

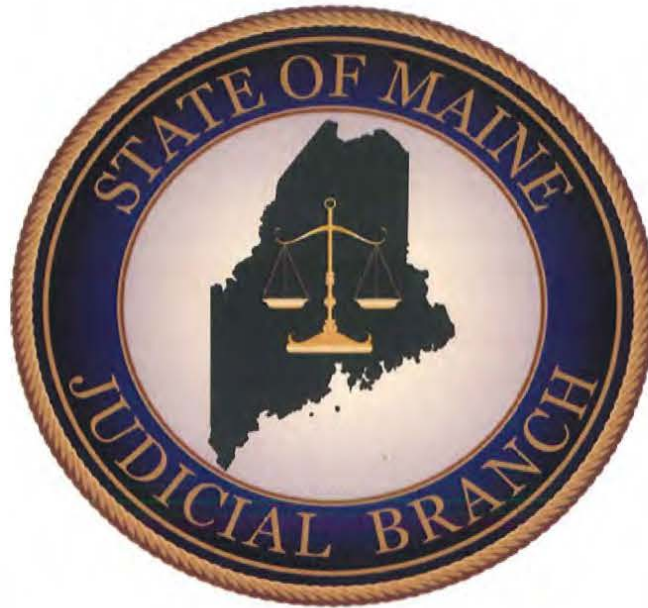
MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

MAINE JUDICIAL BRANCH



**PRESENTATION TO JOINT STANDING
COMMITTEE ON CRIMINAL JUSTICE &
PUBLIC SAFETY
Of the 126th Legislature**

**By
Mary Ann Lynch, Esq.
January 23, 2013**



The Maine Judicial Branch

MISSION

To administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.

Courts In Maine

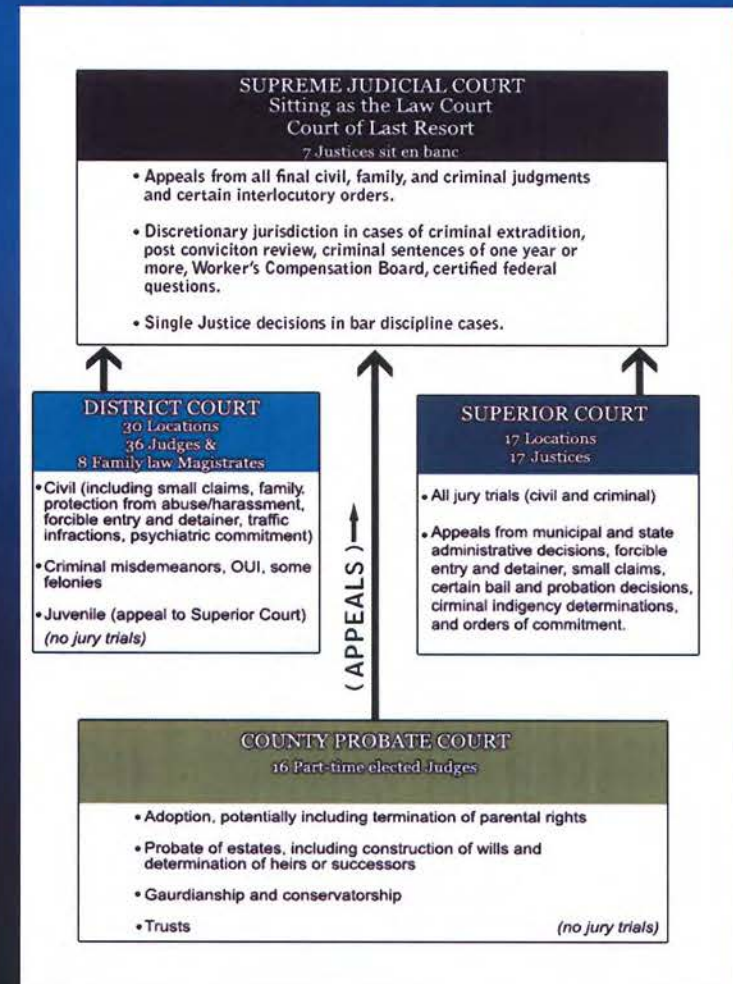
Federal Courts	Tribal Courts	Probate Courts	State Courts
<p>3 judges appointed for life (Recommended by a Senator, appointed by the President, Confirmed by Congress)</p> <p>2 Magistrates Appointed to 8- year terms (by the majority of active district judges)</p> <p>2 Bankruptcy Judges Appointed to 14-year terms (by the majority of U.S. Court of Appeals Judges)</p> <p>Jury Trials</p> <p>Civil and Criminal Cases</p> <p>No Family Law</p>	<p>Passamaquoddy & Penobscot Courts</p> <p>Houlton Band of Maliseet (in progress)</p> <p>Judges chosen by the Tribes</p> <p>Courts authorized by federal law</p> <p>Jurisdiction similar to Maine District Court</p>	<p>16 part-time elected Judges</p> <p>County courts</p> <p>No Jury Trials</p> <p>Trusts, Estates, Adoptions Name Changes, Guardianship matters</p> <p>SJC prescribes rules for Probate Courts in Maine 4 M.R.S. § 8</p>	<p>53 trial judges & 7 appellate justices, Appointed to 7-year terms (nominated by the Governor, approved by the Judiciary Committee, confirmed by the Senate)</p> <p>8 Family Law Magistrates Appointed by the Chief Judge of the District Court with approval of Chief Justice</p> <p>Jury Trials Juvenile Matters Family Law Criminal Civil Traffic & Violations Small Claims</p>

Judicial Branch Courthouses

State Owned	County Owned	Leased
Augusta DC	Androscoggin SC	Belfast DC
Biddeford DC	Aroostook SC/Caribou DC	Bridgton DC
Lewiston DC	Aroostook SC/Houlton DC	Calais DC
Presque Isle DC	Cumberland SC, SJC, Portland DC	Farmington DC
Rockland DC *	Franklin SC	Fort Kent DC
Skowhegan DC	Hancock SC/Ellsworth DC	
Springvale DC	Kennebec SC	Lincoln DC
West Bath DC	Knox SC (.5)	Madawaska DC
York DC	Lincoln SC/Wiscasset DC	Millinocket DC
Penobscot Judicial Center	Oxford SC	Newport DC
	Piscataquis SC/Dover-Foxcroft DC	Rumford DC
	Sagadahoc SC	South Paris DC
	Somerset SC	
	Waldo SC	Waterville DC
	Washington SC/Machias DC	
	York SC	
Total 9.5 * Owned	Total 15.5 County Provided	Total 12 Leased
Total Courthouse Facilities (SJC/SC/DC)	Total Courthouse Facilities (SJC/SC/DC)	38

Court Structure: 2 Trial Courts & 1 Appellate

- District Court
- Superior Court
- Supreme Judicial Court



Court Locations & Regions

- 8 judicial & prosecutorial regions
- Counties grouped together by color are part of a single region, where resources and scheduling are coordinated.

KEY	
●	District Court
■	Superior Court
▲	District and Superior in the same city/town.
★	District and Superior Court occupy the same building.



Financial

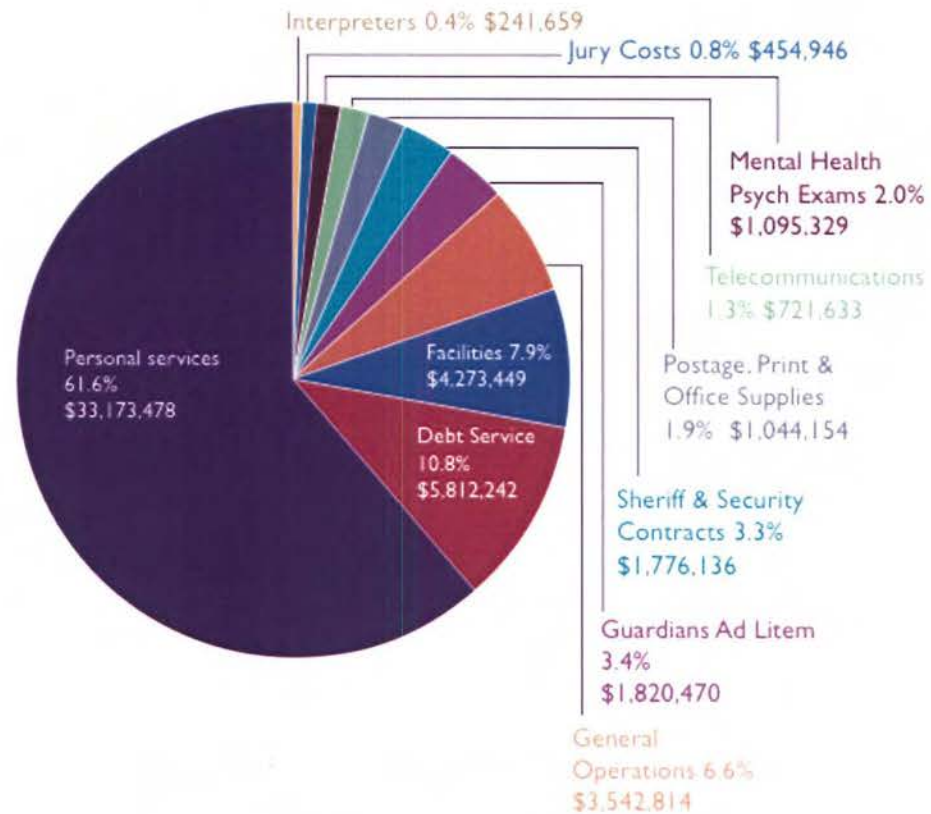
FY 12 GF Expenditures- \$53.9 Million - 1.7% of the State Budget

FY 12 Revenue Collected - \$40.6 M -- \$32.2 M to GF

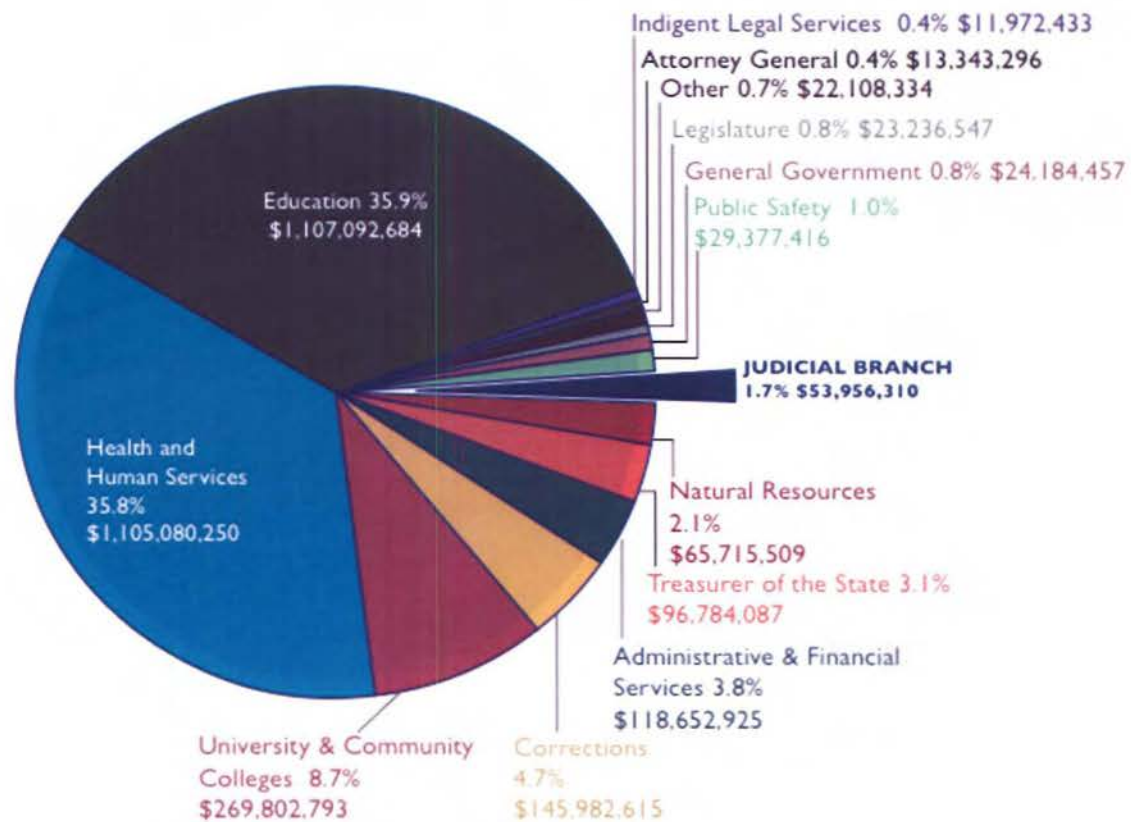
FY 13 GF Budget - - 57.1 Million

Approx 80% of revenue collected goes to the General Fund,
not to the Courts

The Courts submit a biennial budget request to the Governor. The budget request is submitted along with other state agency requests to the Legislature for approval.



**JUDICIAL BRANCH GENERAL
FUND EXPENDITURES FY'12**
Total: \$53,956,310



**STATEWIDE GENERAL FUND
EXPENDITURES, FY'12**
Total: \$3,087,289,656

Current Challenges

- Facilities - 14 courthouses >100 years old, additional 8 > 50 years old.
- Technology – Need to improve public service and access through technology.
- Security - Entry screening 50% of open court days.

Recent Accomplishments

- Consolidation of Clerk's Offices
 - 45 Clerk's Offices reduced to 29
- Courthouse Consolidations
 - Courts are consolidated into single buildings as older courthouses are renovated – Houlton, Bangor, Dover-Foxcroft
- Unified Criminal Docket implementation
- Compliance w/ ADA
- Service Center Pilot Project
- Renovation/replacement of aging facilities- Dover-Foxcroft completed; Augusta & Machias ongoing
- Digital Electronic Recording
- E-Warrants

MAINE STATE COURT CASELOAD 5 Year Trend

AC-1

LAW COURT

CIVIL CASES FILED	FY'08	FY'09	FY'10	FY'11	FY'12
General Civil	216	194	150	172	177
Worker's Comp	98	58	62	54	46
Child Protective	49	41	47	46	38
Family/Divorce	102	97	113	98	94
Protection:Abuse/Harassment	26	33	38	21	39
80B/80C	21	39	25	25	25
Probate	19	25	20	13	15
Violations Bureau/Traffic Infract. (a.)	8	10	7	6	1
PUC	2	1	1	3	6
<i>SJC - single justice bail review</i>		2	1	2	6
<i>SJC - Bar Admit Time enlarge</i>		8	5	5	4
<i>SJC - Bar - discipline/admission</i>		15	15	11	18
<i>SJC - Orig juris statutory/constitut.</i>		0	1	2	8
<i>SJC - Judicial Discipline</i>		0	0	1	0
SJC SUBTOTAL		25	22	21	36
TOTAL CIVIL - FILINGS	541	523	485	459	477
<i>% change from previous year</i>	<i>0.4%</i>	<i>-3.3%</i>	<i>-7.3%</i>	<i>-5.4%</i>	<i>3.9%</i>
CRIMINAL CASES FILED					
Criminal	117	127	116	137	116
Criminal- Discretionary	37	41	37	45	42
Sentence Review Panel	60	42	46	49	40
TOTAL CRIMINAL - FILINGS	214	210	199	231	198
<i>% change from previous year</i>	<i>-8.9%</i>	<i>-1.9%</i>	<i>-5.2%</i>	<i>16.1%</i>	<i>-14.3%</i>
TOTAL -- ALL	755	733	684	690	675
<i>% change from previous year</i>	<i>-2.5%</i>	<i>-2.9%</i>	<i>-6.7%</i>	<i>0.9%</i>	<i>-2.2%</i>

COLOR KEY:

- LAW COURT**
- TRIAL COURTS (District & Superior)
- SUPERIOR COURT
- DISTRICT COURT
- UNIFIED CRIMINAL DOCKET
- VIOLATIONS BUREAU

MAINE ADMINISTRATIVE OFFICE OF THE COURTS

Sherry.Wilkins@courts.maine.gov

207-822-0797

update 10.24.12

SOURCES: MEJIS, Maine Judicial Branch Information System, Superior Court Civil Appeal Data provided by SC clerks

MAINE STATE COURT CASE FILINGS 5 Year Trend, con't

TRIAL COURTS

CRIMINAL CASES FILED	FY'08	FY'09	FY'10	FY'11	FY'12
DISTRICT CT. Criminal (1)	56,403	47,761	36,760	32,251	31,116
DISTRICT CT. PROBATION VIO'S	1,029	806	702	578	387
SUPERIOR CT. Criminal (1)	14,808	12,111	10,005	9,289	8,969
SUPERIOR CT. PROBATION VIO'S	3,296	3,382	3,156	2,785	2,594
Cumberland Unified Criminal Docket (2)		6,569	9,174	8,584	8,552
Penobscot Unified Criminal Docket (2)			2,370	4,748	5,070
UCD Probation Revocations		29	233	491	667
TOTAL CRIMINAL	75,536	70,658	62,400	58,726	57,355
<i>% change from previous year</i>	<i>-2.3%</i>	<i>-6.5%</i>	<i>-11.7%</i>	<i>-5.9%</i>	<i>-2.3%</i>

CIVIL CASES FILED

<i>Personal Injury Tort (DC)</i>	92	80	69	66	56
<i>Personal Injury Tort (SC)</i>	1,033	948	882	902	822
<i>Non-Personal Injury Tort (DC)</i>	104	86	62	96	78
<i>Non-Personal Injury Tort (SC)</i>	107	111	101	92	83
<i>Contract (DC)</i>	9,483	10,185	11,025	8,825	6,828
<i>Contract (SC)</i>	609	603	513	475	473
<i>Declaratory/Equitable Relief (DC)</i>	36	32	28	26	19
<i>Declaratory/Equitable Relief (SC)</i>	143	129	117	147	121
<i>Constitutional/Civil Rights (DC)</i>	1	1	6	1	1
<i>Constitutional/Civil Rights (SC)</i>	76	78	89	65	91
<i>Statutory Actions (DC)</i>	27	36	32	35	29
<i>Statutory Actions (SC)</i>	139	111	129	91	99
<i>Contempt (DC)</i>	0	3	0	1	0
<i>Contempt (SC)</i>	24	22	10	6	53
<i>General/Misc. Civil (DC)</i>	500	493	460	356	369
<i>General/Misc. Civil (SC)</i>	803	709	451	420	506
<i>Title Actions (DC)</i>	33	21	21	27	19
<i>Title Actions (SC)</i>	59	52	57	45	40
<i>Foreclosure (DC)</i>	4,557	5,158	3,780	3,462	3,044
<i>Foreclosure (SC)</i>	737	684	1,387	1,536	1,405
<i>Trespass (DC)</i>	9	8	4	0	3
<i>Trespass (SC)</i>	20	29	22	8	18
<i>Misc. Real Estate (DC)</i>	243	226	150	104	102
<i>Misc. Real Estate (SC)</i>	243	267	174	155	141
<i>80B/80C Appeals (SC) (3)</i>	255	222	193	176	195
<i>Other Civil Appeals (SC) (3)</i>	73	80	89	97	95
<i>Administrative (DC)</i>	482	583	569	309	414
<i>Money Judgments (DC)</i>	4,107	4,613	5,489	5,238	4,157
<i>Small Claims (DC)</i>	8,852	11,396	11,316	13,605	14,747
<i>Forcible Entry (eviction) (DC)</i>	4,947	4,788	4,717	5,163	5,352
DISTRICT COURT Civil	33,473	37,709	37,728	37,314	35,218
SUPERIOR COURT Civil	4,321	4,045	4,214	4,215	4,142
TOTAL CIVIL CASES FILED:	37,794	41,754	41,942	41,529	39,360
<i>% change from previous year</i>	<i>13.5%</i>	<i>10.5%</i>	<i>0.5%</i>	<i>-1.0%</i>	<i>-5.2%</i>

(1) Figures for both District and Superior Court Criminal include cases that were originally filed in District Court and then transferred to Superior Court.

(2) Unified Criminal Dockets eliminate duplicative case processing and the need for transfer from one level of trial court (District) to another (Superior).

(3) Due to lack of complete data, figures for FY'09 & FY'10 Appeals to Superior Court have been calculated using averages % of change

MAINE STATE COURT CASE FILINGS 5 Year Trend, con't

AC-1

DISTRICT COURT FAMILY DIVISION:	FY'08	FY'09	FY'10	FY'11	FY'12
Divorce with Children	3,197	3,323	3,388	3,406	3,167
Divorce without Children	3,377	3,343	3,348	3,408	3,261
Paternity/Parent Rights	1,956	2,183	2,106	2,267	2,429
Other Family Matters	443	415	366	388	395
Family Post-judgment motions	6,059	6,274	6,338	6,338	6,500
Child Protective	868	783	737	555	861
Juvenile	3,975	3,512	3,628	3,126	3,136
Protection From Abuse	6,123	6,130	6,279	6,332	6,250
TOTAL FAMILY:	25,998	25,963	26,190	25,820	25,999
<i>% change from previous year</i>		-0.1%	0.9%	-1.4%	0.7%
OTHER CASES:					
Mental Health (DC)	975	1,008	1,019	1,153	1,024
Protection From Harassment (DC)	4,584	4,020	4,222	4,157	4,100
Civil Violations (UCD)	0	1,293	2,789	2,844	2,908
Civil Violations DC	15,586	14,699	11,719	10,201	10,050
<i>ALL CIVIL VIOLATIONS</i>	<i>15,586</i>	<i>15,992</i>	<i>14,508</i>	<i>13,045</i>	<i>12,958</i>
TOTAL OTHER:	21,145	21,020	19,749	18,355	18,082
<i>% change from previous year</i>		-0.6%	-6.0%	-7.1%	-1.5%
TOTAL SUPERIOR COURT	22,425	19,538	17,375	16,289	15,705
TOTAL DISTRICT COURT	138,048	133,259	121,129	114,318	110,802
TOTAL UCD	0	6,598	14,566	16,667	17,197
TOTAL, Trial Courts	160,473	159,395	150,281	144,430	140,796
<i>% change from previous year</i>		-0.7%	-5.7%	-3.9%	-2.5%
JUDICIAL BRANCH VIOLATIONS BUREAU:					
Traffic Infractions	131,915	140,580	135,374	116,490	101,914
<i>% change from previous year</i>		6.6%	-3.7%	-13.9%	-12.5%
TOTAL, Trial Courts & VB	292,388	299,975	285,655	260,920	242,710
<i>% change from previous year</i>		2.6%	-4.8%	-8.7%	-7.0%

STATE OF MAINE JUDICIAL BRANCH CASELOAD FY 2012

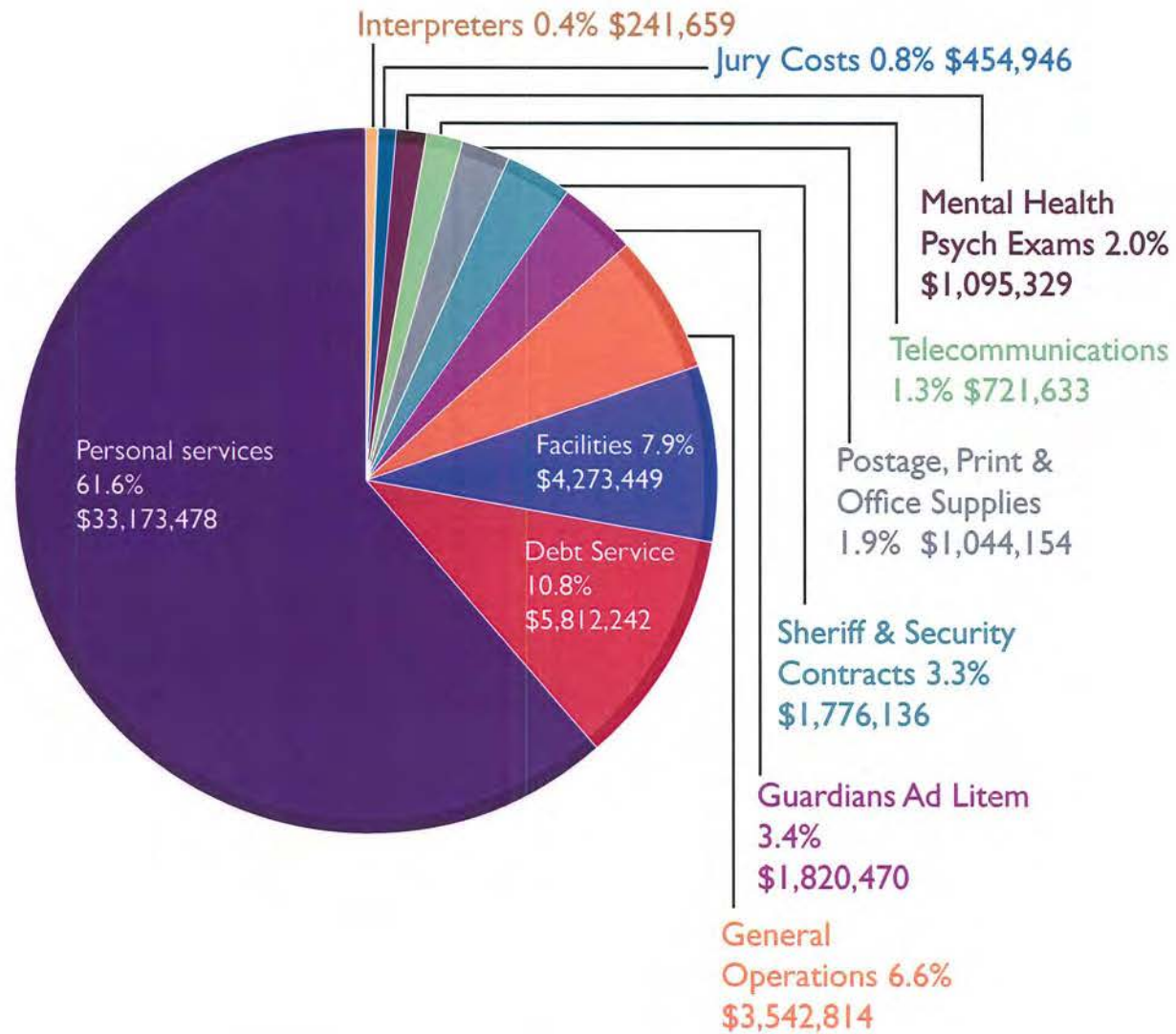
REGION #	REGION TOTALS	Superior Courts & Uniform		District Courts	
		Criminal Dockets	# FILINGS		# FILINGS
1	21,814	York (Alfred)	3,765	Biddeford	8,699
				Springvale	5,649
				York	3,701
2	25,134	Cumberland (Portland)	1,073	Portland	9,706
		Cumberland UCD	10,850	Bridgton	3,505
3	22,301	Androscoggin (Auburn) Franklin (Farmington) Oxford (So. Paris)	2,138 366 787	Lewiston	11,555
				Farmington	2,750
				South Paris	2,399
				Rumford	2,306
4	19,456	Kennebec (Augusta) Somerset (Skowhegan)	1,836 795	Augusta	6,636
				Waterville	5,252
				Skowhegan	4,937
5	18,694	Penobscot (Bangor) Penobscot UCD Piscataquis (Dover-Fox)	553 6,347 154	Bangor	5,540
				Newport	2,303
				Dover-Foxcroft	1,517
				Lincoln	2,257
				Millinocket	23
6	16,792	Sagadahoc (Bath) Lincoln (Wiscasset) Knox (Rockland) Waldo (Belfast)	458 562 678 466	West Bath	5,232
				Wiscasset	2,492
				Rockland	3,878
				Belfast	3,026
7	8,365	Hancock (Ellsworth) Washington (Machias)	485 432	Ellsworth	4,539
				Machias	1,598
				Calais	1,311
8	8,240	Aroostook (Caribou/Houlton)	1,157	Houlton	1,567
				Presque Isle	2,608
				Caribou	1,555
				Ft Kent/Madawask	1,353
	140,796				

SUPERIOR:	15,705	DISTRICT:	107,894
UCD's	17,197	VIO BUREAU (Traf Inf)	101,914
TRIAL CT. TOT. (no VB)	140,796	TOTAL DC & VB	209,808
TRIAL CT. TOT. (w/VB)	242,710	LAW CT:	675
ALL Inc. L/C & VB	243,385		

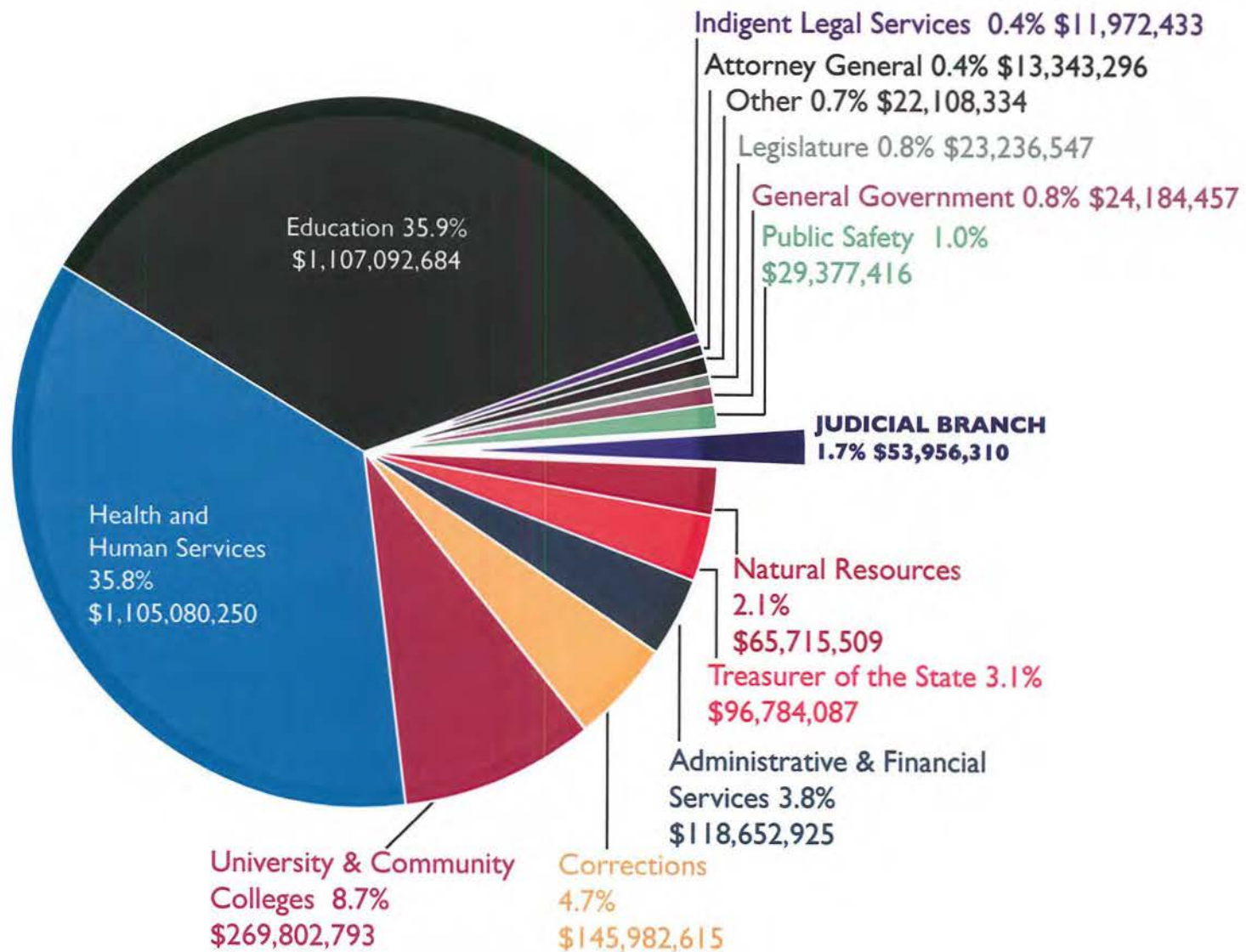
MAINE SUPERIOR COURT - STATEWIDE	FY'08	FY'09	FY'10	FY'11	FY'12
TOTAL	22,426	19,538	17,375	16,290	15,705
CRIMINAL TOTAL	18,104	15,493	13,161	12,075	11,563
New Criminal Case Filings	14,808	12,111	10,005	9,290	8,969
Probation Violations	3,296	3,382	3,156	2,785	2,594
CIVIL TOTAL	4,322	4,045	4,214	4,215	4,142
Personal Injury Tort	1,033	948	882	902	822
Non-Personal Injury Tort	107	111	101	92	83
Contract	609	603	513	475	473
Declaratory/Equitable Relief	143	129	117	147	121
Constitutional/Civil Rights	76	78	89	65	91
Statutory Actions	139	111	129	91	99
Contempt	24	22	10	6	53
General/Misc. Civil	802	709	451	420	506
Title Actions	59	52	57	45	40
Foreclosure	738	684	1,387	1,536	1,405
Trespass	20	29	22	8	18
Misc. Real Estate	243	267	174	155	141
80B/80C Appeals (SC) (3)	255	222	193	176	195
Other Civil Appeals (SC) (3)	74	80	89	97	95
UNIFIED CRIMINAL DOCKETS (Cumberland & Penobscot Counties)					
	FY'08	FY'09	FY'10	FY'11	FY'12
UCD's TOTAL		7,891	14,566	16,667	17,197
Criminal	0	6,569	11,544	13,332	13,622
Probation Violations	0	29	233	491	667
Civil Violations	0	1,293	2,789	2,844	2,908

MAINE DISTRICT COURT - STATEWIDE	FY'08	FY'09	FY'10	FY'11	FY'12
TOTAL	138,048	131,966	118,338	111,474	107,894
CRIMINAL TOTAL	57,432	48,567	37,462	32,829	31,503
New Criminal Case Filings	56,403	47,761	36,760	32,251	31,116
Probation Violations	1,029	806	702	578	387
CIVIL TOTAL	33,473	37,709	37,728	37,314	35,218
Personal Injury Tort	92	80	69	66	56
Non-Personal Injury Tort	104	86	62	96	78
Contract	9,483	10,185	11,025	8,825	6,828
Declaratory/Equitable Relief	36	32	28	26	19
Constitutional/Civil Rights	1	1	6	1	1
Statutory Actions	27	36	32	35	29
Contempt	0	3	0	1	0
General/Misc. Civil	500	493	460	356	369
Title Actions	33	21	21	27	19
Foreclosure	4,557	5,158	3,780	3,462	3,044
Trespass	9	8	4	0	3
Misc. Real Estate	243	226	150	104	102
Administrative (DC)	482	583	569	309	414
Money Judgments (DC)	4,107	4,613	5,489	5,238	4,157
Small Claims (DC)	8,852	11,396	11,316	13,605	14,747
Forcible Entry (eviction) (DC)	4,947	4,788	4,717	5,163	5,352
FAMILY DIVISION TOTAL	25,998	25,963	26,190	25,820	25,999
Divorce with Children	3,197	3,323	3,388	3,406	3,167
Divorce without Children	3,377	3,343	3,348	3,408	3,261
Paternity/Parent Rights	1,956	2,183	2,106	2,267	2,429
Other Family Matters	443	415	366	388	395
Family Post-judgment motions	6,059	6,274	6,338	6,338	6,500
Child Protective	868	783	737	555	861
Juvenile	3,975	3,512	3,628	3,126	3,136
Protection From Abuse	6,123	6,130	6,279	6,332	6,250
OTHER	21,145	19,727	16,958	15,511	15,174
Mental Health	975	1,008	1,017	1,153	1,024
Protection From Harassment	4,584	4,020	4,222	4,157	4,100
Civil Violations (Dist. Ct.)	15,586	14,699	11,719	10,201	10,050
CIV VIO'S TOTAL (Dist Ct & UCD's)	15,586	15,992	14,508	13,045	12,958
VIOLATIONS BUREAU (Traffic Infractions)	131,915	140,580	135,374	116,490	101,914

MAINE LAW COURT					
CIVIL APPEALS FILED					
	FY'08	FY'09	FY'10	FY'11	FY'12
General Civil	216	194	150	172	177
Worker's Comp	98	58	62	54	46
Child Protective	49	41	47	46	38
Family/Divorce	102	97	113	98	94
Protection:Abuse/Harassment	26	33	38	21	39
80B/80C	21	39	25	25	25
Probate	19	25	20	13	15
Violations Bureau/Traffic Infract. (a.)	8	10	7	6	1
PUC	2	1	1	3	6
<i>SJC - single justice bail review</i>		2	1	2	6
<i>SJC - Bar Admit Time enlarge</i>		8	5	5	4
<i>SJC - Bar - discipline/admission</i>		15	15	11	18
<i>SJC - Orig juris statutory/constitut.</i>		0	1	2	8
<i>SJC - Judicial Discipline</i>		0	0	1	0
SJC SUBTOTAL		25	22	21	36
TOTAL CIVIL - FILINGS	541	523	485	459	477
CRIMINAL APPEALS FILED					
Criminal	117	127	116	137	116
Criminal- Discretionary	37	41	37	45	42
Sentence Review Panel	60	42	46	49	40
TOTAL CRIMINAL - FILINGS	214	210	199	231	198
TOTAL -- ALL	755	733	684	690	675



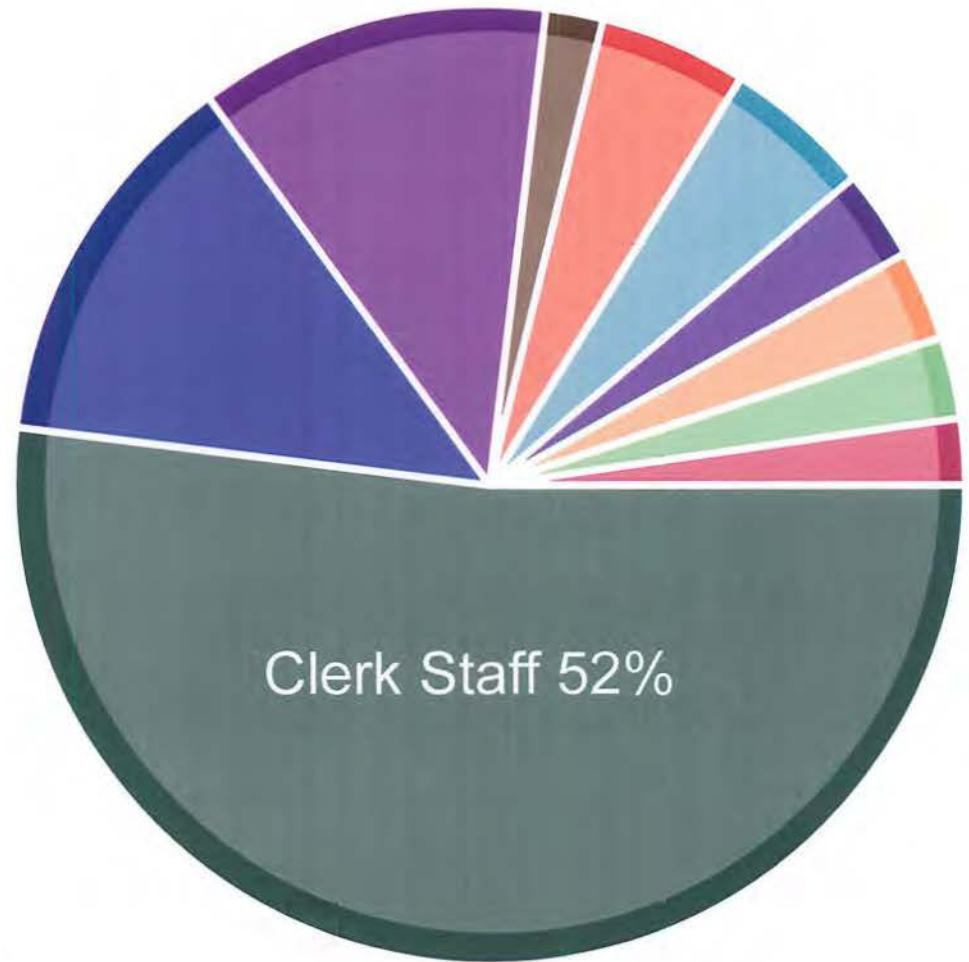
**JUDICIAL BRANCH GENERAL
FUND EXPENDITURES FY'12
Total: \$53,956,310**



STATEWIDE GENERAL FUND EXPENDITURES, FY'12
Total: \$3,087,289,656

FY'13 Judicial Branch General Fund Positions - 491.5

- Clerk Staff 52%
- Court Security 13%
- Judges 12%
- Magistrates 2%
- Law Clerks 5%
- Administration (HR, Facilities, Operations) 5%
- Judicial/Admin Secretaries 3%
- Technology 3%
- Transcript Production 3%
- Finance 2%





MISSION: To administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.

MAINE STATE COURTS: AT A GLANCE

POPULATION OF MAINE..... 1,328,361
 GEOGRAPHIC AREA..... 30,843 sq. mi.
 COURT LOCATIONS..... 39

FY'11 EXPENDITURES:

Judicial Branch Operations \$46,177,758
 Personal Services \$33,344,332
 All Other Operation Expenses \$12,833,426
 Guardians ad Litem, Psychological Exams..... \$2,781,366
 Debt Service \$6,736,006
TOTAL: \$55,695,130

FY'11 REVENUE:

Deposited to Maine's General Fund..... \$35,710,075
 Deposited to Dedicated Revenue Accounts..... \$8,779,430
TOTAL: \$44,489,505

JUDGES (Total)..... 60
 Supreme Judicial Court Justices 7
 Superior Court Justices 17
 District Court Judges 36

FAMILY LAW MAGISTRATES..... 8
 STAFF (clerks, security & support) 425
TOTAL: 493

TOTAL 2011 CASES FILED 260,788
 Supreme Judicial Court..... 690
 Superior Court 16,232
 Unified Criminal Dockets..... 16,541
 District Court..... 110,835
 Violations Bureau 116,490

MAINE COURTS: OPEN FOR BUSINESS



The recently renovated courtroom in the Aroostook County Courthouse in Houlton.

BUSINESS AND CONSUMER DOCKET



Justice A. Mark Horton, Chief Justice of the Superior Court Thomas Humphrey and Justice John Nivison.

The Business and Consumer Docket (BCD), was established in June 2007. It was designed to improve the management and timely resolution of increasingly complex civil cases by providing Maine's business community and consumers with prompt and consistent access to justice. Its caseload is limited to disputes arising out of the operations and governance of businesses as well as consumer rights claims pertaining to transactions and dealings with business entities, and includes jury and nonjury civil cases requiring specialized and differentiated judicial management.

The goal of the BCD is to provide parties with clarity regarding the court's expectations for pretrial and trial processes; certainty regarding the prompt scheduling of pretrial matters and trials; and to contribute to a body of case law precedent to help potential litigants and their lawyers have a better understanding of those laws.

In 2011, Justice A. Mark Horton joined Chief Justice Thomas Humphrey and Justice John Nivison on the Business and Consumer Court, and the BCD clerks' office was moved to the Cumberland County Courthouse, where BCD clerks manage cases from all over the state. The BCD continues to conduct trials and hearings throughout the state, at court locations that are convenient for the parties, witnesses and the court.

SAFETY & SECURITY REMAIN TOP PRIORITIES



Entry screening at the District Court in Biddeford.

In 2011, entry screening exceeded all previous years, with judicial marshals and deputy sheriffs screening more than 463,000 persons as they entered courthouses on over 1,800 court days throughout the year. This meant that entry screening was provided about 21% of the time courthouses were open.

THE COURTS OF MAINE

SUPREME JUDICIAL COURT



Front Row: Justice Donald G. Alexander, Chief Justice Leigh I. Saufley, Justice Jon D. Levy

Back Row: Justice Ellen A. Gorman, Justice Warren M. Silver, Justice Andrew M. Mead, Justice Joseph M. Jabar

CHIEFS



From Left to Right: **THOMAS E. HUMPHREY**, Chief Justice, Superior Court; **LEIGH I. SAUFLEY**, Chief Justice, Supreme Judicial Court; **CHARLES C. LAVERDIERE**, Chief Judge, District Court; **ROBERT E. MULLEN**, Deputy Chief Judge, District Court

ADMINISTRATIVE LEADERSHIP



From Left to Right: **LAURA O'HANLON**, Chief of Court Management; **TED GLESSNER**, State Court Administrator; **DEBORAH CARSON**, Chief of Finance and Administration

TRIAL COURT FILINGS FY'11 TOTAL: 260,098

CIVIL FILINGS: 41,558

	SUPERIOR	DISTRICT
Contract	473	8,805
Foreclosure	1,530	3,453
Tort	989	164
Other Civil	1,202	853
Small Claims		13,550
Money Judgments		5,377
FEDs (Eviction)		5,162
TOTAL(S):	4,194	37,364

CRIMINAL FILINGS: 58,315

Distict Court Criminal	31,988
District Ct. Probation Revocations	575
Superior Court Criminal	9,265
Sup. Ct. Probation Revocations	2,773
Unified Criminal Dockets	13,230
UCD Probation Revocations	484

DISTRICT COURT FAMILY DIVISION: 25,581

Juvenile	3,124
Divorce	6,824
Other Family Relations	2,634
Family Post-Judgment	6,198
Child Protective	556
Protection from Abuse	6,245

OTHER ACTIONS: 18,154

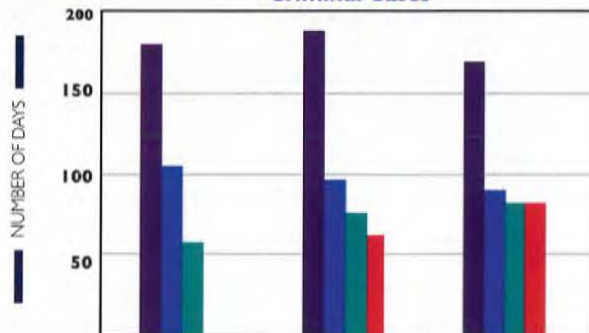
Mental Health (District Court)	1,153
Protection from Harassment (District Court)	4,155
Civil Violations (District Court & UCDs)	12,846

VIOLATIONS BUREAU

Traffic Infractions	116,490
---------------------	---------

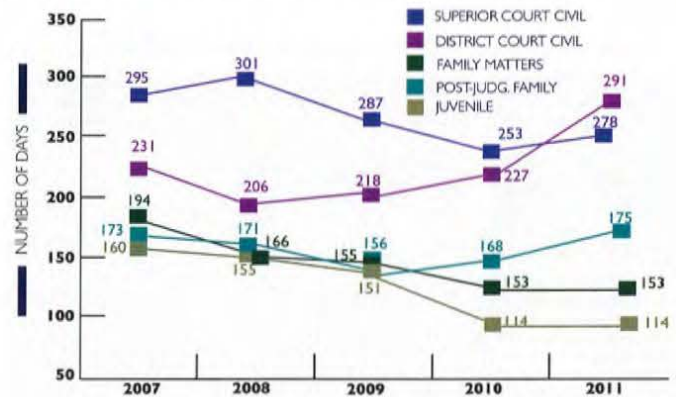
TIME TO RESOLUTION OF CASES

Criminal Cases



	FY '09	FY '10	FY '11
Superior Court Criminal	174	180	167
District Court Criminal	105	94	82
Portland UCD	52	71	79
Bangor UCD	n/a	60	79

The trial courts in Portland and Bangor have adopted a unified process for criminal cases and have eliminated the need for transferring cases from District to Superior Court. This model has simplified procedures for litigants and stakeholders, has eliminated duplication of work by clerks, and has substantially reduced the time for felony resolution.

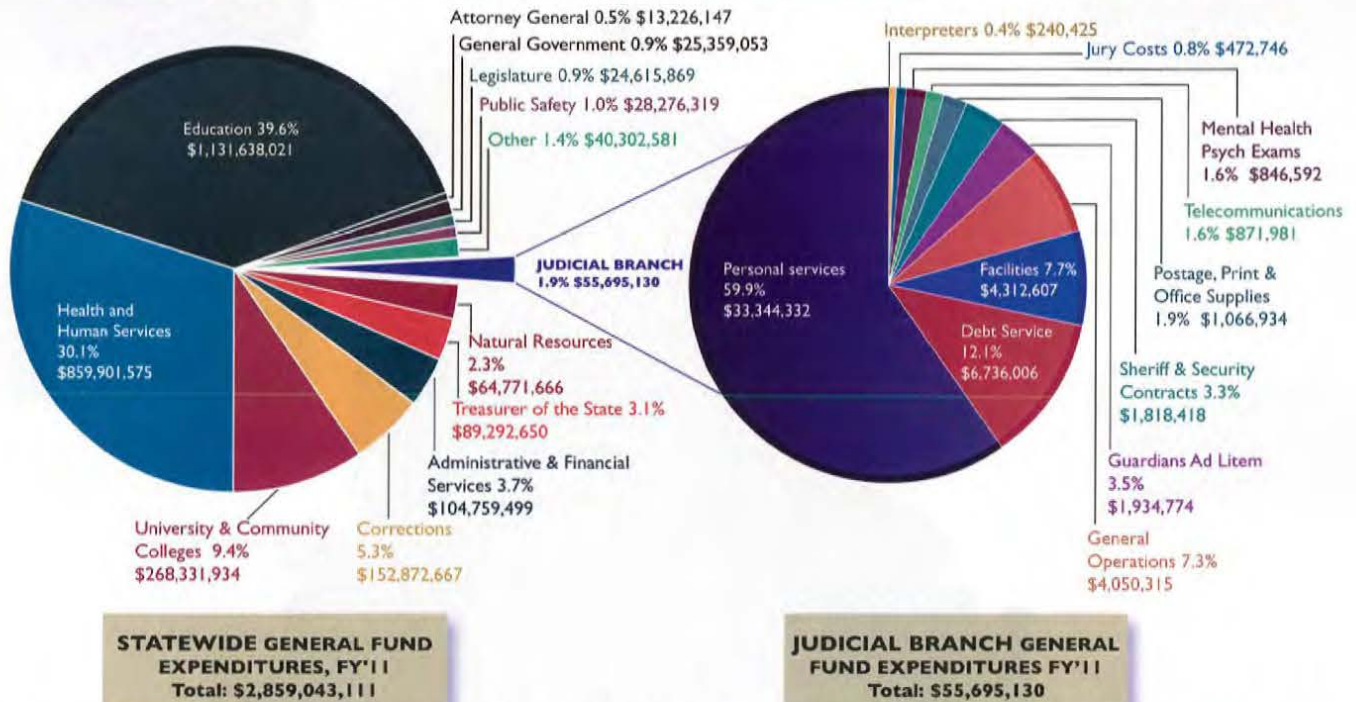


Coordinated regional scheduling has greatly reduced the time it takes to dispose of the most urgent cases – those dealing with violence, children, and families. For example, as illustrated by this graph, the average age pending juvenile cases has decreased significantly, from 160 days in 2007 to 114 days in 2011.

Data provided in this graph illustrates the average number of days from filing date, for all cases that are open on June 30 each year.

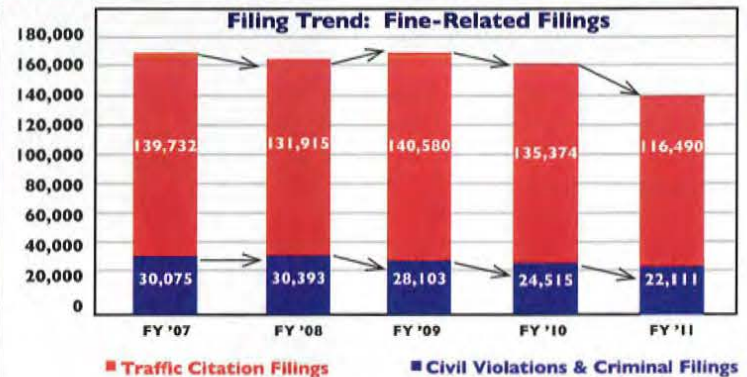
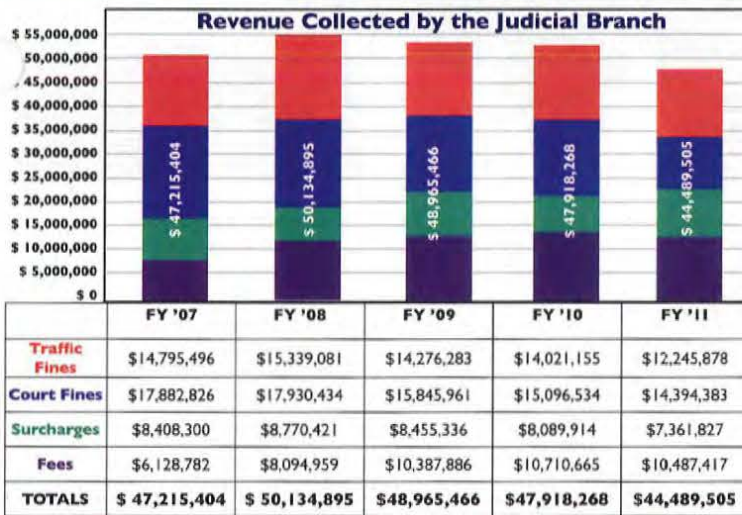
FISCAL INFORMATION

GENERAL FUND AND JUDICIAL BRANCH EXPENDITURES



In FY'11, General Funds received by the Judicial Branch were less than 2% of the State total. Personal Services accounted for more than half (59.9%) of Judicial Branch expenditures.

FY'11 REVENUE

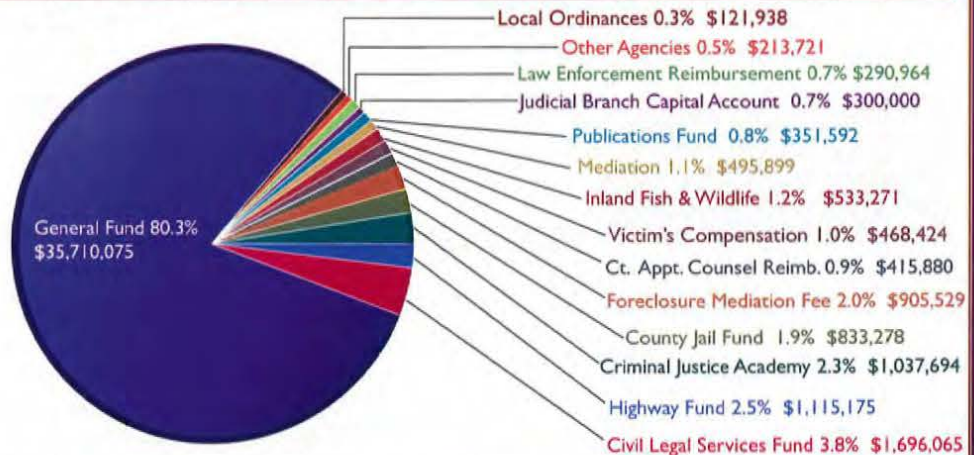


After reaching a record high in FY'08, fine and related surcharge revenue has decreased in recent years. The primary cause for the reduction is the decline in the number of criminal cases, civil violations, and traffic citations filed in the courts, as illustrated by the chart above.

REVENUE DISTRIBUTED BY THE JUDICIAL BRANCH

FY'11 Revenue Distribution
Total: \$44,489,505

All revenue collected by the Judicial Branch is deposited into the State's General Fund and to other dedicated accounts as required by Maine Statutes. Sources of revenue include fees, fines and surcharges.



COURT REGIONS AND CASES FILED

Traffic Citations: 116,490 Statewide

REGION 5

CASE TOTAL 18,816
REGIONAL POPULATION 171,458
COURT FACILITIES 6

PENOBSCOT 3,397 square miles
 Bangor Superior.....670
 Penobscot UCD.....5,897
 Bangor District.....5,818
 Newport District.....2,359
 Lincoln/Millinocket District...2,240

PISCATAQUIS 3,961 square miles
 Dover-Foxcroft Superior.....154
 Dover-Foxcroft District.....1,678

REGION 4

CASE TOTAL 20,154
REGIONAL POPULATION 174,379
COURT FACILITIES 6

SOMERSET 3,924 square miles
 Skowhegan Superior.....859
 Skowhegan District.....5,056

KENNEBEC 868 square miles
 Augusta Superior.....1,757
 Augusta District.....7,079
 Waterville District.....5,403

REGION 3

CASE TOTAL 22,709
REGIONAL POPULATION 196,303
COURT FACILITIES 7

FRANKLIN 1,697 square miles
 Farmington Superior.....351
 Farmington District.....2,794

OXFORD 2,077 square miles
 South Paris Superior.....851
 South Paris District.....2,604
 Rumford District.....2,159

ANDROSCOGGIN 468 square miles
 Auburn Superior.....2,029
 Lewiston District.....11,921

REGION 2

CASE TOTAL 25,488
REGIONAL POPULATION 281,674
COURT FACILITIES 2

CUMBERLAND 835 square miles
 Portland Superior.....1,262
 Cumberland UCD.....10,644
 Portland District.....10,014
 Bridgton District.....3,568

REGION 1

CASE TOTAL 22,999
REGIONAL POPULATION 197,131
COURT FACILITIES 4

YORK 991 square miles
 Alfred Superior.....3,813
 Biddeford District.....9,595
 Springvale District.....5,746
 York District.....3,845

REGION 8

CASE TOTAL 8,125
REGIONAL POPULATION 71,870
COURT FACILITIES 5

AROOSTOOK 6,671 square miles
 Caribou/Houlton Superior.....1,194
 Caribou District.....1,414
 Houlton District.....1,556
 Presque Isle District.....2,673
 Fort Kent/Madawaska District...1,288

REGION 7

CASE TOTAL 8,743
REGIONAL POPULATION 87,274
COURT FACILITIES 3

HANCOCK 1,587 square miles
 Ellsworth Superior.....502
 Ellsworth District.....4,687

WASHINGTON 2,563 square miles
 Machias Superior.....472
 Machias District.....1,700
 Calais District.....1,382

REGION 6

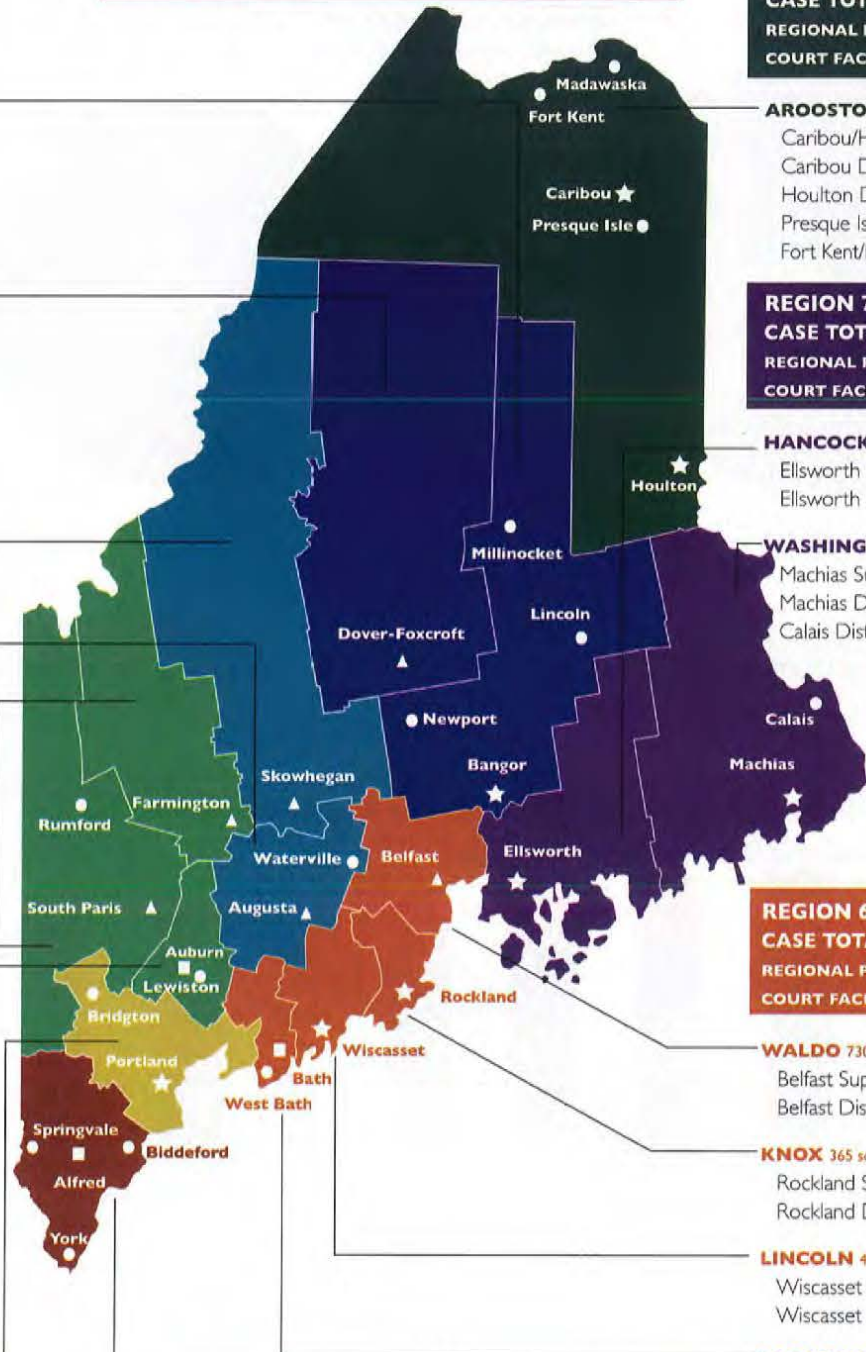
CASE TOTAL 16,574
REGIONAL POPULATION 148,272
COURT FACILITIES 6

WALDO 730 square miles
 Belfast Superior.....585
 Belfast District.....3,079

KNOX 365 square miles
 Rockland Superior.....578
 Rockland District.....3,763

LINCOLN 456 square miles
 Wiscasset Superior.....591
 Wiscasset District.....2,481

SAGadahoc 254 square miles
 Bath Superior.....564
 West Bath District.....4,933



KEY

- District Court
- Superior Court
- ▲ District and Superior in the same city/town.
- ★ District and Superior Court occupy the same building.

Counties grouped together by color are part of a single court **REGION**, where resources and scheduling are coordinated.

FOR MORE INFORMATION:

Visit the Court's web page at www.courts.state.me.us where you will find:

- **PUBLICATIONS:** *A Guide to Small Claims* • *A Guide to Protection from Abuse and Harassment* *Citizens Guide to the Courts* • *Child Protective Handbooks*
- **INFORMATION** about court proceedings and offices
- **LINKS** to legal resources, volunteer opportunities, court rules, forms and opinions

An expanded version of this report is available at www.courts.state.me.us/reports_pubs/reports/annual_reports/index.shtml

ADMINISTRATIVE OFFICE OF THE COURTS
 PO Box 4820
 Portland, ME 04112-4820
 (207) 822-0792
 (207) 822-0701 (TTY)

PROTECTION FROM VIOLENCE

If You Are In Immediate Danger Call 9-1-1.

For information about Protection Orders visit www.courts.state.me.us/maine_courts/district/protection_orders.html

* Population statistics and square mileage data source: US Census Bureau

If you have any questions feel free to contact us at:

James T. Glessner (Ted)
Administrative Office of the Courts
P.O. Box 4820
Portland, Maine 04412

State Court Administrator

(207) 822-0780

Email: james.t.glessner@courts.maine.gov

Mary Ann Lynch, Esq.
P.O. Box 4820
Portland, Maine 04112

Government & Media Counsel

(207) 592-5940

Email: mary.ann.lynch@courts.maine.gov

For more information about the Judicial Branch including court locations, addresses, telephone numbers, frequently asked questions, and full copies of reports please go to: www.courts.state.me.us

Commonly Used Acronyms and Legal Terms Related to Maine Courts

For definitions of general legal terms, law dictionaries are available in libraries and online.

ACRONYMS	
ADTC	Adult Drug Treatment Court
AOC	Administrative Office of the Courts
ADR	Alternative Dispute Resolution
Arrs.	Arraignments
BCD	Business and Consumer Docket
CADRES	Court Alternative Dispute Resolution Service
CASA	Court Appointed Special Advocate
CMR	Code of Maine Rules
CR	Criminal case (docketing abbreviation)
CR TD	Criminal trailing docket
CV	Civil case (docketing abbreviation)
CV TD	Civil trailing docket
DV	Domestic violence
FED	Forcible entry and detainer (eviction action)
FM	Family case (docketing abbreviation)
FM TD	Family trailing docket
GAL	Guardian Ad Litem
I/C	In custody
J./JJ.	Judge or Justice/Judges or Justices
LEP	Limited English proficiency
MEJIS	Maine Judicial Information Service (the docketing system)
MRS/MRSA	Maine Revised Statutes/Maine Revised Statutes Annotated (Maine's code of laws)
OAS/OAR	Operating after suspension/Operating after revocation
OUI	Operating under the influence

PA/PFA	Protection from abuse
PH/PFH	Protection from harassment
PC	Child protection case (docketing abbreviation)
PC TD	Child protection trailing docket
P.L.	Public Law (Maine's term for session laws enacted by the Legislature for codification)
PR&R	Parental Rights and Responsibilities
PTC	Pretrial Conference
RE	Real Estate (docketing abbreviation)
SC	Small Claims
SJC	Supreme Judicial Court
TPR	Termination of Parental Rights
TTP	Time to pay
UCD	Unified Criminal Docket
USC	Unlawful Sexual Contact
VCR/VCOR	Violation of a Condition of Release

TERMS	
Administrative Office of the Courts	The Administrative Office of the Courts (AOC) administers all Maine courts, except the Probate Courts, which are administered by counties. The leader of the Administrative Office is the State Court Administrator. The responsibilities of the AOC include, but are not limited to, personnel management, responses to information requests, financial oversight, maintenance of facilities, and annual reporting.
Administrative Order	An order issued by the Supreme Judicial Court, regarding one or all of the courts and offices of the Judicial Branch, which order, directs, changes, or clarifies a practice or procedure of any court which is intended to have an effect on its customers or the general public in its dealings with the court.
Alternative dispute resolution	Alternative dispute resolution (ADR) is a process designed to resolve a disagreement separate from court decision-making. Mediation and arbitration are examples of alternative dispute resolution. Sometimes, alternative dispute resolution is required (mandatory). Sometimes it is optional.
Attorney General	The Attorney General is the chief lawyer for the State of Maine. The Attorney General is elected by the Legislature.
Bar Counsel	Bar Counsel is the attorney who represents the Board of Overseers of the Bar in investigating and prosecuting disciplinary proceedings against attorneys before the Grievance Commission, the Board, and the court.
Board of Overseers of the Bar	The Board of Overseers of the Bar controls the conduct of lawyers as officers of the court. To this end, the Board enforces the Maine Bar Rules and the Maine Rules of Professional Conduct, which govern attorney conduct.
Business and Consumer Docket	The Business and Consumer Docket (BCD) is a statewide docket for selected actions involving business and/or consumer disputes.
Clerks	<i>Clerks of court</i> are responsible for accepting materials filed by parties and attorneys, scheduling court events, and docketing the events in pending cases, among other things. <i>Law clerks</i> , by contrast, assist judges by conducting legal research and writing, among other things.

Code of Maine Rules	The Code of Maine Rules is a collection of the rules and regulations of Maine's state agencies.
Committee on Judicial Responsibility and Disability	The Committee on Judicial Responsibility and Disability is charged with supervising the conduct and discipline of judges in Maine. The Committee does not consider appeals regarding specific cases.
Co-Occurring Disorders Court	The Co-Occurring Disorders Court operates in Augusta, working with defendants with the most challenging mental illnesses and substance abuse disorders. All who are admitted to the Court have pleaded guilty to a serious crime and have a past history of frequent incarceration.
Court Alternative Dispute Resolution	The Court Alternative Dispute Resolution Service receives applications from neutral decision-makers and generates a roster of qualified neutral decision-makers who serve as mediators, arbitrators, or evaluators.
Court Appointed Special Advocate	The Court Appointed Special Advocate program allows qualified volunteers to act as guardians ad litem for abused and neglected children in child protection proceedings.
Court Reporter	A court reporter keeps a word-for-word record of court proceedings and will produce a transcript upon request.
District Attorney	District Attorneys are lawyers elected within prosecutorial districts to prosecute State criminal charges and represent the counties in civil matters.
District Court	The District Court was created by the Legislature in 1961. There are thirty-three District Court judges. In the District Court, the cases are tried before a judge without a jury. The District Court has jurisdiction over juvenile matters and family matters, including divorces and cases involving parental
Drug Courts	The <i>Adult Drug Treatment Court</i> provides comprehensive monitoring and treatment referral to enable recovery from the substance abuse that is a factor in many of the crimes committed. The <i>Family Treatment Drug Court</i> focuses on families in child protective proceedings when substance abuse is a primary problem.

Electronic Recording Division	The Electronic Recording Division is the Judicial Branch office responsible for audio recording court proceedings. This Division produces transcripts upon request. The court may instead use a court reporter to record the proceedings.
Family Division	The Family Division is a division of the District Court that handles cases involving children, including divorce, annulment, judicial separation, parental rights and responsibilities, paternity, child support, visitation rights of grandparents, emancipation, and any post-judgment motions arising from these actions
Fee Arbitration Commission	The Fee Arbitration Commission provides an efficient way to resolve disputes between clients and lawyers about disputed legal fees.
Foreclosure Diversion Program	The Foreclosure Diversion Program provides informational sessions designed to guide homeowners facing foreclosure in completing required forms, meeting with community resources for individualized assistance (where available), and meeting with the lender and a mediator to try and reach an agreement.
Grievance Commission	The Grievance Commission resolves complaints against lawyers for violating the Maine Bar Rules or Maine Rules of Professional Conduct, which govern conduct by lawyers.
Guardian ad litem	A guardian ad litem is a person appointed by a court to conduct an investigation and make a recommendation about what is in the best interests of a child or incompetent person.
Interpreters	Interpreters are present in court to assist individuals involved in court proceedings who have limited proficiency in speaking English or who have a speech impairment or hearing loss and/or deafness.
Law Court	The Supreme Judicial Court sits as the Law Court when it considers appeals from decisions of the Superior, District, and Probate Courts.
Maine Association of Criminal Defense Lawyers	The Maine Association of Criminal Defense Lawyers is a voluntary association of Maine lawyers who represent defendants in criminal cases.

Maine Commission on Indigent Legal Services	The Maine Commission on Indigent Legal Services, an independent commission, was established by the Legislature in 2009. Its purpose is to provide high quality representation to Maine citizens who are entitled to counsel at state expense under the United States Constitution or under the Constitution or statutes of Maine.
Maine Prosecutors Association	The Maine Prosecutors Association is a voluntary association of Maine district attorneys.
Maine Rules of Court	The Maine Rules of Court are rules adopted by the Maine Supreme Judicial Court to govern procedure, practice, and conduct in the Maine courts. Included are Rules of Civil, Criminal, Probate, Small Claims, and Appellate Procedure; Rules of Evidence; Bar Rules; and Rules of Professional
Maine State Bar Association	The Maine State Bar Association is a voluntary association of Maine lawyers.
Maine Trial Lawyers Association	The Maine Trial Lawyers Association is a volunteer organization of Maine trial lawyers.
Mandate	The mandate is the final paragraph of a Law Court opinion. It communicates what is to happen in a matter.
Memorandum of decision	A memorandum of decision is an unpublished decision of the Maine Supreme Judicial Court, sitting as the Law Court, which summarizes the reasons that the Court decided the appeal as it did.
Opinion (majority, concurring, dissenting)	For the Law Court, a published opinion communicates the Court's reasoning and decision in a case. A <i>majority</i> opinion is authored by a single Justice and joined by most of the other Justices. A <i>concurring</i> opinion joins the majority in the result but offers different or additional reasoning. A <i>dissenting</i> opinion is an opinion that disagrees with the majority.

Opinion of the Justices	An opinion of the justices is issued when the Senate and House propound questions to the justices of the Supreme Judicial Court involving important questions of law in circumstances that present a solemn occasion. This process is authorized by article VI, section 3 of the Maine Constitution.
Per curiam	A per curiam opinion is an opinion issued by the Court speaking as a whole. It is not authored by a single Justice and joined by the other Justices, as with an ordinary opinion.
<i>Pro se</i> parties/self-represented	A self-represented party, also known as a party appearing <i>pro se</i> (for herself or himself), appears in court without having a lawyer's representation.
Probate Courts	The Probate Courts are county courts established by the Maine Constitution in 1820. These courts have jurisdiction over specialized matters involving trusts, estates, adoptions, name changes, guardianships, and protection proceedings.
Professional Ethics Commission	The Professional Ethics Commission provides advice to lawyers who would like to know how to avoid violating the Maine Bar Rules and Maine Rules of Professional Conduct in specific circumstances.
Small Claims Court	The District Court handles small claims cases involving complaints seeking money judgments of up to \$6,000.
Superior Court	The Superior Court was created by the Legislature in 1929. The Superior Court conducts jury and non-jury trials in civil and criminal cases, and considers appeals from many decisions of state agencies and other governmental entities. There are sixteen Superior Court justices.
Supreme Judicial Court	The Supreme Judicial Court is Maine's highest court and has general administrative authority over the Judicial Branch. The Court was established in 1820 when Maine separated from Massachusetts.
Unified Criminal Docket	In Cumberland County and in Bangor, criminal cases and certain related civil violation actions are processed through the Unified Criminal Docket (UCD). This Docket is a pilot project aimed to make criminal case processing more efficient.

Violations Bureau	The Maine Judicial Branch Violations Bureau handles traffic infractions for the entire State of Maine through a centralized process.
-------------------	--

Glossary of Terms Rev. June 2007

Compiled from MEJIS Terms, Glossary of Maine Legal Terms Prepared for Maine Media by the Supreme Judicial Courts Committee on Media and Courts, and the Manual for the National Center for State Courts Orientation for Employees of the Court)

- Abstract** – (Divorce) A brief description of the property involved in a divorce action showing to whom the property belongs; filed in the Registry of Deeds in which the land is located after the granting of the divorce and after expiration of the 30-day appeal period.
- Abstract** – (Real Estate) A brief description of the property, which is the subject of an action in which the Title to Real Estate is involved; filed in the Registry of Deeds in which the land is located for recording after the expiration of the 30-day appeal period.
- Abstract** – (Vital Statistics) Form (#) filed with the Bureau of Vital Statistics monthly on each divorce after expiration of the 30day appeal period with transmittal form (#).
- Abstract** – (of Title) A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.
- Accomplice** – (1) A partner in a crime. (2) A person who knowingly and voluntarily participates with another in a criminal activity.
- Acknowledgment** – (1) A statement of acceptance of responsibility. (2) The short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged.
- Acquit** – In criminal cases, to clear of a charge, to find a defendant not guilty of a crime. In civil cases, to find not adjudicated of a civil offense.
- Acquittal** – Judgment of a court, based on the verdict of a jury or judgment of a judge, that a defendant is not guilty of any offense(s) of which he/she has been charged. (A judge does not give a verdict).
- Action** – The judicial remedy for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense.
- Action** – (in Personam) An action against the person, which determines the rights of the parties themselves.
- Action** – (in Rem) An action for a thing; an action for the recovery of a thing possessed by another.
- Additur** – An increase by a judge in the amount of damages awarded by a jury.
- Adjudicate** – In criminal cases, to hear and settle (a case) by judicial procedure. In civil cases, a finding of committing a civil offense.
- Adjudication** – The process of considering a dispute and giving or pronouncing a judgment or decree; A finding, verdict, or other resolution in a trial court case.
- Ad Litem** – A Latin term meaning for the purposes of the lawsuit. For example, a guardian “ad litem” is a person appointed by the court to protect the interests of a minor or legally incompetent person in a lawsuit.
- Administrative Office of the Courts** – The Administrative Office of the Courts (AOC) administers all Maine Courts, and except the Probate Courts, which are administered on a county level. The State Court Administrator is appointed by the Chief Justice and is responsible for collecting statistical information, investigating complaints, overseeing financial affairs, maintaining the physical facilities of the Court, running educational and training programs for court Personnel, preparing an annual report of the operations of the Judicial Branch, and a broad range of other duties.
- Administrator** – (1) One who administers the estate of a person who dies without a will. (2) A court official.
- Admissible Evidence** – Evidence that can be legally and properly introduced in a civil or criminal trial.
- Admit (Admission)** – A statement by accused, direct or implied, of facts pertinent to issue, and tending, in connection with proof of other facts, to prove his guilt.
- Admonish** – To advise or caution. For example the Court may caution or admonish counsel for wrong practices.

- Adversary System – The system of trial practice in the United States and some other countries in which each of the opposing, or adversary, parties has full opportunity to present and establish opposing contentions before the court.
- Affiant – A person who makes and signs an affidavit.
- Affidavit – A written statement of facts made on oath before a notary public, attorney or clerk affirming that the information contained in the document is true.
- Affidavit and Application to Court for Default Judgment (Rule 55(b)(2)) (CV-43a) (DCCV-9) – Filed at such time when default has been entered and the amount requested for judgment is not for a specific amount.
- Affidavit and Request to Clerk for Default and Default Judgment (CV-12) Rule 55(B)1 (DCCV-9) – Filed under the same circumstances as the request for default, but also requests default judgment due to the fact the Complaint is for a sum certain.
- Affidavit And Request For An Arrest Warrant – M.R.Crim.P. 4(a) (2) – The State can request the issuance of a warrant by filing a criminal complaint with the clerk with a detailed affidavit so that a finding of probable cause can be found. The facts do not have to convince the person issuing the warrant that the accused is guilty beyond a reasonable doubt, but the facts must give the person more than mere suspicion that the accused is guilty.
- Affirm – To declare solemnly, not under oath.
- Affirmative Defense – Without denying the charge, the defendant raises circumstances such as insanity, self-defense, or entrapment to avoid civil or criminal responsibility.
- Affirmed – In the practice of the Maine Supreme Judicial Court, the trial court's judgment or order is declared valid and will stand as rendered by the trial court.
- Aid and Abet – To actively, knowingly or intentionally assist another person in the commission or attempted commission of a crime.
- Agent Of Demanding State – An agent of the public, the state, or the government; a person appointed to act for the public in some matter pertaining to the administration of government or the public business. An imperative request preferred by one person to another, under a claim of right, requiring the latter to do or yield something; demand for extradition.
- Agreement – A written understanding filed between two parties in a particular action.
- Allegation – The assertion, declaration, or statement of a party to an action, made in a pleading, setting out what he/she expects to prove.
- Agent Of Demanding State – An agent of the public, the state, or the government; a person appointed to act for the public in some matter pertaining to the administration of government or the public business. An imperative request preferred by one person to another, under a claim of right, requiring the latter to do or yield something; demand for extradition.
- Allow – The word has no rigid or precise meaning, its import varying according to circumstances or context in connection with which it is used. It may mean to bestow or assign to any one as his right or due.
- Alternative Dispute Resolution – Settling a dispute without a full, formal trial. Methods include *mediation, conciliation, arbitration, and settlement*, among others.
- Amend – To correct or change.
- Amicus Curiae – A friend of the court; one who interposes and volunteers legal argument on some matter of law.
- Ancillary Bill or Suit – One growing out of an auxiliary to another action or suit, such as a proceeding for the enforcement of a judgment or to set aside fraudulent transfers of property.
- Annulment – The invalidation of a marriage by order of court.
- Answer – Pleading by which a party responds to each claim asserted in the Complaint, Cross claim, or Third-Party Complaint by indicating a denial, admission or lack of knowledge to the stated claim; an item-by-item, paragraph-by-paragraph response to points made in a complaint.

- Appeal – (S.C.) Pleading filed in the District Court with a fee for the purposes of sending the file to Superior Court for review of a court decision.
- Appeal – (Law Court) Pleading filed in the Superior or District Court with a fee for the purposes of sending the file to the Law Court for review of a court decision.
- Appeal – (80B) Action filed in the Superior Court for the purposes of reviewing a local governmental action.
- Appeal – (80C) Action filed in the Superior Court for the purposes of reviewing a State governmental action.
- Appearance – (1) The formal proceeding by which a defendant submits to the jurisdiction of the court. (2) A written notification to the plaintiff by an attorney stating that he/she is representing the defendant.
- Appears – To present oneself formally before a court.
- Appeal Denied – To refuse to grant a petition or protest.
- Appeal Sustained – To carry on; to maintain. To support; to warrant; —said of evidence in connection with a verdict, decision, etc.
- Appellant – The party who takes an appeal from one court or jurisdiction to another.
- Appellate Court – A court having jurisdiction to hear appeals and review a trial court's procedure.
- Appellee – The party in a cause against whom an appeal is taken; that is, the party who has an interest adverse to setting aside or reversing the judgment.
- Applicant – A person who applies.
- Application – The act of making a request for something; a petition.
- Application to Clerk for Default with Affidavit – Rule 55a (CV-13) (DCCV-9) – Request filed when the opposing party fails to respond.
- Application to Proceed in Forma Pauperis (CV-34) (DCCV-04) – Form completed by a party to waive costs and/or fees if a party is determined to be indigent by a judge.
- Appoint – To designate, for example, a guardian ad litem.
- Appointment Of Counsel – Designation for an attorney to be reimbursed by the court to represent parties.
- Arbitration – A form of *alternative dispute resolution* in which the parties bring their dispute to a neutral third party and agree to abide by his/her decision. In arbitration there is a hearing at which both parties have an opportunity to be heard.
- Argument – Oral or written presentations made to the court by the parties in support of their respective positions.
- Arraignment – The hearing before a court having jurisdiction at that stage in a criminal case, in which the identity of the defendant is established, the defendant is informed of the charge(s) and of his/her rights, and the defendant is required to enter a plea, or in some instances the court may enter one for them.
- Arraignment (Preliminary Hearing) – The preliminary hearing is between the probationer and the probation officer before the defendant is brought to court. It is to find probable cause that the defendant committed a probation violation.
- Arrest – To take into custody by legal authority.
- Arrest of Judgment – The act of halting and postponing the effect of a judgment already entered.
- Arrest Warrant – A written order issued by a Judge or Justice of the Peace, and signed by the Clerk or Justice of the Peace, directed to a peace officer or some other person specially named, and commanding him to arrest the body of a person named in it, who is accused of an offense.
- Articulate – Capable of being expressed, explained, or justified. Example: police had observed drug sale and stopped defendant on articulable reasonable suspicion that he was dealing drugs -- *National Law Journal*
- Assault – Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force that would give the victim reason to fear or expect immediate bodily harm.

- Assignee – A person to whom an assignment is made. The term is commonly used in reference to personal property; but it is not incorrect, in some cases, to apply it to realty. Assignee in fact is one to whom an assignment has been made in fact by the party having the right.
- Assignment (Of Cash Bail) – A transfer of making over to another of the whole of any property, real or personal, in possession or in action, or of any estate or right therein. To constitute valid “assignment,” there must be perfected transaction between parties intended to vest in assignee present right in thing assigned.
- At Issue – Whenever the parties to a suit reach a point in the pleadings which one side affirms and the other side denies, they are said to be at an issue; taking opposite sides or under dispute.
- Attachment – A remedy allowing the plaintiff to acquire a lien upon property or effects of the defendant to satisfy a judgment, which the plaintiff may obtain in the future.
- Attest – To affirm to be true or genuine by signature and seal.
- Attorney – (attorney at law) – A person trained in the law and authorized to advise or represent others in legal matters.
- Attorney General – At the state level, the chief legal official for the State of Maine and elected by the state legislature. At the federal level, the chief legal official for the United States, nominated by the President and confirmed by the Senate.
- Attorney in Fact – A private person (who is not necessarily a lawyer) authorized by another to act in his/her place, either for some particular purpose, as to do a specific act, or for the transaction of business in general, not of legal character. This authority is conferred by an instrument in writing, called a *letter of attorney*; or more commonly a *power of attorney*.
- Attorneys of Record – Attorney whose name must appear somewhere in permanent records or files of case, or on the pleading or some instrument filed in the case, or on appearance docket. Person whom the client has named as his agent upon whom service of papers may be made.
- Auto Tort Case – A subcategory of tort case that includes cases resulting from personal injury, property damage, or wrongful death arising out of a party’s alleged negligent operation of motor vehicle.
- Availability Of Remedy – The availability of the means by which a right is enforced or the violation of a right is prevented, redressed, or compensated.
- Bail – Security given for the release of a criminal defendant or witness from legal custody (usually in the form of money), which secures his/her appearance on the day and time scheduled. To determine the appropriate bail, the court or bail commissioner considers whether the person is a flight risk, and whether the person presents a risk to the safety to himself/herself or the community.
- Bail Bond – An obligation signed by the accused with or without sureties, conditioned that the same shall be void on the performance by the accused of such acts as he is required to perform. Its purpose is to secure the presence of the one charged in court when his presence is required in order to answer to the charge.
- Bail Discharged – To release sureties or a defendant from the obligation signed by the accused with or without sureties.
- Bail Forfeiture – A defendant’s failure to appear in court causes the money or property deposited to secure release on bail not to be returned to the defendant.
- Bail Hearing – The hearing given to a person accused of crime, by a magistrate or judge, exercising the functions of a committing magistrate, to ascertain whether there is evidence to warrant and require the commitment and holding to bail of the person accused.
- Bailiff – A court attendant whose duties are to keep order in the courtroom and maintain custody of the jury.
- Banc – Bench; the place where a court permanently or regularly sits. A sitting en banc is a meeting of all of the judges or a court, as distinguished from the sitting of a single judge.
- Bankruptcy – There are several types of corporations, unincorporated businesses and individuals. For individuals, there is (1) straight bankruptcy where all debts (with some exceptions, e.g., child support, taxes) are wiped out and (2) the Chapter 13 or Wage Earner Plan, where all debts are planned to be paid, but over a longer period of time than was originally contemplated. Bankruptcy judges preside over these proceedings. The person with the debts is called the debtor and the people or companies to whom the debtor owes money to are called creditors.

- Bar – (1) Historically, the partition separating the general public from the space occupied by the judges, lawyers, and other participants in a trial. (2) More commonly, the term means the whole body of lawyers.
- Bar Counsel – Bar Counsel is a full-time employee of the Board of Overseers of the Bar who investigates and prosecutes all disciplinary proceedings before the Grievance Commission, the Board, and the Court.
- Bar Examination – A state examination taken by prospective lawyers in order to be admitted and licensed to practice law.
- Battery – A beating or wrongful physical violence. The actual threat to use force is an *assault*; the use of it is a battery, which usually includes an assault.
- Bench Trial – Trial without a jury in which a judge decides the facts.
- Bench Warrant – Process issued by the court itself, or “from the bench,” for the attachment or arrest of a person; either in case of contempt, or where an indictment has been found or to bring in a witness who does not obey the subpoena.
- Beneficiary – Someone named to receive property or benefits in a will. In a trust, a person who is to receive benefits from the trust.
- Bequeath – To give a gift to someone through a will.
- Bequests – Gifts made in a will.
- Best Evidence – Primary evidence, as distinguished from secondary; the best and highest quality evidence, as measured by the nature of the case rather than the thing offered as evidence.
- Beyond a Reasonable Doubt – The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.
- Bill of Particulars – A written statement by a prosecuting attorney specifying the details of a crime, such as the exact time and location, with which an accused is formally charged.
- Bind – To obligate; to bring or place under definite duties or legal obligations, particularly by a bond or covenant; to affect one in a constraining or compulsory manner with a contract or a judgment.
- Bind Over – To hold a person for trial on bond (bail) or in jail. If the judicial official conducting a hearing finds probable cause to believe the accused committed a crime, the official will bind over the accused, normally by setting bail for the accused’s appearance at trial.
- Board of Bar Examiners – The Board of Bar Examiners consists of seven lawyers, licensed to practice in the State of Maine, and two representatives of the public. The Governor, on recommendation of the Supreme Judicial Court, appoints the lawyer members of the Board. The Governor appoints public members. The Board is charged with supervising admission to the bar.
- Board of Overseers of the Bar – The Board of Overseers of the Bar was created by the Supreme Judicial Court in 1978 to control the conduct of lawyers as officers of the court. The Board consists of six lawyers and three public members. The court appoints the lawyers, and on recommendation by the Governor, appoints the public members. The Board controls the conduct of lawyers by enforcing the Maine Bar Rules adopted by the court. The purpose of the Bar Rules is to protect the public and the courts from lawyers who do not properly discharge their professional responsibilities. Under the Bar Rules, the Board appoints Bar Counsel who investigates alleged misconduct by lawyers and prosecutes lawyers in disciplinary proceedings. The Board also maintains a register of all lawyers who are members of the Bar of the State of Maine as well as records of the termination or suspension of the right of any lawyer to practice law in Maine. The Board appoints members to three commissions established by the Bar Rules: the Grievance Commission, the Fee Arbitration Commission, and the Professional Ethics Commission.
- Bond – A certificate of a debt or surety.
- Booking – The process of photographing, fingerprinting, and recording identifying data of a suspect. This process follows the arrest.
- Bound Over – Category for felonies held in limited jurisdiction courts when the defendant is removed to a general jurisdiction court for trial.

- Brief** – A written or printed document prepared by counsel to file in court, usually setting forth both the facts and law in support of the case.
- Briefing** – The act or process of giving or receiving concise and preparatory instructions, information, or advice.
- Burden of Proof** – In the law of evidence, the necessity or duty of proving a disputed fact or facts. In a criminal case, for instance, the prosecution bears the burden of proving a defendant's guilt.
- Calendar** – A list of cases that are scheduled to be heard by a court.
- Calling the Docket** – The public calling of the list of cases at commencement of a term of court, for setting a time for trial or entering orders.
- Capital Crime** – A crime punishable by death.
- Caption** – The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.
- Case** – A general term for any action or suit.
- Case File Notice, Pretrial Scheduling Statement and Jury Demand (CV-41) (PTSS)** – Mailed to Plaintiff's counsel upon opening of a complaint; triplicate form: a) white copy – remains with file, b) pink copy – counsel's copy, c) yellow copy – to be completed by Plaintiff's counsel after conferring with opposing party. To be filed with the Court 15 days after service of the answer pursuant to Rule 16(b).
- Case Law** – Law established by previous decisions of appellate courts, particularly the Supreme Court.
- Caseload Management Data** – Data which is categorized and counted by case type and manner of disposition. It is designed to tell a court manager how many cases are processed by a court within a specified time period.
- Caseflow Management Data** – Data within a court case which may be used to compute time intervals between event occurrences. It is designed to tell what cases are being processed by the court, how long it takes to process the cases, and at what stage of processing each case is in.
- Case Processing** – The transactions involved in moving a case through the court from filing until court jurisdiction is terminated.
- Cash Bail** – Money or its equivalent; usually ready money.
- Cause** – A lawsuit, litigation, or action, and may be civil or criminal in nature; litigated or contested before a court of justice.
- Cause of Action** – The facts that give rise to a lawsuit or a legal claim.
- Cause Not Shown, Contempt Found** – A willful disregard or disobedience of a public authority.
- Cause Shown, Not Found In Contempt** – "Cause" means a just, not arbitrary, cause; one relating to a material matter, or affecting the public interest.
- Caveat** – A warning; a note of caution.
- Certificate** – A written assurance that some legal formality has been complied with.
- Certificate Issued By Law Court** – A written assurance made or issuing from the Law Court, and designed as a notice of things done therein, or as a warrant or authority, to some other court, judge, or officer.
- Certificate Of Probable Cause Denied** – A refusal or rejection.
- Certificate Of Probable Cause Granted** – Reasonable cause. Having more evidence for than against. An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that the accused person had committed the crime charged.
- Certified Copy** – A copy of a document or record, signed and attested as a true copy.
- Certiorari** – A means of getting an appellate court to review a lower court's decision. The loser of a case will often ask the appellate court to issue a *writ of certiorari*, which orders the lower court to convey the record of the case to the appellate court and to certify it as accurate and complete. If an appellate court grants a writ of certiorari, it agrees to take the appeal. This is often referred to as *granting cert.*

- Challenge – An objection, such as when an attorney objects at a hearing to the seating of a particular person on a civil or criminal jury.
- Challenge for Cause – Objection to the seating of a particular juror for a stated reason (usually bias or prejudice for or against one of the parties in the lawsuit). The judge has the discretion to deny the challenge. This differs from *peremptory challenge*.
- Challenge to the Array – Calling into question the qualifications of an entire jury panel, usually on the grounds of partiality or some fault in the process of summoning the panel.
- Chambers – A judge’s private office. A hearing in chambers takes place in the judge’s office outside of the presence of the jury and the public.
- Change of Venue – The movement of a case from one court to another court that has the same jurisdictional authority but is in a different geographical location.
- Charge – An accusation.
- Charging Instrument (Charge) – Accusation of a crime by a formal complaint, information or indictment.
- 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 – Presiding or Administrative judge in a court.
- Circumstantial Evidence – All evidence of indirect nature; a decision process by which judge or jury may infer or reason from circumstances known or proved to establish the principal facts of the case.
- Citation – (1) A reference to a source of legal authority. (2) A direction to appear in court, as when a defendant is *cited* into court, rather than arrested.
- Civil Action – Non-criminal cases in which one private individual or business sues another to protect, enforce, or redress private or civil rights.
- Civil Appeal of Final Judgment – A case filed in a court having mandatory jurisdiction to review the judgment of a trial court decision.
- Civil Case – A broad classification category for trial court caseload that includes cases requesting the enforcement or protection of a right, or the redress or prevention of a wrong.
- Civil Case Manner of Disposition – The manner in which a civil case pending before a trial court is disposed.
- Civil Petition of Final Judgment – A case category in which a petition is presented to a court asking the court to review the judgment in a civil case of a trial court or the decision of an intermediate court.
- Civil Jury Trials and Trial Management Notice (CV-58a) – Cover sheet to civil jury trial list informing counsel of the date for Trial Management Conferences and other necessary dates.
- Civil Order of Arrest – (MJ-4/SC-14) – Requires the sheriff to arrest the debtor and bring him/ her directly to court either on days designated by the court or on any day that court is in session.
- Civil Procedure – The rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.
- Claimant – Person who initiates a court action in small claims, etc.
- Claim To Title – Tract of land taken up by a person who has possession of it. A statement of fact by a person stating title to land is ‘his’.
- Class Action – A lawsuit brought by one or more persons on behalf of a larger group.
- Clear and Convincing Evidence – Standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to win the case.
- Clemency or Executive Clemency – Act of grace or mercy by the President or Governor to ease the consequences of a criminal act, accusation, or conviction. It may take the form of *commutation or pardon*.
- Clerk’s Certificate – (certificate Lis Pendens) – A document to be filed in the Registry of Deeds upon the opening of a case involving title to real estate containing the docket number, the parties involved, date of filing and the title

to real estate. The certificate is duly certified by the clerk and includes the date of the complaint, the date it was filed, the plaintiff's and defendant's names, and a description of the real estate in question.

- Closing Argument – The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.
- Code – A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.
- Codicil – A supplement or an addition to a will.
- Commissioner – One authorized by a commission to perform certain tasks or duties, I.e. Notary Public, Bail Commissioner, etc.
- Commissioners Of Bail – Officers appointed to take recognizance of bail.
- Commit – (verb) Form of commitment. To send a person, by lawful authority, to prison, a mental institution, jail or reformatory.
- Commit For Observation – See commitment (in this context, not to exceed 1 year).
- Commitment – The warrant by which a court directs an officer to take a person to prison.
- Committed – To send a person to prison by virtue of a lawful authority, for any crime or contempt, or to an asylum, reformatory, or the like, by authority of a court. To deliver a defendant to the custody of the sheriff or marshal, on his surrender by his or her bail.
- Committed – Mental Disease Or Defect – To send a person to prison by virtue of a lawful authority, for any crime or contempt, or to an asylum, reformatory, or the like, by authority of a court.
- Committee on Judicial Responsibility and Disability – The Committee on Judicial Responsibility and Disability consist of seven members appointed by the Supreme Judicial Court. Two members are either active or active retired justices of the Superior Court, active or active retired judges of the District Court, or active judges of the Probate Court. Two members of the Committee are attorneys admitted to practice in the State of Maine, and three members are representatives of the public and are neither lawyers nor members of the judiciary. The Supreme Judicial Court, on recommendation of the governor, appoints the public and attorney members. The Committee is charged with supervising the conduct and discipline of judges.
- Common law – Law that derives its authority from the judgments and decrees of courts, rather than from statute or regulation. Also called case law or precedent.
- Commutation – The change of a punishment by the executive branch from a greater degree to a lesser degree; as from death to life imprisonment.
- Comparative Negligence – A legal doctrine by which acts of the opposing parties are compared to determine the liability of each party to the other, making each liable only for his or her percentage of fault.
- Competent – Legally qualified, authorized, or fit.
- Competency – In the law of evidence, the presence of characteristics that render a witness legally able and qualified to give testimony.
- Complaint, Civil – The initial written presentation by the plaintiff setting forth the claim for which relief is sought.
- Complaint, Criminal – A formal written document submitted to a court by a prosecutor, law enforcement officer, or other person, alleging that a specified person(s) has committed a specific offense(s), and requesting prosecution.
- Complaint, Traffic/Other Violation – A formal written document alleging that a specific person has committed a specific traffic offense, and requesting prosecution.
- Complainant – Person who initiates a court action.
- Conciliation – A form of *alternative dispute resolution* in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Conciliation is similar to *mediation*, but it may be less formal.
- Conclusions Of Law – Finding by court as determined through application of rules of law.

- Concurrent Jurisdiction – Jurisdiction conferred upon two or more courts over the same class of cases or matters.
- Concurrent Sentences – Sentences for more than one crime that are to be served at the same time, rather than one after the other.
- Condemnation – The legal process by which real estate of a private owner is taken for public use without that person's consent with the award and payment of just compensation.
- Conditional Guilty Plea – That which is dependent upon or granted subject to a condition.
- Confidential case – A case which is not available for public view.
- Consent – Agreement and acceptance as to opinion or a course of action.
- Consecutive Sentences – Successive sentences, one beginning at the expiration of another, imposed against a person convicted of two or more violations.
- Conservatorship – The relation existing between a person (conservator) lawfully invested with the power and charged with the duty of taking care of the property of another person who is considered by the court as incapable of managing his/her own affairs.
- Consolidate – To combine or join.
- Consolidated Case – A case in a trial court in which two or more cases (charging documents in criminal or traffic/other violation cases; petitions or complaints in civil cases) are tried together, or where a given defendant is tried on matters contained in two or more filing documents.
- Contempt – A willful disregard of the authority of a court of justice.
- Contempt of Court – An act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity.
- Contest – (verb) To oppose or dispute.
- Contested – A case not in agreement.
- Continuance – Postponement of a judicial proceeding to a future date.
- Continued (For Sentencing) – The adjournment or postponement of an action pending in a court, to a subsequent day of the same or another session, for the imposition of sentence.
- Contract – A legally enforceable agreement between two or more competent parties made either orally or in writing.
- Contract Case – A major classification category for civil cases that includes cases involving a dispute over a promissory agreement between two or more individuals or organizations.
- Contributory Negligence – A legal doctrine that says if the plaintiff in a civil action for negligence also was negligent, he/she cannot recover damages from the defendant for the defendant's negligence. Most jurisdictions have abandoned the doctrine contributory negligence in favor of *comparative negligence*.
- Controlling Precedent – A prior appellate court opinion that, by reason of its legal point or facts, is so similar to a current case that it constitutes a basis for determining the current case.
- Conviction – A judgment of a court, based either on the verdict of a jury or the decision of a judicial officer or on the guilty plea of the defendant, that the defendant is guilty of the offense(s) (or a lesser included offense) of which he/she has been charged.
- Copies (Copy) – Reproductions of an original.
- Corporeal Personal Property – Movable and tangible things, such as animals, ships, furniture, merchandise.
- Corpus Delicti – Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the body of the victim of a homicide or to the charred shell of a burned house, but the term has a broader meaning. For the state to introduce a confession or to convict the accused it must prove a corpus delicti, that is, the occurrence of a specific injury or loss and a criminal act as the cause of that particular injury or loss.
- Correction – A change that rectifies a mistake.

- Corroborating Evidence – Evidence supplementary to evidence already given, and tends to strengthen or confirm it.
- Counsel – A person trained in the law and authorized to advise or represent others in legal matters.
- Counter-Affidavit – An affidavit made in contradiction to the initial affidavit.
- Counterclaim – A claim made by the defendant in a civil lawsuit against the plaintiff. In essence, a counter lawsuit within a lawsuit.
- Court Administrator/Clerk of Court – An officer appointed by the Court or elected to oversee the administrative, non-judicial activities of the court.
- Court – A unit of the judicial branch of government, authorized or established by constitution or statute, which has the legal authority to decide cases or controversies brought before it.
- Court Costs – The expenses of prosecuting or defending a lawsuit other than the attorney's fees. An amount of money may be awarded to the successful party (and may be recoverable from the losing party) as reimbursement for court costs.
- Court of limited or special jurisdiction – A trial court that has legal jurisdiction over only the specific subject matter or persons (as opposed to all subject matter or persons) assigned by law or statute to that court.
- Courts of general jurisdiction – May exercise jurisdiction concurrently with courts of limited jurisdiction, depending on the state constitution or statutes.
- Court of Record – A court whose proceedings are permanently recorded and have the power to fine or imprison for contempt. Courts not of record are those of lesser authority, whose proceedings are not permanently recorded.
- Court Orders Juror Resummoned For Duty – A second summons. The calling of a person a second time.
- 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.
- Court Summons – M.R.Crim.P. 4(3) – Direction to the sheriff or other proper officer, requiring him to notify the person named that an action was commenced against him in the court and that he is required to appear, on a day named and answer to the complaint.
- Creditor – A person to whom debt is owing.
- Criminal Insanity – Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.
- Criminal Appeal of Final Judgment – A case filed in a court having mandatory jurisdiction to review the judgment of a trial court or the decision of a criminal case.
- Criminal Case – A broad classification category for trial court caseload that includes cases in which a defendant(s) is charged with the violation of a state law(s).
- Criminal Case Manner of Disposition – The manner in which a criminal case pending before a trial court is disposed.
- Criminal Insanity – Want of mental capacity and moral freedom to do or abstain from doing particular act.
- Criminal Petition of Final Judgment – A case category in which a petition is presented to a court asking the court to review the judgment of a criminal case of a trial court or the decision of a court.
- Criminal – Type Juvenile Petition – A juvenile petition category that includes behavior of a juvenile that would be a crime if committed by an adult.
- Cross Appeal – When both parties appeal a judgment.
- Cross-Claim – A claim by codefendant or coplaintiffs against each other and not against persons on the opposite side of the lawsuit.
- Cross-Examination – The questioning of a witness in a trial, or in the taking of a deposition, by the opposing party to the side who called the witness.
- Cumulative Sentences – Sentences for two or more crimes to run consecutively, rather than concurrently.
- Custodian – One who has the custody or care.

Custody, (In) – Detaining of a person by lawful process or authority to assure his or her appearance to any hearing; the jailing or imprisonment of a person convicted of a crime.

Damages – A pecuniary (monetary) compensation which may be recovered in court by any person who has suffered loss, detriment, or injury to themselves, their property, or their rights, resulting from the unlawful act or negligence of another.

Debtor – One who owes a debt; anyone liable on a claim.

Decision – The judgment reached or given by a court of law.

Decision On Briefs – A judgment or decree pronounced by a court in settlement of a controversy submitted to it and by way of authoritative answer to the questions raised before it.

Decision Without Opinion – A decision in a court case is issued without a written statement indicating the legal reasons for the decision.

Declaratory Judgment – A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

Decree – An order of the court. A final decree is one that fully and finally disposes of the litigation. An interlocutory decree is a preliminary order that often disposes of only part of a lawsuit.

Defamation – That which tends to injure a persons reputation. Libel is published defamation, whereas slander is spoken.

Default – When a party fails to plead or defend an allegation within the specified time.

Default Judgment – A judgment entered against a party who fails to appear in court or respond to the charges.

Defendant, civil – The person or entity against whom a claim is filed.

Defendant, criminal – The person or entity charged with a crime.

Demurer – A motion to dismiss a civil case because of the legal insufficiency of a complaint.

Denied (Deny) (Denial) – (BY COURT) – To refuse to grant a petition.

Denied (Deny) (Denial) – (BY PARTY) – To give negative answer or reply to.

De Novo (or) Trial De Novo – A new trial or retrial held in a higher court in which the whole case is gone into as if no trial had been held in a lower court.

De Novo on the Record – A trial court’s review of the judgment in a trial court case is which the case is heard again based on the record of the earlier trial or hearing.

Deny (Denial) – To give negative answer or reply to.

Deny Petition Contesting Extradition – To refuse to grant a petition or protest.

Deny Right To Appeal – To refuse to grant a petition or protest.

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.

Descent and Distribution Statutes – State laws that provide for the distribution of estate property of a person who dies without a will. Same as intestacy laws.

Dilatory Plea – A class of defenses founded on matter of fact not connected with merits of the case, but as might without impeaching the right of action itself such as pleas of jurisdiction.

Direct Evidence – Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from circumstantial evidence that is indirect evidence.

Direct Examination – The first questioning of a witness by the party who called the witness to testify.

Directed Verdict – A judgment ordered by the court in a jury trial.

- Disbarment – Form of discipline of a lawyer resulting in the loss (often permanently) of that lawyer’s right to practice law. It differs from censure (an official reprimand or condemnation) and from suspension (a temporary loss of the right to practice law).
- Discharge – The act by which a person in confinement, held on an accusation of some crime or misdemeanor, is set at liberty.
- Discharged – To release. The act by which a person in confinement, held on an accusation of some crime or misdemeanor, is set at liberty.
- Discharge Of Bail Lien – A document filed at the Registry of Deeds discharging the original lien filed only upon the filing of a new bond or the defendant being in custody, or the case being finished.
- Disclaim – To refuse a gift made in a will.
- Disclosure – (Disclosure Hearing) – A hearing held in District Court, where a debtor’s income and assets are revealed to the court for determination of ability to comply with monetary judgment.
- Discovery – The pretrial process by which one party discovers the evidence that will be relied upon in the trial by the opposing party.
- Discovery Deadline – Date set by Court at which time discovery should be completed and the case ordered placed on the (jury) (non-jury) trial list 30 days after close of discovery.
- Discretionary Jurisdiction – The authority of a court to decide whether it will grant a petition of final judgment or other discretionary petition so that a case can be decided on its merits.
- Dismissal – The termination of a lawsuit.
- Dismissal Without Prejudice – Permits the complainant to sue again on the same cause of action. Motions filed by the parties may also be denied without prejudice, meaning they are not barred from filing the same motion later in the case on new grounds
- Dismissal With Prejudice – Bars the right to bring or maintain an action on the same claim or cause.
- Dismissed – Disposed of without further trial or hearing. Closing of a case by order of the court or agreement of the parties.
- Dispensed – To release or dispose of a proceeding.
- Disposition – Is the termination of a case pending before a court by judgment, dismissal, transfer, removal, etc.
- Dispositive Motion – Requires a ruling on the motion which may dispose the case, for example, motion for dismissal.
- Disseisor – One who puts another out of possession of his lands wrongfully.
- Dissent – To disagree. An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.
- Dissolution – The act of rendering a legal proceeding null.
- Dissolve – (Motion To Dissolve) – To terminate.
- District Attorney – The prosecuting officer who represents the state in each of its judicial districts.
- District Court – The District Court was created by the Legislature in 1961. It has thirty-three judges who hold court in thirteen districts at thirty-one locations throughout Maine. This court hears both civil and criminal matters and always sits without a jury. The Family Division of the District Court has jurisdiction over family matters. There are eight case management officers who work within the Family Division. Most decisions of the District Court are appealed directly to the Supreme Judicial Court. Appeals are limited to questions of law, except in small claims, forcible entry, and detainer cases.
- District Attorney – In Maine, the popularly elected chief legal officer of any prosecutorial district that is responsible for prosecuting violations of state law, from misdemeanors through felony. A district attorney may also represent the county in civil matters.
- Diversion – The process of removing some minor criminal, traffic, or juvenile cases from the full judicial process, on the condition that the accused undergo some sort of rehabilitation or make restitution for damages.

- Divorce – The legal dissolution of a marriage by judgment of court.
- Divorce Complaint – Filed to commence a divorce action.
- Docket – (1) (noun) A book or computer record containing a brief entry of all acts done in court in each case from inception to conclusion. (2) (verb) To abstract and enter in a book or computer; to make a brief entry of a court proceeding in the docket.
- Docket Number – Is a unique court-related number which is assigned by a Clerk.
- Domicile – The place where a person has his or her permanent legal home. A person may have several residences, but only one domicile.
- Double Jeopardy – Common law and constitutional prohibit against putting a person on trial more than once for the same crime. However, under certain circumstances, state and federal courts may each prosecute based on the same criminal conduct.
- Due Process – Law in its regular course of administration through the courts of justice. The guarantee of due process requires that every person have the protection of a fair hearing with adequate notice and a reasonable opportunity to be heard.
- Electronic Recording – The electronic sound recording of proceedings in their respective courts.
- Electronic Recording Division (ERD) – A division of the Maine District Court which keeps all recordings made of cases in the District Court for the specified retention period.
- Elements of a Crime – Specific factors that define a crime which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction. The elements that must be proven are (1) that a crime has actually occurred, (2) that the accused intended the crime to happen, and (3) a timely relationship between the first two factors.
- Emancipation – To release from parental or guardian control.
- Embezzlement – The act of fraudulently appropriating for one's own use or benefit the property of money entrusted to them by another.
- Eminent Domain – The power of the government to take private property for public use through condemnation.
- En Banc – All the judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels or three judges. If a case is heard or reheard by the full court it is heard en banc.
- Enforce – To execute a writ, judgment or collection of fine.
- Enjoin – To require a person, by injunction order from a court of equity, to perform or not to perform some act.
- Entered (Enter) – To place formally before a court or on the record; usually in writing.
- Entrapment – When officers or agents of a government induce a person to commit a crime he/she would not otherwise have committed, for the purpose of charging him/her with a crime. If a defendant claims that her/she was entrapped, the government must prove that he/she was likely to commit the crime without its encouragement.
- Entry – The act of entering a record on the docket.
- Equal Protection of the Law – The guarantee in the Fourteenth Amendment to the U.S. Constitution that all person be treated equally by the law. Court decisions have established that this guarantee requires that courts be open to all persons on the same conditions, with like rules of evidence and modes of procedure; that persons be subject to no restrictions in the acquisition of property, the enjoyment of personal liberty, and the pursuit of happiness, which do not generally affect others; that persons are liable to no other or greater burdens than such as are laid upon others, and that no different or greater punishment is enforced against them for a violation of the laws.
- Equity – A system of civil justice, distinct from the system based on common law, which provides discretionary remedies for wrongs not redressable under the legal structures of common law.

- Equity Case – A category of civil court cases in which civil wrongs are redressed by applying the rules of equity as distinguished from cases decided according to common law.
- Escheat – The process by which a deceased person’s property goes to the state if no heir can be found.
- Escrow – Documents or funds delivered by one party to an intermediate, to be held and turned over to another party upon the happening of a contingency or performance of a condition. For instance, in a real estate transaction, the buyer may ask a broker to hold the purchase funds in escrow, to be delivered to the seller when the deed has been executed.
- Estate – An estate consists of personal property (car, household items, and other tangible items), real property, and intangible property, such as stock certificates and bank accounts owned in the individual name of a person at the time of the persons death. It does not include life insurance proceeds unless the estate was made the beneficiary or other assets that pass outside the estate (like joint tenancy asset).
- Estate Case – A major classification category for civil cases that includes cases dealing primarily with the following civil matters: administration of estates of deceased persons who died testate or intestate, including settling legal dispute concerning wills, guardianships and conservatorships; administration of trust.
- Estate Tax – Generally a tax on the privilege of transferring property to others after a person’s death. In addition to federal estate tax many states have their own estate taxes.
- Estoppel – A person’s own act, or acceptance of facts, which precludes that person from later making claims to the contrary.
- Et Al – “And others.”
- Et Seq. – “And the following.”
- Eviction – To expel or put out (a tenant) by legal process.
- Evidence – Any type of proof legally presented at trial.
- Evidentiary – Having the quality of evidence; constituting evidence; evidencing.
- Examination – In this context, the setting whereby the examiner determines whether the person charged with having committed a crime shall be found competent/incompetent.
- Examiner – In this context, designee by State Forensic Service to conduct examinations under 15 M.R.S.A. §101-B.
- Exceptions – Declarations by either side on a civil or criminal case reserving the right to appeal a judge’s ruling upon a motion. Also, in regulatory cases objections by either side to points made by the other side or to rulings by the agency or one of its hearing officers.
- Exclusionary Rule – The rule preventing illegally obtained evidence to be used in any trial.
- Exclusive Jurisdiction – A term to denote that subject matter jurisdiction over a case rests with a single court, as determined by statute or constitution.
- Ex Contractu – Arising from the contract; in both civil and common law, rights and causes of action are divided into tow classes: Those arising ex contractu (from a contract) and ex delicto (from a wrong or tort).
- Ex Delicto – Rights and causes of action arising from a wrong or tort.
- Execute – To complete the legal requirements (such as signing before witnesses) that make a will valid. Also, to execute a judgment or decree means to put the final judgment of the court into effect.
- Execution – An execution is a document for the enforcement of a judgment for money.
- Executor – A personal representative named in a will who administers an estate.
- Exempt Property – In bankruptcy proceedings this refers to certain property protected by law from the reach of creditors.
- Exhibit – A paper, document, or other article produced and exhibited to a court during a trial or hearing.
- Exonerate – Removal of a charge, responsibility, or duty.
- Ex Parte – On behalf of only one party. Done without notice or hearing to opposing party.
- Ex Parte Proceeding – The legal procedure in which only one side is represented

- Expedite** – To hasten a proceeding.
- Expedited pretrial order** – Is a list of cases maintained by the clerk to be placed on the jury or non-jury trial list at the appropriate discovery deadline time. There shall be no pretrial memorandum or conference.
- Expedited Pretrial Order (CV-44) Rule 16(c)** – Is issued by the court upon review of the file. Discovery can be completed expeditiously and the matter is placed on the expedited trial list.
- Expert Evidence** – Testimony given in relation to some scientific, technical or professional matter by experts, i.e., persons qualified to speak authoritatively by reason of their special training, skill or familiarity with the subject.
- Ex Post Facto** – After the fact; an act or fact that relates to a previous act or fact.
- Expungement** – Official and formal erasure of a record or partial contents of a record.
- Extend** – To enlarge further than original time limit.
- Extenuating Circumstances** – Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be. Also called mitigating circumstances.
- Extradition** – The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands the surrender.
- Failure to Appear** – Non-compliance with an appearance order.
- Fair Comment** – A term used to describe a defense in the law of libel and slander, applying to statements made by a writer or speaker that is his/her honest belief of the truth, though in actuality it is false. The statement (written or oral) must relate to a matter of public concern.
- Fair Preponderance** – The greater weight of evidence, though not free from reasonable doubt, which is sufficient to persuade a fair and impartial trier of fact (judge or jury) to the side of the party with the burden of proof.
- False Arrest** – Any unlawful physical restraint of another's liberty, whether in prison or elsewhere, without authority.
- False Pretenses** – A planned (knowing) misrepresentation of an existing fact or condition that enables a person to obtain another's personal property.
- Family Allowance** – A small amount of money set aside from the estate of the deceased. Its purpose is to provide for the surviving family members during the administration of the estate.
- Family Matter** – An action filed in the appropriate Court which can be an annulment, Marriage Waiver, Minor Settlement, URESA, Abortion, Judicial Separation, Paternity, Emancipation and Parental Rights and Responsibilities.
- Federal Court** – The court system of the United States, established by the Constitution to handle violations of federal criminal law and to resolve civil disputes that involve issues under the U.S. Constitution, federal statutes, or involve parties from different states.
- Federal Question** – Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, or treaties, or in combination.
- Fee Arbitration Commission** – The Fee Arbitration Commission is established by the Bar Rules to provide an efficient way for clients to resolve disputes concerning legal fees. The Fee Arbitration Commission consists of five geographically-distributed, three-member panels comprised of lawyers and public members. A client may initiate fee arbitration by filing a request for arbitration with the Commission. The dispute is then referred to a fee arbitration panel for a hearing and decision. In this manner, clients may dispute legal fees promptly and without the expense and publicity of litigation.
- Felony** – A crime of a graver nature than a misdemeanor. Generally, an offense punishable by death or imprisonment for more than one year.
- Felony Case** – A major criminal case category that involves an offense punishable incarceration in a confinement facility for a period of which the lower limit in a given jurisdiction is prescribed by statute, typically one year or more. A class A, B, C, or a murder case.
- Fiduciary** – A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the others benefit, e.g. a guardian, trustee, or executor.

- File – To place a paper in the official custody of the clerk of court/ court administrator to enter into the files or records of a case.
- Filing – The documents filed to commence cases in order to establish a uniform unit for counting cases.
- Filing – A formal submission of a document to a court, alleging the facts and requesting relief.
- Final Order – One which either terminates the action itself, or decides some matter litigated by the parties, or operates to divest some right; or one which completely disposes of the subject-matter and the rights of the parties.
- Finding – The results of deliberations of jury or court; a decision.
- Findings Of Fact – The written or oral conclusion reached after an examination or consideration of facts or data by a Judge.
- Fine – To sentence a person convicted of an offense to pay a penalty in money.
- First Appearance – The initial appearance of an arrested person before a judge to determine whether or not there is probably cause for his or her arrest. Generally the person comes before a judge within hours of the arrest. Also called *initial appearance*.
- Forcible Entry And Detainer – (By Landlord) – A proceeding for eviction of a tenant.
- Forcible Entry And Detainer – (By Bank or loan company) – A proceeding to recover personal property.
- Foreclosure – The legal procedure for satisfying claims against a mortgagor in default who has not redeemed the mortgage.
- Foreign Judgment – A judgment from another state.
- Forfeited – Something surrendered as punishment for a crime, offense, error, or breach of contract.
- Forfeiture – The State acting through the District Attorney or the Attorney General has the authority to ask the court for judgment of forfeiture of assets used in the commission of certain crimes.
- Forgery – The act of making a false document or altering a real document with the intent to defraud a person into believing the document represents a legal liability or a basis for payment.
- Fraud – An intentional perversion of truth or deceitful practice intended to deprive another of property or other right, or in some manner to do injury.
- Frivolous Claim Of Title – A written allegation that the Defendant’s claim of title is trivial and intended for delay.
- Further Proceedings: In practice, hearing at another time; new trial; or other proceedings directed by appellate court. Not a new proceeding but rather a continuation of an existing proceeding.
- Garnishment – A judicial proceeding initiated by a creditor of property, money or credits of a debtor, held by a third party (the garnishee), are applied to the debts of the debtor or given to the creditor to recover debts owed.
- Garnishee – The entity or person to which garnishment is served, usually a debtor of the defendant in the action; (verb) to institute garnishment proceedings.
- General Assignment – The voluntary transfer by a debtor of all his or her property to a trustee, for the benefit of creditors.
- General Jurisdiction – Refers to courts that have no limit on the types of criminal and civil cases they may hear.
- Genuine Issuance Of Material Fact – (FED APPEAL) – The fact in doubt is substantial and important to the case and has a legal right to a jury trial.
- Good Time – A reduction in sentenced time in prison as a reward for good behavior. It usually is one third to one half off the maximum sentence.
- Grand Jury – A body of citizens who listen to evidence of criminal allegations presented by the state, and determine whether probable cause exists to believe a criminal offense was committed.
- Granted (Grant) – To consent, or confer formally or according to legal procedure.
- Grant Petition – To allow a petition.

- Grantor or Settlor – The person who sets up a trust.
- Grant Right To Appeal – To allow a petition.
- Gratuitous Guest – In automobile law, a person riding at the invitation of the owner of a vehicle, or an authorized agent, without payment or return favor.
- Grievance Commission – The Grievance Commission is established by the Bar Rules to resolve complaints against lawyers for violations of the Bar Rules. The Grievance Commission consists of five geographically-distributed, three-member panels comprised of lawyers and public members. When a complaint is filed against a lawyer, Bar Counsel must first decide whether it alleges conduct, which violates the Bar Rules. If not, Bar Counsel will dismiss the complaint, subject to appeal to a public member of the Board of the Grievance Commission. A complaint that alleges a violation of the Bar Rules is investigated by Bar Counsel and then sent to a panel of the Grievance Commission. That panel determines whether sufficient grounds exist for a public disciplinary hearing. If so, that panel sends the case to another panel of the Grievance Commission conducts the hearing. The panel conducting the public disciplinary hearing may issue public reprimands for lawyers misconduct or, if the violation is sufficiently serious, will direct Bar Counsel to institute disciplinary proceedings with the Supreme Judicial Court, which may result in suspension or disbarment.
- Guardian – A person legally placed in charge of the affairs of a minor or of a person of unsound mind.
- Guardian Ad Litem – A person appointed by a court to look after the interests of a minor or incompetent person who is personally involved, or their property is involved, in litigation.
- Guardianship – Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable of providing these necessities for himself/herself. A guardian also may be given responsibility for the person's financial affairs, and thus perform additionally as a conservator.
- Guilty – Having committed a crime or tort. A confession of guilty in open court.
- Guilty plea – A disposition classification for those cases in which the defendant admits having committed an offense with which he is charged, or a lesser included offense.
- Habeas Corpus – "You have the body." The name given a variety of court orders whose purpose is to bring a person before a court or judge. In most common usage, it is directed to the official or person detaining another, commanding the official or person to produce the prisoner or person detained so the court may determine if liberty has been denied without due process of law.
- Harmless Error – An error committed during a trial that was corrected or was not serious enough to affect the outcome of a trial and therefore was not sufficiently harmful (prejudicial) to be reversed on appeal.
- Hearing – A proceeding initiated by either a dispositive or non-dispositive motion, in which oral arguments, witnesses, or evidence are presented and heard by a Judge or administrative body. A hearing does not necessarily dispose of the case.
- Hearing De Novo – Generally, a new hearing or a hearing for the second time, contemplating an entire trial in same manner in which matter was originally heard and a review of previous hearing.
- 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.
- Holographic Will – A will created by the person it applies to and is entirely written, dated, and signed by that person, in their own handwriting.
- Hostile Witness – A witness whose testimony is not favorable to the party who calls him/her as a witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him/her to the stand.
- Hung Jury – A jury so irreconcilably divided in opinion that they cannot agree upon any verdict.
- Immunity – Grant by the court, which assures someone will not face prosecution in return for providing criminal evidence.
- Impeachment of a Witness – On attack on the believability of a witness or to challenge the authenticity of a document, either through cross-examination of the witness or through the testimony of other witnesses.

- Implied Contract** – a contract in which the parties intended a contract to exist or an obligation imposed by law because of the conduct or relationship between the parties, or benefit conferred to one party is unjust to the other parties.
- Implied Waiver** – A waiver is implied where one party has pursued such a course of conduct with reference to the other party as to evidence an intention to waive his/her rights or the advantage to which he may be entitled, or where the conduct pursued is inconsistent with any other honest intention than an intention of such waiver.
- Impound** – Confidential and not for public viewing.
- Imputed Negligence** – Liability for negligence arising from the act(s) of another person with a special relationship to the person held responsible for that person's act(s). For instance, parents may be imputed with the negligence of their child.
- Inadmissible** – Evidence that is not allowed to be entered under the Rules of Evidence.
- In Camera** – In chambers; in private. Generally, this is a procedural tool used by the court to maintain confidentiality of information.
- Incarcerate** – To confine in jail.
- Incident Number** – Is the number assigned by the District Attorney's Office at the time of the official charging or by Law Enforcement. The number is made up of the charging agency's case or incident number and the charging agency's Originating Agency Identifier. The District Attorney has the responsibility of ensuring the number is available and correct. See Rule 3(b).
- Incompetent** – Not legally qualified, authorized, or fit.
- Incorporeal Personal Property** – Consists of such rights as personal annuities, stocks, shares, patents, and copyrights.
- Indemnify** – To compensate for a loss.
- Independent Executor** – A special kind of executor, permitted by the laws of certain states, who performs the duties of an executor without intervention by the court.
- Indeterminate Sentence** – A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.
- Indictment** – A written accusation of a crime returned after a grand jury determines there is probable cause to believe that the person named has done some criminal act or is guilty of some omission that is by law a crime.
- Indigent** – Needy or impoverished.
- Indigency** – Status of one who has not sufficient property to furnish him/her a living, who is without funds to hire a lawyer to defend himself/herself and who, in most instances, is entitled to appointed counsel.
- In Forma Pauperis** – In the manner of a pauper. Permission given to a person to sue without payment of court fees because of indigence or poverty.
- Information** – A written accusation charging a named person with a criminal offense. Differs from an indictment because it is presented to the court by a competent public officer instead of a grand jury. Typically, a person cannot be charged by information without giving permission and formally giving up the right to be indicted.
- Infraction** – A category for an offense other than a felony or misdemeanor, punishable by a fine or other penalty, but not by incarceration. Not a criminal offense.
- Inheritance Tax** – A state tax on property that an heir or beneficiary under a will receives from a deceased person's estate. The heir or beneficiary pays this tax.
- Initial Appearance** – In criminal proceedings, the first appearance of an accused person in the first court having jurisdiction over his/her case.
- Initiation** – Commencement of an action.
- Injunction** – A writ issued by a court that commands, instructs, or requires a party to perform or to abstain and desist from performing, some act.

- In Propria Persona – In court's it refers to persons who present their own case without lawyers.
- Insanity – The degree of mental illness that negates the individual's legal responsibility or capacity.
- Instructions – Judge's explanation to the jury before it begins deliberations of the questions it must answer and the applicable law governing the case.
- Instrument – A written document; a formal or legal document in writing, such as a contract, deed, will, bond, or lease.
- Intangible Assets – Nonphysical items such as stock certificates, bonds, bank accounts, and pension benefits that have value and must be taken into account in estate planning.
- Intangible Property – An asset that cannot be apprehended by the mind or senses.
- Inter Alia – Among other things or matters
- Interlocutory Decision – A request, made at some point before judgment in trial court proceedings that a court having jurisdiction review a decision of the trial court before final judgment is reached.
- Interlocutory Order – An order which decides not the cause, but only settles some intervening matter relating to it.
- Interrogatories – Written questions asked by one party in a lawsuit for which the opposing party must provide written answers.
- Intervention – A proceeding in a suit or action in which a third person requests, and is permitted by the court, to make himself/herself a party.
- Inter Vivos Gift – A gift made during the giver's life
- Inter Vivos Trust – Another name for a living trust.
- Intestate – One who dies without leaving a will.
- Intestate Succession – The process by which the property of a person who has died without a will passes on to others according to the state's descent and distribution statutes. If someone dies without a will, and the court uses the state's intestate succession laws, an heir who receives some of the deceased's property is an intestate heir.
- Involuntary – Without will or power of choice.
- Involuntary Dismissal – Without will or power of choice. A dismissal is involuntary where, in consequence of technical omission, misleading, or the like, the suit is regarded as out of court.
- Irrelevant – Evidence that doesn't relate or apply to the matter in issue; not supporting the issue.
- Irrevocable Trust – A trust that once set up the grantor may not revoke.
- Issue – (1) The disputed point in a disagreement between parties in a lawsuit. (2) To send out officially, as in to issue an order.
- Issue Of Fact – (APPEAL) – To join in submitting an issue for decision at law.
- Issue In Law – (APPEAL) – In pleading. An issue upon matter of law, or consisting of matter of law.
- Jail – A prison, a building designated by law, or regularly used, for the confinement of persons held in lawful custody.
- Joint Indictment – When several offenders are joined in the same indictment, as when principals in the first and second degree, and accessories before and after the fact, are all joined in the same indictment.
- Joint and Several Liability – A legal doctrine that makes each of the parties who are responsible for an injury, liable for all the damages awarded in a lawsuit if the other parties responsible cannot pay.
- Joint Tenancy – A form of legal co-ownership of property (also known as survivorship). At the death of one co-owner, the surviving co-owner becomes sole owner of the property. Tenancy by the entirety is a special form of joint tenancy between a husband and wife.
- Judge – An elected or appointed public official with authority to hear and decide cases in a court of law.

- Judge Orders Extension Of Time – A lengthening out of time previously fixed and not the arbitrary setting of a new date.
- Judgment (criminal) – A judgment in criminal cases is defined as adjudging the guilt or innocence of a defendant to a specified count.
- Judgment (civil) – A judgment in civil cases is defined as an official determination by the court (or clerk in the case of some default judgments) regarding the rights and obligations of the parties to a case and dispose of the case in whole or as to specific counts.
- Judgment And Commitment (Judgment Of Conviction) – A judgment of conviction, the verdict or findings, the form stating the sentence.
- Judgment Of Conviction – A judgment of conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence.
- Judgment By Default – See Default Judgment.
- Judgment Nil Dicit – See Default Judgment.
- Judgment Of Non Pros – See Default Judgment. Not prosecuted.
- Judgment Of Nonsuit – See Default Judgment.
- Judgment/Sentencing – It is, or may mean, adjudication.
- Judicial Review – The authority of a court to review the official action of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.
- Judicial Separation – A separation of husband and wife by a decree of court, less complete than an absolute divorce.
- 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.
- Jurisprudence – The study of law and the structure of the legal system; philosophy pertaining to the law.
- Jury – A certain number of men and women, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them.
- Jury Commissioner – The court officer responsible for choosing the panel of persons to serve as potential jurors for a particular court term.
- Jury Trial – A trial in which the issues of facts are to be determined by the verdict of a jury of people duly selected, impaneled, and sworn.
- Justice – An official entrusted with administration of laws.
- Justiciable – Issues and claims capable of being properly examined in court.
- Juvenile – A young person; child.
- Juvenile Appeal of Final Judgment – A case filed in a court having mandatory jurisdiction to review the adjudication outcome of a trial court or the decision of a court in a juvenile petition.
- Juvenile Petition Adjudication Outcome – The finding, verdict, or other resolution that adjudicates a juvenile petition in a trial court.
- Landlord – Owner of tenement, to whom tenant pays rent.
- Landlord and Tenant – A phrase used to denote the familiar legal relation existing between lessor and lessee of real estate.
- Lapsed Gift – A gift made in a will to a person who has died prior to the will-makers death.
- Larceny – Obtaining property by fraud or deceit.
- Law – The combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom.
- Law Case – The hearing of a civil case on the basis of common law and case law, in contrast to a suit in equity.

- Law Clerks – Persons trained in the law who assist judges in researching legal opinions.
- Law Court – A court for administering justice under the law.
- Law Court Decision – A judgment given by a competent tribunal. The findings of fact and conclusions of law which must be in writing and filed with the clerk.
- Law Court / Supreme Judicial Court – A court of high powers and extensive jurisdiction. An appellate tribunal, and the court of last resort.
- Legal Closure – A criminal case is legally closed after dismissal, filing, change of venue, or after sentence has been imposed. A civil case is legally closed after change of venue or permanent transfer has occurred, dismissal, or after judgment has been entered which disposes of the complaint and any third-party complaint, cross-claim, or counterclaim, notwithstanding the fact that the losing party may have a period of redemption or time for appeal.
- Lawsuit – A legal action started by one person (a plaintiff) against another person (a defendant) based on a complaint that the defendant failed to perform a legal duty, resulting in harm to the plaintiff.
- Leading Question – One that instructs a witness how to answer or puts into his/her mouth words to be echoed back; one that suggests to the witness the answer desired. Typically prohibited on direct examination.
- Legal Aid – Professional legal services available usually to persons or organizations unable to afford such services.
- Legal Filing – Is the beginning of a court case by formal submission of a document to the court alleging the facts and or requesting relief.
- Leniency – Recommendation for a sentence less than the maximum allowed.
- Letters of Administration – Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.
- Letters Rogatory – A request sent by one court to another court in an independent jurisdiction, which asks that a witness be examined upon interrogatories included with the request.
- Letters Testamentary – Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.
- Levy – A seizure; obtaining money through legal process by seizure and sale of property. The act of raising money for which an execution has been issued.
- Liable – Legally responsible.
- Libel – A method of defamation expressed by print, writing, pictures or signs. In its most general sense any publication of false information that injures the reputation of another, also, an attachment in maritime law.
- Licensee – A person licensed; one who holds a license.
- License Suspension – If a defendant in a criminal traffic case fails to pay a fine or appear in court, the defendant's driver's license must be suspended. May also be part of a sentence imposed by the court.
- Lien – A charge or security or incumbrance upon property.
- Limine – A motion requesting that the court not allow certain evidence that might prejudice the jury.
- Limitation – A certain time allowed by statute in which litigation must be brought or criminal charges filed.
- Limited – Restricted; bounded.
- Limited Jurisdiction – Refers to courts that are limited in the types of criminal and civil cases they may hear. For example, traffic violations generally are heard by limited jurisdiction courts.
- Lis Pendens – A pending suit; power of the court over property associated with a suit that is pending.
- Litigant – A party to a lawsuit. Litigation refers to a case, controversy, or lawsuit.
- Living Trust – A trust set up and in effect during the lifetime of the grantor.
- Locus Delicti – The place of the offense.

- Magistrate – A judicial officer empowered to advise an arrested person of his/her rights and to set bail shortly after arrest; also empowered to issue search warrants and arrest warrants and conduct preliminary hearings.
- Maine Defense Lawyers – A voluntary association of Maine lawyers that practice criminal defense law.
- Maine Prosecutors Association – A voluntary association of Maine district attorneys.
- Maine State Bar Association – A voluntary association of Maine lawyers.
- Maine Trial Lawyers Association – A voluntary association of Maine trial lawyers.
- Malfeasance – Evil doing; ill conduct; the commission of some act which is prohibited by law.
- Malicious Prosecution – An action instituted without probable cause, with the intention of injuring a defendant and that terminates in favor of the person prosecuted.
- Mandamus – The name of a court order that issues from a court with superior jurisdiction to an inferior court or government official, commanding the performance of a particular act.
- Mandate – A judicial command or precept from a court or judicial officer, directing the proper officer to enforce a judgment, sentence, or decree.
- Mandatory – Containing or constituting a command.
- Mandatory Jurisdiction – The obligation placed by constitution or statute on a court to consider the merits of a case.
- Manslaughter – The reckless or criminally negligent killing of another; may be voluntary, upon a sudden impulse, or involuntary.
- Material Evidence – Evidence that is relevant and goes to the legal or factual issues in dispute.
- Marriage Waiver – A form filed in the district court requesting the court to waive the three days required to receive a marriage license.
- Material Fact – A fact is material and precludes grant of summary judgment if proof of that fact would have the effect of establishing or refuting one of essential elements of a cause of action or defense asserted by the parties, and would necessarily affect application of appropriate principle of law to the rights and obligations of the parties.
- Mediation – Friendly or diplomatic intervention, usually by consent or invitation, for settling differences between persons.
- Medical Malpractice – A subcategory of tort case that includes cases involving charges of malpractice by a person in the medical profession acting in a professional capacity.
- Memorialized – In writing.
- Mens Rea – The “guilty mind” necessary to establish criminal responsibility.
- Mental Disease Or Defect (Insanity) – The term is a social and legal term rather than a medical one, and indicates a condition which renders the affected person unfit to enjoy liberty of action because of the unreliability of his/her behavior with concomitant danger to himself/ herself and others. The term is more or less synonymous with mental illness or psychosis. In law, the term is used to denote that degree of mental illness which negates the individual’s legal responsibility or capacity.
- Mental Health – Relating to or existing in the mind.
- Mental Health Case – A major classification category for civil cases that includes in which a court is requested to make a legal determination as to whether an individual is mentally ill or incompetent and should be placed or should remain under care, custody, and treatment.
- Minor – An infant or person who is under the age of legal competence, one under twenty-one.
- Miranda Warning – Requirement that police tell a suspect in their custody of his/her constitutional rights before they question him/her. So named as a result of the *Miranda v Arizona* ruling by the U.S. Supreme Court.
- Misdemeanor – Offenses less than felonies; generally those punishable by fine or imprisonment for less than one year.

- Misdemeanor Case – A criminal case category (class E offenses) that involves an offense usually punishable by fine or incarceration or both for an amount of fine and period of time the upper limits of which are prescribed by statute and are generally less than those prescribed for a felony.
- Misfeasance – A misdeed or trespass. The improper performance of some act that a person may lawfully do.
- Mistrial – An invalid trial, caused by procedural error, serious misconduct by a party, or failure of the jury to agree to a verdict. When a mistrial is declared, the trial must start again from the selection of the jury.
- Mitigating Circumstance – A set of facts which does not constitute a justification or excuse for an offense, but which may be considered in sentencing as reducing the degree of moral culpability.
- Modify – To change or alter.
- Money Judgment (disclosure) – A type of filing in the District Court in which a judgment creditor can compel a judgment debtor to come to court to disclose the debtor's financial situation.
- Moot – No longer having any significance to the matter at hand.
- Moral Turpitude – Conduct contrary to honesty, modesty or good morals.
- Motion – An oral or written request made to a court at any time before, during, or after court proceedings, asking the court to make a specified finding, decision, or order.
- Motion For A New Trial – A request that the judge set aside the judgment or verdict and order a new trial.
- Motion For Findings Of Fact And Conclusions Of Law – Request for court to consider issues of fact in a case and arrive at a conclusion of law and issue a proposition of law.
- Motion Pursuant To Rule 52 – Findings by the Court.
- Motion Pursuant To Rule 59 – New trials; Amendment of judgments.
- Motion Requesting Stay – A suspension of the case or some designated proceedings within it.
- Motion to Vacate – To set aside; to cancel or rescind.
- Motion Under Advisement – Consideration; deliberation, consultation, the consultation of a court, after the argument of a cause by counsel, and before delivering their opinion.
- Murder – The unlawful killing of a human being with deliberate intent to kill.
- Ne Exeat – A court order that forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of the court.
- Negligence – The failure to do something that a reasonable person, guided by ordinary considerations, would do; or doing something that a reasonable and prudent person would not do.
- New Order Of Disposition – One which either terminates the action itself, or decides some matter litigated by the parties, or operates to divest some right; or one which completely disposes of the subject-matter and the rights of the parties.
- Next Friend – One acting for the benefit of a minor or other person without being appointed as guardian.
- No Bill By Grand Jury – This phrase, when indorsed by a grand jury on an indictment, is equivalent to "not found," "not a true bill."
- No Brief Filed – A written or printed document, prepared by counsel to serve as the basis for an argument upon a cause in an appellate court, and usually filed for the information of the court.
- No Contest Clause – Language in a will that provides that a person who makes a legal challenge to the will's validity will be disinherited.
- No Fault Proceedings – A civil case in which parties may resolve their dispute without a formal finding of error or fault.
- Nolle Prosequi – A formal entry upon the record by the prosecutor in which he/she declares before the start of a trial that he/she will not proceed further in a criminal case or a contested traffic/other violation.
- Nolo Contendere – Latin "I will not contest it." Type of plea which may be entered with leave of court to a criminal complaint or indictment by which the defendant does not admit or deny the charges, though a fine or

sentence may be imposed pursuant to it. The principal difference between a plea of guilty and a plea of nolo contendere is that the latter may not be used against the defendant in a civil action based upon the same acts.

- Nominal Party – One who is joined as a party or defendant merely because the technical rules of pleading require that person's presence in the record.
- Non Compos Mentis – Not sound of mind; insane
- Non-Indigent – One who is not needy and poor.
- Non-Jury Trial – A trial of the issues between the parties before a court without a jury.
- Non Obstante Verdicto – Notwithstanding the verdict. A judgment entered by order of court for one party, although there has been a jury verdict against the party. Commonly abbreviated "n.o.v."
- Not Guilty – A plea in the general issue in the actions of trespass and case and in criminal prosecutions.
- Not Guilty Verdict – Simply a verdict of not proven in the particular case tried; it is not a verdict of innocence, and hence is not conclusive against the state in favor of any other person than the defendant, who was actually acquitted.
- Notice – Formal notification to the party that has been sued in a civil case of the fact that the lawsuit has been filed. Also, any form of notification of a legal proceeding.
- Notice Of Appeal – A document giving notice of an intention to appeal filed with the appellate court and served on the opposing party.
- Notice Of Petition And Hearing Date – To give notice to; to inform by words or writing, in person or by message.
- Notice or Stipulation of Dismissal – Rule 41 – Dismissal of an action. If no answer has been filed, the plaintiff may file a Notice of Dismissal. If an answer has been filed, a Stipulation of Dismissal, signed by all parties, must be filed.
- Notice to File Report of Conference of Counsel (RCC) or Pretrial Memorandum (PTM) (CV-47) – Mailed to all parties to remind counsel that the RCC or PTM is past due.
- Notice to Produce – A written notice requiring the opposite party to produce a certain described paper or document at trial.
- Nunc Pro Tunc – A legal phrase applied to acts which are allowed after the time when they should be done, with a retroactive effect.
- Nuncupative Will – An oral (unwritten) will.
- Oath – Written or oral pledge by a person to keep a promise or speak the truth.
- Objection – The act of taking exception to some statement or procedure in trial. Used to call the court's attention to improper evidence or procedure.
- Of Counsel – A phrase commonly applied to an attorney who is hired to assist in the preparation or management of the case, or its presentation on appeal, but who is not the principal attorney of record.
- On a Person's Own Recognizance – Release of a person from custody without the payment of any bail or posting of bond, upon the promise to return to court.
- On the Record – A trial court's review of the judgment of a case decided by a trial court or administrative agency in which the review of the issue is based on the record of the earlier hearing and no new evidence is accepted.
- Opening Statement – The initial statement made by attorney's for each side, outlining the facts each intends to establish during the trial.
- Opinion – A written statement, by one or more judges, of the decision, and the legal reasons for the decision.
- Opinion Evidence – Evidence of what the witness thinks, believes or infers with regard to a disputed fact, as distinguished from personal knowledge of the facts.
- Oral – Pleading by word of mouth, in the actual presence of the court.

- Oral Argument – An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.
- Order – A written or oral command from a court directing or forbidding an action.
- Order Discharging Defendant From No Bill Indictment – The act by which a person in confinement, held on an accusation of some crime or misdemeanor, is released.
- Order for Failure to File Report of Conference of Counsel or Pretrial memorandum (CV-47A) – Order signed by presiding Justice, as a result of counsels failure to respond to Notice to File RCC or PTM, ordering that unless within 10 days RCC or PTM is filed the case will be dismissed with prejudice.
- Order To Appear And Show Cause – Against a rule, an order, decree, execution, etc., is to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed, or as the case may be.
- Order To Continue – Court directive to adjourn or postpone proceeding.
- Order to File docket Entries (CV-27) – Order signed by presiding justice, as a result of counsel representing the case is settled, ordering that unless docket entries or other documents showing final disposition are filed within 30 days the case will be dismissed with prejudice.
- Order to File Pretrial Scheduling Statement (CV-43) – Order signed by presiding Justice, as a result of Plaintiff's failure to respond to 10-Day Notice to File Pretrial Scheduling Statement, the court may impose sanctions which may include: dismissal of the action or any part thereof with or without prejudice; default of a party; exclusion of evidence at trial; and, imposition of costs including attorney's fees and travel, with such costs being borne by counsel without being passed on to counsel's client.
- Original Jurisdiction – The lawful authority of a court to hear or act upon a case from its beginning.
- Original Proceeding – A subcategory of other mandatory cases and of other discretionary petitions in which a special action is brought in the first instance in a court and considered a case.
- Ownership of a Case – 1) The court where the entry of the original charging instrument occurs, 2) The court which receives a case as a result of a temporary transfer or appeal takes custody of the case until it is returned to the court of original ownership, or 3) The court which receives a case as a result of a change of venue or permanent transfer, adopts the case.
- OUI Case – A subcategory of criminal cases that involves a charge of driving while intoxicated, driving under the influence (of either alcohol or drugs), or driving while impaired.
- Out of Court – One who has no legal status in court is said to be out of court, i.e., not before the court. For example, when a plaintiff, by some act or omission, is unable to maintain an action, he or she is frequently said to have put himself/herself out of court. This also refers to the settlement of cases by agreement of the parties without the involvement of the court.
- Outpatient Observation – Non-custodial evaluation or observation as may be ordered by the court.
- Overrule – A judge's decision not to allow an objection. Also, a decision by a higher court finding that a lower court decision was in error.
- Pardon – A form of executive clemency preventing criminal prosecution or removing or extinguishing a criminal conviction.
- Panel – A list of jurors to serve in a particular court, or for the trial of a particular action; denotes either all persons summoned as jurors for a particular term of court or those the clerk selects by lot.
- Parens Patriae – The doctrine under which the court protects the interests of a juvenile.
- Parole – The supervised conditional release of a prisoner before the expiration of his/her sentence. If the parolee observes the conditions, her/she need not serve the rest of his / her term.
- Partially Indigent – With sufficient means with which to bear a portion of the expense of the defendant's defense.
- Partial Verdict – A verdict by which the jury acquit the defendant as to a part of the accusation and find him guilty as to the residue.

- Party – A person, business, or government agency actively involved in the prosecution or defense of a legal proceeding.
- Patent – A government grant giving an inventor the exclusive right to make or sell his/her invention for a term of years.
- Paternity case – The relationship of a father – to establish paternity.
- Pending – The status of a case that has not been terminated or disposed by the court in which it was filed.
- Per Curiam – A phrase used to report decisions by the whole court, as opposed to an opinion written by any one judge.
- Peremptory Challenge – A procedural tool the prosecution or defense may use to reject a certain number of prospective jurors without stating a cause.
- Perjury – A willful assertion concerning a matter of fact, opinion, belief, or knowledge, made by a witness in a judicial proceeding as part of his or her evidence, whether upon oath or in any form allowed by law to be substituted for an oath, and known to the witness to be false.
- Permanent Injunction – A court order requiring that some action be taken, or that some party refrain from taking action. It differs from forms of temporary relief, such as a temporary restraining order or preliminary injunction.
- Personal Property – In broad and general sense, everything that is the subject of ownership, not coming under denomination of real estate. Personal property includes movable and tangible things, such as animals, ships, furniture, merchandise, etc.; and such rights as personal annuities, stocks, shares, patents, and copyrights.
- Personal Recognizance – In criminal proceedings, the pretrial release of a defendant without bail upon his/her promise to return to court.
- Personal Representative – The person who administers an estate. If named in a will, that person's title is an executor. If there is no valid will, that person's title is an administrator.
- Petition – A written document filed in a court, initiating a case and requesting a decision in a matter described therein.
- Petition Denied – The decision of a court to deny a petition made to the court.
- Petition Granted – The decision of a court to grant the relief requested in a petition made to the court.
- Petition of Final Judgment – A case category in which a petition is presented to a court asking the court to review the judgment of a trial court or administrative agency, or the decision of an intermediate court.
- Petitioner – One who presents a petition to a court requesting judicial action on a certain matter.
- Plaintiff – One who brings an action: the moving party who complains or sues in a civil action and is so named on the record.
- Plea – The defendant's response to a criminal charge (guilty, no guilty, nolo contendere, or NCR). If a defendant refuses to plead or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.
- Plea Bargaining (or negotiation) – The process used by the prosecutor and the defense to attempt to resolve a criminal case by a guilty plea, with an agreed-upon sentence that will be submitted to a trial judge for approval or disapproval.
- Pleading – The process used by the parties in a suit or action to alternately present written statements of their contentions, each responsive to that which precedes and each serving to narrow the field of controversy, until a single point evolves, contested by the parties, called the issue at trail.
- Poll Of Jury – A practice in which the jurors are individually asked whether they assented, and still assent, to the verdict.
- Post-Judgment Activity – Activity before the court which occurs after a case has been legally disposed.
- Post-Conviction Remedy – a procedure whereby the lawfulness of the conviction of an offender may be challenged.

- Post-Divorce – Any proceedings for modification or enforcement of the judgment in a divorce action on motion for post-judgment relief.
- Pour-Over Will – A will that leaves some or all estate assets to a trust established before the will-maker's death.
- Power of Attorney – An instrument authorizing another to act as one's agent or attorney.
- Precedent – A previously decided case that guides the decision of future cases.
- Pre-Judgment Activity – Activity before the court which occurs prior to the disposition of the case.
- Pre-Judicial Error – Synonymous with reversible error; an error that prejudices a fundamental right of the party, and warrants the appellate court to vacate the judgment before it.
- Preliminary – Introductory: temporary and provisional.
- Preliminary Hearing – A proceeding before a judicial officer in which evidence is presented so that the court can determine whether there is sufficient cause to hold the accused for trial.
- Preliminary Injunction – A temporary prohibitive, equitable remedy issued or granted by the court, at the institution of a suit, to restrain the defendant from doing or continuing to do some act, the right which is in dispute and which may either be discharged or made perpetual according to the result of the controversy.
- Preponderance of Evidence – the greater weight of evidence; or the body of evidence that is more credible and convincing, not necessarily the greater number of witnesses.
- Pre-Sentence Investigation – Investigation of the relevant background of a convicted offender, usually conducted by a probation officer attached to a court, designed to act as a sentencing guide for the sentencing judge.
- Pre-Sentence Report – A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.
- Presentment – An informal statement in writing by a grand jury to the court that a public offense has been committed, from their own knowledge or observation, without an indictment presented to them.
- Presumption of Fact – An inference of the truth or falsity of a given proposition or fact, in the absence of actual certainty of its truth or falsity.
- Presumption of Law – A rule of law directing courts and judges to draw a particular inference from a particular fact, or from particular evidence.
- Pretermitted Child – a child borne after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of estate property to go to such children.
- Pre-Trial Conference – A meeting with 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.
- Pre-Trial Motion – A motion made before the trial of a case, such as a motion to suppress evidence that might be expected to be used at a later trial.
- Pretrial Memorandum – Rule 16(b)(2) – A written statement, ordered by the court to be filed when the case is placed on the regular pretrial list, by the counsel of record containing specific information about the case.
- Pre-Trial Order (Without Pretrial Conference – Rule 16(e) (CV-11a) – Order issued by the presiding justice when pretrial conference is not requested by counsel or the court determines no necessity, upon review of the file and the pretrial memorandum of all parties.
- Pre-Trial Order – Order issued by the presiding justice at the conclusion of the pretrial conference that controls the subsequent course of the action unless modified at trial.
- Pre-Trial Request – A request filed by either party for the court to conduct a pretrial conference.
- Prima Facie – So far as can be judged from the disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary.
- Primary Hearing – First in order of time, or development, or in intention.

- Probable Cause – A finding that sufficient cause exists to believe that a crime was committed and that the person charged committed it; an apparent state of facts found to exist upon reasonable inquiry that a cause of action exists.
- Probable Cause Hearing – That procedural step in the criminal process at which the judge decides whether a complaint should issue or a person should be bound over to a grand jury on a showing of probable cause.
- Probate – The act or process of proving a will.
- Probate Court – Courts established by the Maine Constitution in 1820, having jurisdiction over specialized matters, such as trusts, estates, adoptions, name changes, guardianships, and protection proceedings. Probate Courts are county courts. Judges, who are part-time, are elected. Decisions from the Probate Court are appealed to the Supreme Judicial Court sitting as the Law Court on matter of law.
- Probate Estate – Estate property that may be disposed of by a will.
- Probation – A sentence imposed upon a person convicted of a crime, under which the person is released into the community, subject to certain conditions and under the supervision of a government officer. Can be imposed in lieu of, or in addition to, imprisonment.
- Pro Bono Publico – For the public good. Lawyers representing clients without a fee are said to be working pro bono publico.
- Proceeding – Any action, hearing, investigation, inquest or inquiry conducted by the court.
- Professional Ethics Commission – The Professional Ethics Commission, consisting of eight lawyers, provides advice to lawyers with respect to their own future conduct under the Bar Rules. The Commission may receive requests for advice from lawyers themselves, as well as from the Courts, the Grievance Commission, or Bar Counsel. The Commission thus provides a means for lawyers to avoid violating the Bar Rules by receiving a determination in advance whether a proposed course of conduct would violate the Bar Rules.
- Pro Hac Vice – For this turn; for this one particular occasion. A lawyer may be admitted to practice in a jurisdiction for a particular case only.
- Pro Se – A Latin term meaning “on ones own behalf;” in courts, it refers to a self-represented person.
- Prosecutor – An attorney employed by the state or federal government to prosecute a person charged with a crime and brought before the court to answer for it. Also, one who takes charge of a case and performs the function of a trial lawyer for the government.
- Proximate Cause – The act that caused an even to occur. A person generally is liable only if an injury was proximately caused by his/her action or by his/her failure to act when he/she had duty to act.
- Public Defender – Government lawyer who provides free legal defense services to a poor person accused of a crime.
- Quaere – A query; question; doubt.
- Quash – To overthrow; vacate; to annul or void a summons, subpoena or indictment.
- Quasi Judicial – Authority or discretion vested in a non-judicial officer that makes the officer’s acts judicial in character.
- Quid Pro Quo – What for what, a fair return or consideration, in return of action of another.
- Quo Warranto – An order of the court issued by the state, demanding that a person show by what right he/she exercises authority normally belonging to the state.
- Reading – The act of pronouncing aloud, or of acquiring by actual inspection, a knowledge of the contents of a writing or of a printed document.
- Real Property – Land, buildings, and other improvements affixed to the land.
- Reasonable Doubt – Doubt based on reason. An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a reasonable doubt; that is, the jurors cannot say they feel for certain that the charge is true.
- Reasonable Person – A phrase used to denote a hypothetical person who exercises qualities of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own interest and the interests of others. Thus, the test of negligence is based on either a failure to do something that a

reasonable person, guided by considerations that ordinarily regulate conduct, would do, or on the doing of something that is reasonable and prudent (wise) person would not do.

- Rebut – Evidence disproving other evidence previously given or reestablishing the credibility of challenged evidence.
- Rebuttal – The introduction of rebutting evidence; showing that statements of witnesses concerning what occurred is not true' the stage of a trial at which rebutting evidence may be introduced.
- Receiver – A person appointed by the court, a trustee or ministerial officer representing court and all parties in interest in litigation, and property or fund entrusted to him.
- Receivership – Legal or equitable proceeding in which a receiver is appointed for an insolvent corporation.
- Recognizance – (PR Bail) – An obligation of record, entered into before some court of record, with condition to do some particular act; as to appear at the assizes, or criminal court, to keep the peace, to pay a debt, or the like.
- Record – A written account of some act, court proceeding designed to remain as a permanent evidence of the matters to which it relates.
- Record To Law Court – The record consists of 1) table of contents; 2) certified copy of complete docket entries; 3) the originals of all pleading filed in the action including the judgment; 4) the originals of all documentary exhibits; and 5) a list of all retained or transmitted exhibits.
- Recording – The electronic sound recording of proceedings in their respective courts.
- Recuse – The process by which a judge is disqualified from hearing a case on his/her own motion or upon the objection of either party.
- Re-Direct Examination – Examination of a witness who has already been subject to direct examination and cross-examination. Conducted by the party who called the witness and conducted direct exam.
- Redress – To set right to remedy; to compensate; to remove the causes of a grievance.
- Reduction – An act revising /lessening the sentence imposed by the court.
- Referee – A person to whom a pending cause in court is referred by the court to take testimony, hear the parties, find facts, and report on the matters to the court. An officer exercising judicial powers and who acts as an arm of the court for a specific purpose.
- Refiling – A case that has been reported previously as disposed, but is resubmitted to a court.
- Registry Of Deeds – A register, or a book authorized or recognized by law; kept for recording instruments affecting land title.
- Rehearing – Another hearing of a civil or criminal case by the same court in which the case was originally heard.
- Reinstated – To restore to a state or position from which the object or person had been removed.
- Rejoinder – Opportunity for the side that opened the case to offer limited response to evidence presented during the rebuttal by the opposing side.
- Release On Bail – Release of a defendant when, having acquired control over his/her person, the court permits him/her to be at liberty during the pendency of the criminal action or proceeding upon his/her written promise to appear whenever his/her attendance before court may be required and to render himself/herself amenable to the orders and processes of the court.
- Relief – A specific request sought to modify or change or release a party from an existing order of the court.
- Remand – The act, by order of court, conveying a cause in court back to the lower court, or to a governmental agency for further action.
- Remedy – Legal or Judicial means by which a right or privilege is enforced or the violation of a right or privilege is prevented, redressed, or compensated.
- Remittitur – The reduction by a judge of the damages awarded by a jury.
- Removal – An order by a court directing the case be transferred to another court.
- Renewal – The act of replacing what is old (renewal of execution).

- Reopened Case – A case that has been reported previously as disposed, but is resubmitted to a court.
- Replevin – An action for the recovery of a possession that has been wrongfully taken.
- Reply – The response by a party to charges raised in a pleading by the other party.
- Reply Brief – Memorandum responding or an answer to some action or claim asserted.
- Report of Conference of Counsel (CV-46) – A written account, of the cause of action on the expedited pretrial list, required by the parties for the purpose of identifying witnesses, marking exhibits, setting forth the issues and entering into stipulations.
- Report of Pretrial Conference and Order (CV-11) – A written account of a procedural meeting with the presiding justice and counsel, identifying witnesses, marking exhibits, setting forth the issues and entering stipulations, and the court issuing an order that controls the subsequent course of the action unless modified at trial.
- Reporter Systems – Published volumes that contain (report) state and federal court opinions.
- Representative – A person/persons duly authorized to speak or answer for others.
- Request – An asking or petition; the expression of a desire to some person for something to be granted or done.
- Rescind – To make void.
- Re-Sentencing – A revision of sentence/sentence is the entire order of disposition including conditions of probation, suspension of sentence and whether it is to be served concurrently with, or consecutively to, another sentence.
- Res Judicata – A matter adjudged. A rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and constitutes an absolute bar to a subsequent action involving the same claim, demand, or cause of action.
- Respondent – The party responding or making an answer.
- Responsive Pleading – A parties defenses/answer to each claim asserted.
- Rest – A party is said to rest or rest his/her case when the party has presented all the evidence that he/she intends to offer.
- Restitution – Act of restoring; restoration; restoration of anything to its rightful owner; the act of making good or giving equivalent for any loss, damage or injury; and indemnification.
- Restraining Order – An order enjoining certain acts or action.
- Retain – To continue pending on the docket.
- Retain Counsel – To engage the services of any attorney or counselor to manage a specific matter or action or all legal matters in general.
- Retainer – Act of the client in employing the attorney or counsel, and also denotes the fee which the client pays when he/she retains the attorney to act for them.
- Return – A report to a judge by police on the implementation of an arrest or search warrant. Also, a report to a judge in reply to a subpoena, civil, or criminal.
- Return Date – The date named in a writ or process, upon which the officer or party is required to deliver it back to the court.
- Return Of Service – Proof of the original process or paper signifies the delivery to or leaving them with the party to whom they ought to be delivered or left; and, when they are so delivered, they are then said to have been served.
- Reverse – An action of a higher court in setting aside or revoking a lower court decision.
- Reversible Error – A procedural error during a trial or hearing sufficiently harmful to justify reversing the judgment of a lower court.
- Review – To re-examine judicially or administratively.
- Revocable Trust – A trust that the grantor may change or revoke.

- Revoke – To annul or make void by recalling or taking back; to cancel, rescind, repeal, or reverse.
- Robbery – Felonious taking of another’s property, from his/her person or immediate presence and against his/her will by means of force or fear. It differs from larceny.
- Rule – Governing regulate practice and procedure before the various courts.
- Rule Nisi, or rule to Show Cause – A court order obtained by motion of either party to show cause why a particular relief sought should not be granted.
- Rule of the Court – An order made by a court with competent jurisdiction. Rules of court are either general or special; the former are the regulations by which the practice of the court is governed; the latter are special orders made in particular cases.
- Rules of Evidence – Standards governing whether evidence in a civil case is admissible.
- Ruling – A judicial or administrative interpretation of a provision of a statute, order, regulation, or ordinance; may also refer to judicial determination of admissibility of evidence, allowance of motion.
- Satisfaction Of Judgment – An entry made on the record, by which a party in whose favor a judgment was rendered declares that he has been satisfied and paid.
- Schedule – To list planned hearing to be put before the court.
- Schedule Case For Oral Argument – A notice in writing, entitled in a cause, stating that, on a certain day designated, the court will hear oral argument by parties, usually on the appeal.
- Schedule Immediately – Without interval of time, without delay, straightway, or without any delay or lapse of time.
- Schedule Next Motion Day – Nearest; closest; immediately following.
- Schedule Trial (Trial List) – A notice to all interested parties that specifies cases have been scheduled for trial at a given session of the court.
- Search and Seizure, Unreasonable – In general, the unauthorized or excessive examination of one’s premises or person for evidence of guilt to be sued in prosecuting a crime.
- Search Warrant – A written order, issued by a justice or magistrate based upon a finding of probably cause, which directs a law enforcement officer to search a specified house, other premises, or vehicle for evidence of a crime. Normally required for a legal search and seizure.
- Secured Debt – In bankruptcy proceedings, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.
- Security Interest – Any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability.
- Seizure – The taking of an object from its possessor or custodian by a law enforcement officer.
- Self-defense – Claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from the threat or action of another.
- Self-incrimination, privilege against – The constitutional right of people to refuse to give testimony against themselves that could subject them to criminal prosecution. The right is guaranteed in the Fifth Amendment to the U.S. Constitution asserting the right is often referred to as *taking the Fifth*.
- Self-proving Will – A will whose validity does not have to be testified to in court by the witnesses to it, since the witnesses executed an affidavit reflecting proper execution of the will prior to the maker’s death.
- Sentence – The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution, imposing the punishment to be inflicted.
- Sentence Report – A document containing background material on a convicted person. It is prepared to guide the judge in the imposition of a sentence. Sometimes called a presentence report.
- Sentencing – The post-conviction stage of the criminal justice process in which the defendant is brought before the court for imposition of sentence.

- Separate Maintenance – A court order directing one spouse to pay financial support to the other spouse, for personal and child-related expenses after they have separated but before they are divorced.
- Separation of Witnesses (sequester) – A court order requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant. Also called sequestration.
- Sequester – To separate. Sometimes juries are separated from outside influences during their deliberations. For example, this may occur during a highly publicized trial.
- Served – Personal service of a writ or notice is made by delivering it to the person named, in person, or handing him a copy and informing him of the nature and terms of the original document.
- Service – The delivery of legal document, such as a complaint, summons, or subpoena, notifying a person of a lawsuit or other legal action taken against him/her. Service which constitutes formal legal notice must be made by an officially authorized person in accordance with the formal requirements of the applicable laws.
- Service of Process – The delivery of a writ, summons, or other notice to the party to whom it is directed for the purpose of obtaining personal jurisdiction over and notice to the party.
- Set Aside Judgment – (Motion To Set Aside Judgment) – To cancel, annul, or revoke at the instance of a party unjustly or irregularly affected.
- Set-off – A claim filed by a defendant against the plaintiff when sued and in which he seeks to cancel the amount due from him/her or to recover an amount in excess of the plaintiff's claim against him/her.
- Set Trial List Order (CV-45) Rule 16(d) – Order signed by the presiding Judge setting deadlines, requiring a pretrial memorandum be filed.
- Settled – Case resolved between the parties.
- Settlement – An agreement by which parties having disputed matters between them reach or ascertain what is coming from one to the other.
- Settlor – The person who sets up a trust. Also called the grantor.
- Sheriff – An officer of the county, chosen by popular election, whose principal duties are to aid criminal and civil courts; chief preserver of the peace. The sheriff, or his/her deputy, serves legal processes, summons juries, executes judgments and holds judicial sales.
- Show Cause Order – A court order directing a person to appear and bring forth such evidence as one has to offer reasons why the remedies stated in the order should not be confirmed or executed—usually based on a motion and affidavit asking for relief.
- Sidebar – A conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators.
- Sine Qua Non – An indispensable requisite, requirement of need.
- Slander – Base and defamatory spoken words tending to prejudice another's reputation, business, or means of livelihood. Libel and slander are both methods of defamation; the former being expressed by print, writings, pictures or signs, and the latter orally.
- Small Claims Case – A civil case that includes cases governed by special summary procedures specified by statute, involving tort or contract or real property rights claims in which the remedy sought is a specific, limited amount of monetary damages.
- Small Claims Court – A court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.
- Sovereign Immunity – The doctrine that the government, state, or federal, is immune to lawsuit unless it gives its consent.
- Special Motion – A motion addressed to the discretion of the court, and which must be heard and determined; as distinguished from one which may be granted of course.
- Specific Performance – A mandatory order in equity, appropriate where damages would be inadequate compensation; if for the breach of a contract, the contractor will be compelled to perform what he/she agreed to do in the contract.

- Spendthrift Trust – A trust set up for the benefit of someone who the grantor believes would be incapable of managing his/her own financial affairs.
- Stage 3 Examination In-house – Committal to institution by order of the court for purpose of mental examination.
- Standing – The legal right to bring a lawsuit. Only a person with something at stake has standing to bring a lawsuit.
- Stare Decisis – The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.
- Statement Of Claim – A written or printed statement by the plaintiff in an action, showing the facts on which he relies to support his claim against the defendant, and the relief which he claims.
- Statement Of Fact – A declaration of matters of fact.
- State's Evidence – Testimony, given by an accomplice or participant in a crime, tending to convict others.
- Status Offenders – Youths charged with the status of being beyond the control of their legal guardian or are habitually disobedient, truant from school, or having committed other acts that would not be a crime if committed by an adult. They are not delinquents (in that they have committed not crime), but rather are persons in need of supervision, minors in need of supervision, or children in need of supervision, depending on the state in which they live. Status offenders are placed under the supervision of the juvenile court.
- Statute of Limitations – The time within which a plaintiff must begin a lawsuit (in civil cases) or a prosecutor must bring charges (in criminal cases). There are different statutes of limitations at both the federal and state levels for different kinds of lawsuits and crimes.
- Statute or Statutory Law – Law enacted by the legislative branch of government as distinguished from case law or common law.
- Statutory Construction – Process by which a court seeks to interpret the meaning and scope of legislation.
- Stay – Halting an official proceeding or order by a separate, subsequent order of court.
- Stay Of Execution – The stopping or arresting of execution on a judgment, for a limited period. This is given by statute in many jurisdictions, as a privilege, usually on his/her furnishing bail.
- Stay Of Issuance – (of Writ of Possession) – The temporary suspension of the order of proceedings in a case, usually to await the action of one of the parties in regard to some omitted step or some act which the court has required him to perform as incidental to the suit.
- Stay Terminated – To stay is the act of arresting a judicial proceeding by the order of a court.
- Sterilization – A civil case where a petition is filed to determine if a person is capable of giving informed consent, or a petition requesting the court to order sterilization.
- Stipulated Judgment – Any agreement made by the attorneys engaged on opposite sides of a case.
- Stipulation – An agreement by opposing attorneys concerning any matter pertaining to the proceedings or trial. Most of them are required to be in writing.
- Strike – Highlighting in the record of a case, evidence that has been improperly offered and will not be relied upon.
- Stricken – One method by which a court removes a case or testimony from the record or docket, or consideration of a jury.
- Sua Sponte – A Latin phrase which means on one's own behalf. Voluntary, without prompting or suggestion.
- Subpoena – It is a writ or order directed to a person, and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence.
- Subpoena Duces Tecum – A process by which a court commands a witness who has in his/her possession or control some document that is pertinent to the issues of a pending controversy to produce it at the trial.

- Substantive Law – The law dealing with rights, duties, and liabilities, as opposed to procedural law, which is the law regulating procedure used by the parties and court.
- Sum Certain – A specific amount of money; usually refers to the amount of debt.
- Summarily – Without ceremony or delay, short or concise.
- Summary Judgment – A judgment made by the court before trial. Typically it occurs when the facts and the law are so clear that further trial is unnecessary.
- Summary Procedure – A method by which a case or controversy is decided by a court in a prompt, simple manner without the aid of a jury, on an agreed or stipulated set of facts (as in a summary judgment).
- Summons – A court order directing the sheriff or other officer to notify the named person that an action has been commenced against him/her in court and that he/she is required to appear, on the day named, and answer the complaint in the action.
- Summons (civil) – A form served upon the opposing party informing him/her that an action has commenced against them and that an answer to the complaint is required.
- Superior Court – The Superior Court was created by the Legislature in 1929 and is Maine’s general jurisdiction trial court. This court consists of sixteen justices who hold court at regular intervals at each of Maine’s sixteen counties. The Superior Court is the only court that uses juries, and hears all murder and Class A, B, and C criminal cases, as well as those Class D and E cases in which the defendant has requested a jury trial. Appeals from Superior Court may be taken to the Law Court.
- Supersedas – A court order containing a command to halt proceedings at law, such as the enforcement of a judgment pending an appeal.
- Supplemental – Additional, consisting of facts arising since filing of the original which may have happened since the date of the record.
- Support Trust – A trust that instructs the trustee to spend only as much income and principle (the assets held in the trust) as needed for the beneficiary’s support.
- Suppress – To forbid the use of evidence at a trial because it is improper or was improperly obtained.
- Suppression – The remedy a person accused of a crime seeks when he/she believes that law enforcement officers conducted an unlawful search and seizure of his/her home or other property, or took incriminating statements against his/her will or without advising him/her of Miranda rights. If the court, after a suppression hearing, determines that evidence was gathered in violation of the accused’s rights, the evidence will be denied admission into evidence at trial.
- Supreme Judicial Court – Supreme Judicial Court, established in 1820 when Maine separated from Massachusetts, is the state’s highest court and the court of final appeal. It has seven members, lead by the Chief Justice who is the head of the Judicial Branch. The Court’s main job is to decide appeals on questions of law that arise in civil actions and criminal trials. Questions of law are presented to the Court when a case is appealed from one of the two trial courts. The Court’s opinions are published and are binding on all Maine courts when they decide upon similar disputes. Published opinions of the Court are available on the Judicial Branch’s website (www.state.me.us/courts) and may be found in bound form in the *Maine Reporter*. In its appellate capacity (interpreter of law), the court criminal sentences when the penalty is one year or more of incarceration. The Justices may issue advisory opinions to the Governor or the Legislature on legal issues of high public importance. The Court has the responsibility to oversee admissions to the bar, and the conduct and discipline of lawyers and judges, and the Court has rulemaking authority of all the states courts. The Court has general administrative authority over the Judicial Branch. The Chief Justice designates a Superior Court Chief Justice and a District Court Chief Judge to oversee the day-to-day administrative operations of those courts, and also appoints the State Court Administrator who runs the Administrative Office of the Courts.
- Surety – One who undertakes to pay money or to do any other act in event that the defendant fails therein.
- Surety Bail – One who undertakes to pay money or to do any other act in event that his principal fails therein.
- Surety Bond – A bond purchased at the expense of the estate to insure the executor’s proper performance. Often called a *fidelity bond*.
- Surety Termination – To cease acting as a surety for the defendant’s appearance.

- Surrender By Bail – The act, by bail or sureties in a recognizance, of giving up their principal again into custody, in their own discharge.
- Survivorship – Another name for *joint tenancy*.
- Sustain – A court ruling upholding an objection or a motion.
- Sustain Appeal – To carry on; to maintain. To support; to warrant; —said of evidence in connection with a verdict, decision, etc.
- Sworn – To give testimony or evidence under oath.
- Tangible Personal Property memorandum (TPPM) – A legal document that is referred to in a will and used to guide the distribution of tangible personal property.
- Temporary Relief – Any form of action by a court granting one of the parties an order to protect its interest pending further action by the court.
- Temporary Restraining Order – A judge’s order forbidding certain actions until a full hearing can be held. Usually of short duration. Often referred to as a *TRO*.
- Tenant – One who holds or possesses lands or tenements by any kind of right or title. One who pays rent to use or occupy land, a building, or other property owned by another.
- Tenant At Will – One who holds possession of premises by permission of owner or landlord, but without fixed term.
- Ten-Day Notice to File Pretrial Scheduling Statement (Civil) – Postcard mailed to plaintiff’s counsel reminding him/her the PTSS is overdue.
- Terminated – To come to an end.
- Testamentary Capacity – The legal ability to make a will.
- Testamentary Trust – A trust set up by a will.
- Testator – Person who makes a will (female: *testatrix*).
- Testimony – The evidence given by a witness under oath. It does not include evidence from documents and other physical evidence.
- Third Party – A person, business, or government agency not actively involved in a legal proceeding, agreement, or transaction.
- Third Party Claim – An action by the defendant that brings a third party into a lawsuit.
- Third Party Complaint (Rule 14) – An action brought by the Defendant (Third Party Plaintiff) against a person not a party who is or may be liable to such Third Party Plaintiff for all or part of the Plaintiff’s claim against the Defendant.
- Third Party Pretrial Scheduling Statement (CV-41a) – Mailed to Plaintiff’s counsel upon the filing of a Third Party Complaint by the Defendant (follow same procedure as Pretrial Scheduling Statement).
- Title – (in real property law) The means whereby the owner of lands has the just possession of his property.
- Tort – An injury or wrong committed, either with or without force, to the person or property of another.
- Transcript – An official copy of the record of proceedings in a trial or hearing. Word-for-word typing of everything that was said “on the record” during the trial.
- Transitory – Actions are transitory when they might have taken place anywhere, and are “local” when they could occur only in some particular place.
- Transfer, permanent – A transfer of a case for Judicial review where the Judge in the originating court determines that the case remain with the court receiving the transfer. As a result this court becomes the owner of the case.
- Transfer, temporary – A transfer of a case for Judicial review where the Judge in the originating court determines that the case returns to the court of ownership.
- Transmit – To send or transfer from one person or place to another.

- Treatise – A book systematically treating (concerning) subjects of the law.
- Trial – An event which determines matters of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a judgment in a case before a court. In a criminal case, the guilt or innocence of the defendant is determined. In a civil case a determination is made as to whether the plaintiff, defendant, or any other listed party is to receive judgment on their claim.
- Trial Court – A court, the primary function of which is to decide cases.
- Trial Court Case – A major classification category for caseload in courts of general jurisdiction and courts of limited or special jurisdiction that includes civil case, criminal case, traffic/other violation, and juvenile petition as broad subcategories.
- Trial De Novo – A reexamination in court of an issue of fact that has previously been the subject of one trial.
- Trial Management Conference – Scheduled at the Justice’s discretion on a date prior to the commencement of either civil jury or civil jury-waived trial with trial counsel.
- Trial Management Order (CV-58) – Order signed at the time of the Trial Management Conference.
- True Bill Indictment – An accusation in writing found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled, charging that a person thereon named has done some act, or been guilty of some omission, which, by law, is a public offense, punishable on indictment.
- Trust – A legal device used to manage real or personal property, established by one person (the grantor or settlor) for the benefit of another (the beneficiary). A third person (the trustee) or the grantor manages the trust.
- Trust Agreement or Declaration – The legal document that sets up a living trust. Testamentary trusts are set up in a will.
- Trustee – The person or institution that manages the property put in trust.
- Trusteeship – The legal possession of real or personal property held by one person for the benefit of another.
- Unconditional – Not limited or affected by any condition.
- Uncontested – Those cases in which the respondent defendant either chose not to, or failed to respond to the allegations to when an action is agreed to by both parties.
- Under advisement – The status of the pending case when the oral argument or hearing has been held or the case has been submitted to the court, but the court has not disposed of the case.
- Undue Influence – Whatever destroys free will and causes a person to do something he or she would not do if not subjected to the influence.
- United States Attorney – A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government.
- Unlawful Detainer – A detention of real estate without the consent of the owner or other persons entitled to its possession.
- Unsecured – In bankruptcy proceedings, for the purposes of filing a claim, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.
- URESA (civil case) – A subcategory of domestic relations case that includes cases filed to request a court to require maintenance of a spouse or child by a person who is required by Uniform Reciprocal Enforcement of Support Act (URESA) to provide such maintenance.
- Usury – The taking of more money as interest the law allows, or than is morally justifiable under the circumstances.
- Vacate – To set aside. To vacate a judgment is to set aside that judgment.
- Vacated – To set aside an entry of record, or a judgment.
- Venire – Technically, a written summons commanding persons to court to act as jurors; commonly used to mean the body of persons summoned.

- Venue – The particular county, city or geographical area in which a court with jurisdiction may hear and determine a case.
- Venue (transfer to) – To transfer the case for trial to another county or district.
- Verdict – The formal decision or finding made by a jury, reported to the court and accepted by it.
- Verdict Of Guilty But Insane – A special verdict which amounts to an acquittal of the person tried.
- Vital Statistics – Public records kept by a state, city or other governmental subdivision, under a statutory provision, of births, marriages and deaths, and disease.
- Void Ab Initio – Null from the beginning. A contract or order is null from the beginning if it seriously offends the law or public policy.
- Voir Dire – Literally “to speak the truth.” Used to describe the process by which the court or attorneys may ask preliminary questions of a witness or juror to determine the witness’s qualifications or the juror’s fitness for service on the case at hand.
- Voluntary – Unconstrained by interference; un–impelled by another’s influence; spontaneous, acting of oneself.
- Voluntary Dismissal – Voluntary action on part of party, whereby his/ her case goes out of court without decision on merits.
- Voucher – (Counsel Voucher) – A written or printed instrument in the nature of a bill of particulars, account, etc., which shows on what account and by what authority a particular payment has been made or is due.
- Waive – To renounce, repudiate, or surrender a claim, a privilege, a right.
- Waiver – The intentional or voluntary relinquishment of a known right.
- Waiver of Immunity – A means authorized by statutes allowing a witness, in advance of giving testimony or producing evidence, to renounce the fundamental right guaranteed by the constitution that no person shall be compelled to be a witness against oneself.
- Warrant of Arrest – A court order issued by a magistrate, justice or other competent authority, to a sheriff or other officer, requiring the arrest of the named person and transporting him/her for a hearing before the magistrate or court to answer to a specified charge.
- Weight of Evidence – The balance or relative strength of evidence; the inclination of the greater amount of credible evidence offered in a trial, to support one side of the issue rather than the other.
- Will – A legal declaration that disposes of a person’s property when that person dies.
- Willful – A willful act is one done intentionally, with out justifiable cause, as distinguished from an act done carelessly or inadvertently.
- Withdrawal Of Plea Of Guilty – (The withdrawal of) A confession of guilty in open court.
- With Prejudice – A case dismissed or a motion denied with prejudice may never be filed again.
- Without Prejudice – The dismissal of a case or the denial of a motion without prejudice allows a new suit or motion to be brought on the same grounds at a later date.
- Witness – One who testifies to what he has seen, heard, or otherwise observed.
- Workload Management Data – Data regarding judicial and non–judicial time consumed on case processing, tracking, and recording of events. It is designed to tell how much time and effort is needed to process cases and who processes the cases.
- Writ – An order issuing from a court and requiring the performance of a specified act, or giving authority and permission to have it done.
- Writ of Certiorari – An order issued by the Supreme Court directing the lower court to transmit records for a case that it will hear on appeal.
- Writ of Error Coram Nobis – A common law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of factual error.
- Writ Of Execution – A writ to put in force the judgment or decree of a court.

Writ Of Possession –This is the writ of execution employed to enforce a judgment to recover the possession of property.
It commands the sheriff to enter the land and give possession of it to the person entitled under the judgment.