff in a civil case or the prosecution in a criminal case is forever barred from bringing the case or claim again.
WITHOUT PREJUDICE:	The plaintiff in a civil case or the prosecution in a criminal case may bring the case or claim again.
WITNESS:	One who testifies to what he or she has seen, heard or otherwise observed.
WRIT:	A court order giving the authority to require the performance of a specific act.