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Glossary

Glossary of Legal Terms

A

Abuse of Discretion: An appellate court uses this standard of review where a party may argue that a lower court's decision was greatly unsound, unreasonable, or illegal.

Administrative Agency: A federal, state or local government body responsible for applying or enforcing a particular type of law.

Affidavit: A freely given, signed and notarized statement under oath of facts put in writing.

Affirm: When an appellate court confirms or supports the decision made by the lower court.

Appeal: A review by an appellate court of a lower court's decision to determine if mistakes had been made, and if the mistakes are significant enough to require some form of remedy.

Appellant: The party appealing a decision through filing a notice and appellant's brief.

Appellant's Brief: The initial brief, where the appellant outlines the mistakes made in the lower court's decision and states why the appellate court should reverse the decision.

Appellate: Having to do with an appeal.

B

Brief: A written document filed with the court that presents the legal arguments of the party.

C

Certificate of Service: A section of a court document stating that the filing party served a copy to the opposing party.

Citation: A reference to legal authority, such as cases or statutes.

Civil Case: A case where the subject is a dispute between private individuals or organizations.

Criminal Case: A case where the subject is a violation of Idaho law, and where one party is the State and the other party is an individual or organization charged with the violation.



D

Defendant: The individual or organization being sued in a civil case, or being charged with a crime in a criminal case.

De Novo: An appellate court uses this standard of review where it reviews the record evidence and law without deference to the lower court's reasoning.

Docket: A formal record of all the proceedings and filed documents in a court case.

E

Expedited Appeals: The court will expedite or speed up cases involving child custody, Child Protective Act proceedings, termination of parental rights, adoption, and all other appeals given priority by rule or statute.

F

Final Judgment: A final decision by the trial court.

G

Guardian Ad Litem: A court-appointed guardian who appears in a lawsuit on behalf of an incompetent or minor party.

H

Habeas Corpus: A writ or order used to bring an individual before a court.

I

Incompetent: Lacking legal ability in some respect.



Indigent: An individual who is unable to afford the fees and costs related to a case.

In Forma Pauperis: A party who cannot pay all of the court fees and costs can apply for “in forma pauperis” or “pauper status,” where the court grants the party permission to proceed without paying all the fees and costs.

Interlocutory Appeal: An appeal that is filed before the trial court has entered its final order in the case.

J | K

Judgment: A court’s final appealable order in a case.

Jurisdiction: A court’s power or authority to decide a case.

L

Litigant: A party to a lawsuit.

Lower Court: The court where a case starts, also known as the “trial court.”

M

Mandamus: A writ or order used to command a court to do something.

Motion: A written or oral request to a court to have the court do something or allow one of the parties to do something.

Movant: A party making a motion.

N

Notice of Appeal: A document filed in the trial court that informs the trial court that the party intends to appeal the lower court’s decision. This document also asks the trial court to prepare the clerk’s record and court transcript.

O

Opinion: The written decision made by the appellate court, describing the facts and reasoning behind its decision.



Oral Argument: A spoken presentation before an appellate court in support of a party's legal arguments.

Order: A written or oral decision or command by a court.

P

Party: An individual or organization by or against whom a lawsuit is brought.

Petitioner: A party in whose behalf writs are filed, issued or ordered.

Plaintiff: The party who starts a lawsuit in civil cases, or the prosecutor acting for the State of Idaho in criminal cases.

Pro Se: A person who represents himself or herself in court proceedings without the help of an attorney.

Q | R

Remand: When an appellate court sends a case back to the lower court for further action.

Remedy: The thing, act or relief sought by a party through a lawsuit.

Reply Brief: A brief filed to respond to and rebut the arguments and facts raised in the other party's brief.

Respondent: The party who won in the lower court decision against the appellant.

Respondent's Brief: The respondent's answer to the appellant's brief, where the respondent argues that the decision of the lower court was correct.

Reverse: When an appellate court changes the decision of a lower court.

S

Service: The formal delivery of a legal notice or document.

Standard of Review: The legal standard an appellate court uses to review a case on appeal, which determines how much deference the appellate court will show to the lower court's decision.

Stay: A court order to suspend or postpone all or part of a judicial proceeding.

Summary Judgment: A judgment granted when there is no question about any facts that would change the outcome of the case, and the party asking for summary judgment is entitled to win as a matter of law.



T

Transcript: An official written record of everything that was said in a trial or hearing.

U | V | W

Writ: A court's written order, available as an extraordinary remedy, commanding the person to whom it is addressed to do something or refrain from doing something.

X | Y | Z

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