

Stare Decisis: a Latin term meaning “let the decision stand”; this principle of the common law requires judges to apply previous binding decisions of their own court or any higher court

Statute: a law or Act enacted or passed into law by Parliament or a legislature

Subpoena: a command to appear at a specific time and place to give testimony in regard to a particular matter; some subpoenas may require the person to produce a document or other things in his/her possession

Summary Offence: a lesser criminal offence in contrast to an indictable offence; the maximum sentence for a summary conviction offence under the Criminal Code is a fine of \$2,000.00 and/or to imprisonment for six months

Title of Proceedings: the formal name of the court case; in civil proceedings for example: “John Smith v. John Jones”; in criminal proceedings for example: “The Queen v. John Smith”; the heading in a court document which describes the parties to the legal proceeding; may also be called the “style of cause”

Reference:
<http://www.maintobacourts.mb.ca/definitions.html>



If you need more help, make an appointment with us at...

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visit our front desk in room 204,
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Legal Terminology

Act: a statute enacted or passed into law by a legislature or Parliament

Affidavit: a written statement of fact either sworn or affirmed by the person making it (called the “deponent”); a form of evidence (in contrast to verbal testimony given in court) filed and to be considered by the judge in deciding a particular matter

Appellant: the person who takes an appeal of a decision of a court or other decision-making body

Civil Case: a court proceeding which involves legal issues between individuals/organizations /governments; court proceedings other than criminal matters; may or may not refer to cases involving family law disputes

Common Law: the law stated in the decisions of judges from early times to the present

Contested: a term used primarily in civil proceedings to describe a proceeding where the respondent/defendant takes steps to “contest” the claims of the plaintiff/applicant; as opposed to an “uncontested” matter where the responding party does not take any steps to oppose the claim of the plaintiff/applicant

Defendant: in a civil case, the person who is being sued; in a criminal case may be used in place of the “accused”

Docket: the list or schedule of court cases to be heard on a particular day; a brief record of the proceedings in the court for a particular day

Indictable Offence: one of the categories of offences set out in the Criminal Code; generally refers to a serious offence which is subject to a greater penalty than the less serious summary conviction offence

Judgment: the final decision by the court in a legal proceeding; judgment and decision are often used interchangeably; may be written or given orally in court; may also be reserved by the court at the end of the proceeding and given at a later date, usually in written form

Jurisdiction: the scope of authority given to a particular court, tribunal or other decision-making body; the types of cases a court or decision-making body has the power to determine; the geographical area in which a court or decision-making body has the power to make decisions

Leave: the permission of the court to proceed; for example, to “seek the leave of the court” to file an appeal

Motion: a request from the court for an order for the relief or remedy requested which occurs during the course of a court proceeding

Order: a decision of a court or other decision-making body that may or may not be the final outcome of the matter

Party: person who is plaintiff/defendant or applicant/respondent in a civil proceeding, in a criminal context, a person who actually commits an offence or who is liable as a party to an offence by reason of aiding or abetting or conspiring or counselling the commission of an offence

Plaintiff: the person who commences an action or “law suit”

Precedent: A judicial decision that may be used as a standard in subsequent similar cases

Quash: to void a particular legal proceeding or decision, i.e. quash an order of the court, making the order of no force or effect, as if the order had not been made

Regulation: a rule or order made by government to carry out the purpose set out in a statute

Respondent: the person who is in response to or in opposition to an Application made by the Applicant; also a person who is in response to or in opposition to an appeal taken by an Appellant

Rule of Law: another phrase for law and order; the principles that require that the powers of the state be derived from and limited either by legislation enacted by Parliament or a legislature or judicial decisions made by independent courts
