

GLOSSARY OF TERMS

Most terms are defined in the documents in which they appear. Here are a few related to the courts in general that may be useful as background information.

APPEAL - a review by the Court of Appeal of what happened in the Superior Court to determine whether any mistakes of law occurred and, if so, whether the party who filed the appeal is entitled to have the judgment or order of the Court below reversed, vacated, remanded or otherwise changed.

APPELLANT - person filing the notice of appeal; most often person who did not win at the trial or hearing in the lower court or other agency having power to make rulings.

APPELLANT'S OPENING BRIEF (abbreviated AOB) - The brief filed by appellant which sets out his or her story, what error occurred and why that error is so important that the rulings of the trial court should be reversed.

APPELLANT'S REPLY BRIEF (abbreviated ARB) - the brief filed in response to the respondent's brief. It is limited to issues already raised in the Opening Brief (AOB).

APPELLATE COURT - In California there are two levels of appellate court. The Court of Appeal is the intermediate appellate court -- intermediate between the Superior Court (trial court) and the Supreme Court. Appeals in criminal cases and civil cases involving more than \$25,000 are generally taken to the Court of Appeal, which must review every case filed. Review of Court of Appeal decisions is by petition for review in the Supreme Court, the highest court in California. The Supreme Court selects which cases it will hear and hears less than 5% of the petitions filed.

BRIEF - a written report of the facts of the case, the points and authorities concerning the law and the argument of the party. It presents to the court the issues it is to address and provides argument as to why the superior court's order or judgment should be changed. If your brief does not comply with the rules, it may be returned to you for correction.

CLERK'S TRANSCRIPT (abbreviated CT) - includes papers which are designated by the parties and which were filed or lodged with the clerk at the trial, all minutes of hearings, all written instructions to the jury (given or refused) and all exhibits (admitted or refused). (California Rules of Court, rule 4.5.)

CODES - a systematic collection of laws (statutes) in a particular area passed by the Legislature, for example the Code of Civil Procedure, Penal Code, etc.

CROSS-APPEAL - Although the appellant or losing party in the Superior Court appeals, the respondent may file a cross-appeal if he or she has issues to raise.

DECLARATION - a written statement of facts known to the declarant and sworn to under oath or penalty of perjury.

DEFENDANT - the person(s) the suit is being brought against in the Superior Court.

JUDGMENT - final ruling of the court. Usually this is the end of the case in the trial court. Sometimes if there are many defendants, some of the defendants may get out of the case early and when the court rules they are dismissed, a judgment may be entered making more than one judgment in the case.

MOTION - procedure whereby one asks the court to rule on a certain question. In the appellate court, motions are most commonly used to augment (add to) the record, and take judicial notice. The opposing parties may file an opposition to the motion which will be ruled on usually by a single justice.

OPINION - the written decision of the court including the reasons for that decision and the facts on which it is based.

PLAINTIFF - party bringing the lawsuit in the trial court.

REPORTER'S TRANSCRIPT (abbreviated RT) - The written record of everything said in the court room while court is in session. A typed copy of testimony given orally. A Reporter's Transcript looks and reads like a script.

RESPONDENT - The person responding to the opening brief; the person who won in the trial court.

RESPONDENT'S BRIEF - Filed by the party who won below and responds to the issues raised in the appellant's brief with argument why the rulings the trial court made were correct or, if in error, the error was harmless.

STANDARD OF REVIEW - rules or guidelines used by the Court of Appeal to determine whether the Superior Court erred in making a particular ruling.

SUPERIOR COURT - the trial court for civil and criminal cases.

WRIT - A written judicial order to perform a specified act; or give authority to have it done.