

## GLOSSARY

**affidavit** A written statement of facts sworn to or made under oath before someone authorized to administer an oath.

**affirmative defense** The defendant's response to the complaint that sets out new facts and arguments that might win for the defendant.

**allegation** A criminal accusation that has not been proven.

**attorney** A lawyer admitted to practice law in at least one jurisdiction and authorized to perform criminal and civil legal functions on behalf of clients.

**beyond a reasonable doubt** The level of proof required to convict a person of a crime. It does not mean "convinced 100%," but does mean there are no reasonable doubts as to guilt.

**breach** The violation of a law, duty, or other form of obligation, including obligations formed through contracts or warranties, either by engaging in an action or failing to act.

**causation** That which produces the harm to someone or something.

**charge** The formal accusation of a crime.

**civil case** A non-criminal lawsuit, brought to enforce a right or redress a wrong.

**comparative negligence** In a tort suit, a finding that the plaintiff was partly at fault and, therefore, does not deserve full compensation for his or her injuries. For example, if an accident was 40 percent the

plaintiff's fault, the plaintiff's damages are reduced by 40 percent.

**complaint** (1) The first legal document filed in a civil lawsuit. It includes a statement of the wrong or harm done to the plaintiff by the defendant and a request for a specific remedy from the court. (2) A complaint in a criminal case is a sworn statement regarding the defendant's actions that constitute the crime charged.

**contributory negligence** A legal defense in which it is determined that the plaintiff and defendant share the fault for a negligence tort. If proven, the plaintiff cannot recover damages.

**criminal case** A lawsuit brought by a prosecutor employed by the federal, state or local government that charges a person with the commission of a crime.

**damages** (1) The injuries or losses suffered by one person due to the fault of another. (2) Money asked for or paid by court order to a plaintiff for injuries or losses suffered.

**due process** The idea that every person involved in a legal dispute is entitled to a fair hearing or trial. The requirements of due process vary with the situation, but they basically require notice of the charges and an opportunity to be heard.

**duty** A legal obligation.

**evidence** Proof; Witnesses' statements or physical objects presented at a trial to prove something is true or happened.

**examination** The questioning of a witness by a lawyer at a trial or deposition. When the lawyer who called the witness to the

stand questions the witness, the examination is *direct*. When the opposing lawyer is questioning, it is *cross examination*.

**fact** Something that really exists, a known event or thing.

**hearsay** Evidence that a witness has heard from someone else.

**impeach** Show that a witness is untruthful.

**indictment** A formal accusation of a crime made by the judge in a Croatian court or the grand jury in a US court.

**innocent** Not guilty or responsible for an action or event.

**jury** In a legal proceeding, a body of men and women selected to hear and examine certain facts and determine the truth.

**liability** Legal responsibility; The obligation to do or not do something. The defendant in a tort case incurs liability for failing to use reasonable care, resulting in harm to the plaintiff.

**negligence** The failure to exercise a reasonable amount of care in either doing or not doing something, resulting in harm or injury to another person.

**not guilty** The decision in a criminal case that the prosecution has not been able to prove the defendant is guilty.

**plaintiff** In a civil case, the injured party who brings legal action against the alleged wrongdoer.

**prosecution** The attorney who files a lawsuit on behalf of the state against a defendant in a criminal trial.

**proximate cause** In a negligence law, this concept limits damages the defendant must pay to only those harms that are reasonably predictable consequences of the defendant's wrongful acts.

**rebut** Present information that disputes or takes away the effect of the argument.

**rebuttal** The presentation of facts to a court, demonstrating that the testimony of a witness or evidence presented by the opposing party is not true.

**stipulation of facts** (1) An agreement between parties to a dispute or court action that a certain fact is true or uncontested. (2) An agreement between parties to a specific procedure or action such as a stipulation to extend time to answer a complaint.

**testimony** Evidence given by a witness under oath.

**witness** A person who has knowledge of facts having to do with a case being tried and who gives testimony.

**wrongful death action** A lawsuit brought by family members of a dead person against the person who caused the death.