

Glossary of Civil Terms

action: lawsuit.

admissible evidence: Evidence that can legally and properly be used in court.

affirmative defense: When a [defendant](#) or person responding to a civil case has a reason that would make them not at fault. The defendant has to explain this defense in their [answer](#).

alternative dispute resolution (ADR): Methods of resolving disputes out of court, including [mediation](#) and [arbitration](#).

answer: a defendant's response to a [plaintiff](#)'s initial court filing (called a complaint or petition). An answer normally denies some or all of the facts in the complaint and sometimes includes allegations or charges against a plaintiff, called a cross-complaint. It may also include affirmative defenses.

breach of contract: a legal claim that one party did not do something as required under a valid agreement (or contract) with the other party.

cause of action: A specific legal claim—such as for negligence, breach of contract, or personal injury—alleging that the defendant harmed the plaintiff. Each cause of action is divided into parts, all of which must be proved to win a case.

case management conference (CMC): a court **hearing** in which the judge sets deadlines and makes sure that a case is moving along. It is not the trial and the two sides usually do not discuss claims or defenses at the CMC. Both parties are required to attend.

civil case: A non-criminal lawsuit in which an individual, business, or government entity sues another to protect, enforce, or to be compensated for a violation of private rights. There are hundreds of varieties of civil cases, including lawsuits for breach of contract, probate, divorce, negligence, etc.

common count: a claim for money owed.

complaint: Papers filed with the court by a plaintiff to start a lawsuit. A complaint sets out facts and legal claims (called "causes of action"). In some types of cases, it is called a "petition."

contract: A legally binding agreement involving two or more people or businesses that sets forth what each will or will not do. Generally, contracts can be oral or written.

cross-complaint: legal paperwork by a defendant starting their own lawsuit against the original plaintiff, a co-defendant, or someone yet not a party to the lawsuit. A cross-complaint against someone not yet a party must be related to the events that led to the original lawsuit.

damages: Money that the losing side must pay to the winning side to make up for losses or injuries. There are different kinds of damages: [compensatory](#); punitive or exemplary; statutory; and more.

default judgment: A court decision in favor of the plaintiff when the defendant does not answer or go to court when they are supposed to.

DOE(S): fictitiously named defendant(s) whose name(s) plaintiff does not know when preparing the complaint. A party can later amend (update) the complaint to add in the true names of the DOE defendants once they are known.

execution of judgment: Legal process of enforcing a [judgment](#) against the property or earnings of the [judgment debtor](#).

exhibit: supporting documentation or material usually designated by capital letters or numbers (Exhibit "A," Exhibit "1," etc.)

ex parte application: an application for a court order made on short or no notice to the other side.

fraud: Deceiving someone on purpose in a way that financially hurts them.

general denial: a response by a defendant where they deny all of the allegations in a complaint instead of responding to each paragraph in the complaint.

jurisdiction: the authority of a court to hear and decide a case.

liability: legal responsibility for an act or failure to act.

limited civil case: general civil case asking for money up to \$25,000.

malpractice: failure by a professional, like a lawyer, doctor, dentist, or accountant, to use the type of care they reasonably should.

motion: a written application filed by a party asking the judge to make a court order while a case is going on, or after it finished.

negligence: when someone fails to be as careful as the law requires to protect the rights and property of others.

personal injury: an injury to a person's body, mind or emotions (as opposed to property damage).

pleading: written statement, in proper legal language and format, filed with the court that describes a party's legal or factual claims about the case and what the party wants from the court. See [pleading paper](#).

prayer for relief: what the plaintiff asks of the court at the end of a complaint (e.g., monetary damages, declaratory relief, costs of suit, etc.)

remedy: the solution requested in the plaintiff's lawsuit from the defendant. A plaintiff can ask the court to order monetary damages or for a court order requiring the defendant to do something they have promised to do or to stop doing something that is in violation of the law (an [injunction](#)).

response: a written pleading filed by a defendant to respond to a complaint. The most common is an [answer](#), but there are other types of responses possible.

service of process: The delivery of legal papers to the opposing party. The papers must be delivered by an adult aged 18 or older that is not involved in the case and that swears to the date and method of delivery to the recipient. (See also [personal service](#), [substituted service](#).)

settlement: agreement reached by the parties in a case, ending the case.

statute of limitations: A law that sets the deadline for parties to file suit to enforce their rights.

summons: A notice to a [defendant](#) or [respondent](#) that an action against them was filed and that a [judgment](#) will be entered against them if they do not answer the complaint or petition in the time allowed.

tort: an injury to one person for which the person who caused the injury is legally responsible. It can be intentional (e.g., a punch in the face), or negligent (e.g., a car accident).

unlimited civil case: general civil case asking for money above \$25,000.

verified complaint: a complaint that includes a statement by the plaintiff, signed under oath, that the facts alleged are true to the best of the plaintiff's knowledge or belief. See [verification](#).