

Court Room Terms

A Glossary of Terms used in the
Courts



Affidavit of Service: This is a written declaration made by a person (usually a process server or bearer) whereby the person confirms that he served a particular document (s) on a party to a lawsuit . If the party in the case claims to not have been served the document (s) in question, the Affidavit of Service can be presented to prove otherwise.

Bail Breach: This refers to the accused not complying wholly with the instructions of the judge regarding his/her conduct while on bail.

Bail with Condition: This refers to the judge giving expectations of the accused's behavior and conduct while on bail.

Bail on Own Surety: This refers to the process of an accused being granted bail where the accused has the ability to sign his/her own bail bond.

Bail with Surety: This refers to the process of an accused person being granted bail on the basis of someone else agreeing to sign the bail bond for the accused and of that person establishing that he/she is worth the amount of the bond.

Bound Over: This refers to an instruction of the court whereby the accused or the witness(es) and other parties involved in a case are told of another date for them to appear in court. If this instruction is disobeyed a subpoena may be issued followed by a warrant.

Supplemental Affidavit: This refers to a second declaration that is made on oath or by affirmation by a person, if the first declaration had an error that can be corrected or has been misplaced or where new facts relating to the same issue have emerged.

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Case Management: This refers to a court hearing (s) where the prosecutor tries to get all that is needed for the matter to be placed on a trial list. All parties involved in the matter are expected to participate in this process.

Complainant: A party that makes a complaint or files a formal charge, as in a court of law. This person is also known as a plaintiff in a civil action.

Consent Judgement: This refers to an order from the court to which both parties agree.

Counter Claim: This refers to the claim of the defendant in response to the claim made by the plaintiff.



Disclosure: This refers to the requirement that the defense be given access to all the material that the prosecution has, relating to a particular matter. A disclosure date may be set in court or the prosecutor may be asked for the documents before the court date.

Default Judgment: This refers to a judgment given in the absence of the defendant if it has been confirmed that the defendant failed to enter an appearance although he was served with the documents filed in court by the plaintiff..

Stand it Down: This is a temporary pause in a matter if all the documents and personnel are not ready and available.

Subpoena the Witness: This refers to an order of the Court that a witness be sent a notification requiring him to be present at a specified place and time for a specified purpose.

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Interpleader Matter: This refers to the bailiff taking the belongings of someone who is not involved in a matter, based on a judgment order from the court. This person (the interpleader) will then have to report to the court that the goods taken do not belong to the party who is currently before the courts.

Judgment Summons: This refers to a summons sent to the defendant to return to court and explain how monies ordered against him/her will be paid.

Mention Date: This refers to the next date given for a matter to be heard. There can be multiple mention dates depending on the availability of material for the case to be sent to trial.

Order Vacated: This refers to the reversal of an order that was previously made by the judge in a case.

Preliminary Enquiry: This is a hearing or enquiry held to ascertain whether based on the statements given by the witnesses, a prima facie case has been made out against an accused person for him to be committed to stand trial in a Circuit Court..

Prosecution: This is the legal representation of the Crown in a criminal case . The lawyers representing the Crown are called Prosecutors or Crown Counsel..

Trial Date: This is the date set for a matter to be tried in court. At this point, all the necessary documents and personnel would be available.

