

Level II - Glossary

Acquittal: The legal and formal certification of the innocence of a person charged with a crime; a finding of not guilty.

Act: An alternative name for statutory law. When introduced into the Legislature, a piece of proposed legislation is known as a bill. When passed by the first house and sent to the other, it may be referred to as an act. After enactment, the terms law and act may be used interchangeably.

Action: The formal legal demand of one's rights from another person brought in court.

Active File: Materials that are maintained in the court for current daily operations and are referred to frequently.

Active Record: A record that is regularly referred to and required for current use; usually referred to more than once.

Actor: A person whose criminal responsibility is in issue in a criminal action.

Adjudication: The determination and formal pronouncement of the judgment.

Adjudicative Proceeding: A proceeding where a person is entitled to due process of law, that is, the person is entitled to notice and an opportunity to be heard.

Administrative Records: Records that are created to help the court accomplish its current administrative functions.

Advance Sheets: Current publications that contain the most recently reported opinions of the courts. These copies of court decisions are sent in advance of the bound volumes.

Adversary Process: A contest between opposing sides. In municipal court, the two opposing sides are the prosecution and the defense.

Affidavit: A sworn statement.

Affinity: The relation that one's spouse has to the other spouse's blood relatives because of their marriage.

Affirmed: In the practice of appellate courts, the word means that the decision of the trial court is correct.

Afforded: Given or provided.

Agreed Judgment: A judgment entered on agreement of the parties which receives the sanction of the court. The judgment is binding and operates as an adjudication between them.

Allocation: The process of distributing in equal or proportionate parts.

Alphabetic Filing: A filing arrangement of names, subjects, or geographic locations in alphabetical order.

Alphanumeric Filing: Arrangement of files using a combination of alphabetic and numeric characters.

Annotations: 1) Statutory: brief summaries of the law and facts of cases interpreting statutes passed by Congress or state legislatures which are included in codes; 2) Textual: expository essays of varying length on significant legal topics chosen from selected cases published in essays.

Answer: The pleading filed by the defendant in response to the plaintiff's complaint.

Appeal Bond: The bond presented to the court by a defendant who desires to appeal his or her case to a higher court. The bond may be surety cash or the court may allow a personal bond.

Appeal: The process of having a higher court conduct a new trial or review the facts and law or just questions of law from a proceeding held in a lower court. In municipal court of record, the appellate court reviews the transcript of the trial. In municipal courts of non-record there is a new trial in the appellate court. An appeal is perfected when the appeal bond has been filed with the court. All defendants have the right to appeal their cases.

Appearance: The formal proceeding in which a defendant submits himself or herself to the jurisdiction of the court. Other than the defendant, only an attorney hired to represent the defendant may appear for the defendant.

Appellant: The party who requests that a higher court review the actions of a lower court.

Appellate Court: A court having jurisdiction to hear appeals and review a trial court's procedure.

Appellee: The party against whom an appeal is taken. Sometimes called a respondent.

Applications: Specific use of a computer; or software programs installed on a computer.

Arbiter: A person chosen to decide a controversy; a referee.

Archiving: For data processing usage, archiving generally means creating backup computer files—especially for long-term storage. It can also be used to mean transfer of records to an archive for permanent preservation.

Arraignment: The process in which the court identifies the defendant and asks for a plea.

Array: The whole group of prospective jurors (also called the venire) summoned to attend a court for jury duty as they are arranged on the panel; the membership of the jury panel.

Attest: To certify as being true or genuine.

Attorney General Opinions: Opinions issued by the Attorney General at the request of some governmental body interpreting the law for the requesting agency in the same manner as a private attorney would for his or her client. The opinions are not binding on the courts, but they are usually considered persuasive.

Audit: A formal or official examination and verification of funds collected and disbursed.

Authority: That which can bind or influence a court. Examples: case law, legislation, and constitutions.

Avocational: A subordinate occupation pursued in addition to one's vocation (occupation).

Back Up: A copy of files or programs maintained in case the computer files and data on the hard drive are lost or corrupted. The back-up files (stored on tape or disk) can be restored on the system and the information can be recovered.

Backing Up: Making a copy of a computer file for use in case the original is lost, damaged, or destroyed.

Bail Bond Surety: A person who executes a bail bond as a surety or cosurety for another person for compensation.

Bail Bond: A written agreement entered into by the defendant and sureties that assures the appearance of the defendant before the court to answer a criminal charge. If the defendant fails to appear when required, the court can forfeit the bond and use the proceeds to defray the cost of returning the defendant to court to answer the charges.

Bail: The security given by the accused that he or she will appear and answer before the proper court.

Bench Trial: A trial before the judge in which there is no jury and the judge makes the decision of guilt or innocence.

Beyond a Reasonable Doubt: In evidence, it means fully satisfied, entirely convinced, or satisfied to a moral certainty. In a criminal case, an accused person's guilt must be established by facts proven by virtue of the evidence that establishes guilt.

Bias: An inclination or pre-conceived opinion.

Bicameral: Having two chambers of house in the Legislature.

Bill of Review: A proceeding brought for the purpose of reversing or correcting a prior judgment.

Bill: A legislative proposal introduced in the Legislature.

Bluebook: A popular name for A Uniform System of Citation, which is published and distributed by Harvard Law Review Association and bound with a blue cover.

Bond: A type of bail required to ensure the presence of a defendant in a criminal case.

Boot/Boot Up: To start the computer.

Brief: A written statement prepared by the counsel arguing a case in court. It contains a summary of the facts of the case, the pertinent laws, and an argument of how the law applies to the facts supporting the counsel's position. In law school, a brief refers to a summary of a published opinion of a case that students prepare when studying the law.

Browser: A type of software that allows you to navigate information databases; ex. Mozilla Firefox, Opera and Microsoft Internet Explorer.

Budget: A plan for the coordination of resources and expenditures.

Byte: One character of information, usually eight characters wide. Also shown as **B**.

Canon: Standards of ethical conduct for members of the judiciary.

Capias Pro Fine: A written order issued by a judge when a defendant is absent at a time judgment is rendered or when a defendant defaults in payment of fine. It is a written order from a court directed to a peace officer commanding him the officer to arrest a person and to bring the person before the court, or place that person in jail until he or she can be brought before the court.

Capias: A writ (order) issued by a court with jurisdiction over a defendant when a defendant is not in custody ordering a peace officer to bring the defendant

before the court. Required to be issued when a bail forfeiture is declared.

Case in Point: A judicial opinion which deals with a fact situation similar to the one being researched and substantiates a point of law to be asserted.

Case Law: The law of reported judicial opinions as distinguished from statutes or administrative law.

Caseflow Management: The active overseeing of a caseflow management system providing a means of evaluating, monitoring, and accounting for the cases in municipal court.

Cause of Action: The facts that give rise to a lawsuit or a legal claim.

CD-ROM: An abbreviation for "compact disk/read only memory." It is a round disk, approximately four and three quarter inches in diameter, on which data and files are stored.

Caption: Also see style of the case. The heading on a legal document listing the parties, the court, the case number, and related information.

Central Files: The files of several offices or organizational units physically and/or functionally centralized and supervised in one location.

Central Processing Unit (CPU): Contains the chips where all computing takes place. The "brain" of the computer, the CPU takes information from outside sources, such as keyboard input, processes it, and sends the results to another outside device, such as the monitor.

Challenge for Cause: A request that a venire member (prospective juror) be disqualified or excused from jury service; an objection lodged on legal grounds.

Charging Instrument: In municipal courts, it is a sworn complaint filed with the court charging a criminal offense; the formal accusation that a person committed a criminal offense.

Citation: The reference to authority necessary to substantiate the validity of an argument or position.

Citators: A set of books that provide, through letter-form abbreviations or words, the subsequent judicial history and interpretation of reported decisions and lists of cases and legislative enactments constructing, applying, or affecting statutes. Example: Shepard's Citations.

Civil Law: 1) Roman law embodied in the Code of Justinian, which prevails in most Western European countries other than England, and is the foundation, for example, of Louisiana law; 2) the law concerning non-criminal matters in a common law jurisdiction.

Code: A compilation of statutes.

Coding: The act of applying file designations on records for the purpose of classifying or condensing.

Color of Office: Pretense of an official right to do an act made by one who has no such right. An act under color of office is an act of an officer who claims authority to do the act by reason of his or her office when the office does not confer on him or her any such authority.

Common Law: The origin of the U.S. legal system. The legal system that originated in England and is now in use in the United States. It is based on judicial decisions rather than legislative action.

Complainant: A person who applies to the Commission on Judicial Conduct for

some type of remedy.

Complaint: A written affidavit that initiates a file with the Commission on Judicial Conduct.

Complaint: The instrument used to charge a person with a commission of an offense.

Concurrent Jurisdiction: When jurisdiction (authority over) is shared between courts; cases can be filed in either court.

Conduct in Need of Supervision: Juvenile conduct that is a lower grade of penal offense, such as running away or truancy. These offenses are filed in juvenile court.

Conflict of Interest: A relationship that suggests disqualification of a public official from performing his or her sworn duty; a clash between public interest and the private pecuniary interest or other interest of the individual concerned.

Consanguinity: Blood relationship; the connection of persons descended from the same stock or common ancestor.

Constitution: The system of fundamental principles by which a political body or organization governs itself.

Contempt: Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice or calculated to lessen its authority or dignity. There are two kinds of contempt: direct and indirect. Direct contempt is committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful court order.

Continuance: The adjournment or postponement to a later date and time of a case pending in court.

Controlling Authority: A case decided by the highest appropriate court in Texas or the Fifth Circuit Court of Appeals, a federal district court within the Fifth Circuit, or the U.S. Supreme Court.

Copy: The reproduction by any method of the complete substance of a record; a reproduction of an original.

Corporation Court: Archaic name for municipal court.

Count: A separate and independent claim. A criminal indictment may contain several counts.

Court Decision: The disposition of a case by the court.

Court of Record: Courts in which a record must be made of all proceedings conducted. Records are usually made by court reporters and are backed up by electronic recordings.

Covert: Not openly known; hidden, concealed.

Cross Reference: A notation in a file or on a list showing that a record has been stored elsewhere.

Cross-Examination: The examination of a witness upon a trial or hearing by the party who did not produce the witness.

Cubic Foot: The volume of paper records that fills a space one foot high by one foot wide by one foot long. The basic measurement for records volume.

Custodian of the Records: A custodian is anyone who has charge or custody of property or records. Municipal court clerks are responsible for the care, control, maintenance, and archival of municipal court records and, as such, are

custodian of the court records.

Custody: The guardianship of records.

Cyberspace: A term referring to the place where human interaction occurs over computer networks through electronic mail, conversations, games, or simulations.

Database: An electronically stored collection of related records containing frequently used information.

De Novo: A new trial as if the case had not been previously heard and as if no decision had been previously rendered. Appeals from municipal courts of non-record are heard de novo in the county court.

Decentralized Files: Files stored throughout an organization; not centralized in one office or area.

Decree: A determination by a court of the rights and duties of the parties before it.

Dedicated Line: A permanently connected private telephone line between two locations.

Default Judgment: A judgment rendered when a defendant fails to appear or answer.

Defendant: In a criminal action, the defendant is the person who allegedly committed a crime. In a bail forfeiture, the defendant is the surety on a bail bond. The surety binds himself or herself on the bond to ensure the presence of a criminal defendant in court.

Defendant: The person against whom a civil or criminal action is brought.

Deferred Disposition: A process where the judge may defer the proceedings in a case and grant probation requiring the defendant to adhere to certain terms. If a defendant successfully completes the terms of probation, the judge is required to dismiss the case.

Delineate: Described or represented accurately.

Delinquent Conduct: Juvenile conduct that generally involves violations of the penal laws punishable by imprisonment or jail. These types of offenses are filed in juvenile court.

Denial: A pleading of an allegation of fact or defense. In a bail forfeiture, the answer is the pleading denying the allegation of the facts which caused the forfeiture.

Denunciation: To condemn something as being evil or morally wrong; may be the equivalent of accuse.

DIC-15: Form submitted by the court to the Department of Public Safety (DPS) giving notice of the municipal court's order to suspend or deny issuance of a minor's driver's license upon conviction for the following offenses: (1) possession of alcohol by a minor; (2) consumption of alcohol by a minor; (3) purchase of alcohol by a minor; (4) attempt to purchase alcohol by a minor; and (5) misrepresentation of age by a minor; or (6) upon a defendant's failure to take an alcohol awareness program.

DIC-81: Form submitted by the court to the Department of Public Safety (DPS) giving notice of the municipal court's order to DPS to either suspend the driver's license or keep a minor from obtaining a driver's license for failing to appear or

failing to pay a fine.

Dictum: Language in an opinion that is not necessarily essential to the holding of the decision, is usually written in a dissenting opinion and does not embody the determination of the court; thus, it is not binding on the courts.

Digest: An index to reported cases that provides brief, unconnected statements of court holdings on points of law, arranged by subject and subdivided by jurisdiction and courts.

Diligence: Characterized by persevering application; the attention and care legally expected or required of a person.

Diligence: The attention and care legally expected or required of a person.

Diminution: The act, process, or instance of diminishing (decreasing).

Direct Access Filing: A method of filing in which no code is needed to reference a file.

Disbarment: A form of discipline of a lawyer, resulting in the loss (often permanently) of that lawyer's right to practice law.

Disbursement: The act of paying out funds.

Discovery: A pre-trial device that can be used to obtain facts and information about the case.

Disk Cache: A program that reserves a portion of memory for the information most recently read from or written to a disk. Since reading from and writing to memory is quicker than using a disk drive, disk caches considerably improve the performance of the system.

Disk Drive: The device designed to read and write information and programs on a diskette or hard disk.

Diskette: A thin hard disk that stores magnetically encoded information used by a computer. Diskettes can be removed from the computer and should be kept away from excessive heat and cold as well as magnetic fields.

Docket Number: A number, sequentially assigned by the clerk, to the case.

Docket: A formal record with brief entries required to be kept on all complaints filed in the court. Maintaining the docket is a ministerial duty that the judge may delegate to the clerk.

Document: An instrument containing recorded information.

Domain: Indicates the type of host on an internet, Web, or e-mail site.

Double Jeopardy: A prohibition against a second prosecution after an original trial for the same offense.

Due Process of Law: Law in its regular course of administration through courts of justice. The exercise of power under safeguards for the protection of individual rights. A course of legal proceedings according to rules and principles that have been established in the American system of justice for the enforcement and protection of private rights.

Duplex-Numeric Filing: Arrangement of files using two or more sets of code numbers, with the sets separated by dashes, commas, periods, or spaces.

Electronic Data Processing: The use of a computer to process data.

Electronic Filing: Transmission of document text from one computer to another via a modem. Electronic filing is in use in some courts and greatly

reduces paper volume, delays caused by document loss or mishandling, and data entry errors. Signature verification or some other form of authentication is essential when using the electronic filing method.

Electronic Recordkeeping: Records stored in a form that only a computer can process.

En Banc: A session in which the entire bench of the court will participate in the decision rather than the regular quorum. The federal circuit courts of appeal usually sit in groups of three judges, except for important cases when they sit as a full court of nine members. When all nine members are present, they are said to be sitting en banc.

Endorse: To sign one's name on a document.

Entrapment: An act of law enforcement officers to induce a person to commit a crime not contemplated by the person and for the sole purpose of instituting a criminal prosecution against the person.

Equal Protection of the Law: The constitutional guarantee that no person or class of person shall be denied the same protection of the laws that is enjoyed by other persons in like circumstances: their lives, liberty, property, and pursuit of happiness.

Essential Record: Any record necessary for the resumption or continuation of government operations in an emergency or disaster, for the recreation of the legal and financial status of the government, or for the protection and fulfillment of obligations to the people of the State. (Section 201.003, L.G.C., and Section 441.151, G.C.)

Ethics: Relates to moral action, conduct, motive or character; conforming to professional standards of conduct; the discipline dealing with what is good and bad and with moral duty and obligation; a set of moral principles or values.

Evidence: Any type of proof legally admitted at a trial through witnesses, records, documents, objects, etc. for the purpose of instituting a criminal prosecution or proving or disproving elements of a criminal case.

Ex Parte: One side only.

Exclusive Original Jurisdiction: When the court in which a case must be filed has sole jurisdiction (authority over) because no other court has jurisdiction to hear and determine the case.

Execute: To complete; to carry out according to the terms; to fulfill a command or order of the court.

Execution: The process of enforcing a judgment, usually by seizing and selling property of the debtor.

Exonerate: To free from obligation.

Expunction: The process by which the record of a criminal conviction is destroyed or sealed.

FAQ: An acronym for Frequently Asked Questions available with the answers. Most mailing lists and all network newsgroups provide FAQs.

Felony: A classification of criminal offense according to the relative seriousness of the offense into five categories: (1) capital felonies; (2) felonies of the first degree; (3) felonies of the second degree; (4) felonies of the third degree; and (5) state jail felonies.

Fidelity: A quality or state of faithfulness to something to which one is bound by duty or by a sense of what is right or appropriate.

Files Management: The management function that provides for the analysis of filing equipment and the procedures to determine the most efficient analysis of filing equipment and the procedures to determine the most efficient type of equipment and system for a given operation at the most economical price.

Fine: The penalty assessed by a judge or a jury when convicting a defendant.

Firewall: Refers to security measures designed to protect a networked system from unauthorized or unwelcome access.

Forfeiture of Bail: A process that is required when a defendant posts bond and then fails to appear. When a defendant posts bond, he or she agrees as a condition of being released to appear in court. The failure to perform the condition of the bond causes the forfeiture of the bail to be declared. (See Chapter 22, C.C.P., for forfeiture procedures.)

Forfeiture: A process that occurs when a defendant posts bond and then fails to appear. When a defendant posts bond, he or she agrees as a condition of being released to appear in court. The failure to perform the condition of the bond causes the forfeiture of the bail to be declared or forfeited for the fine and costs. (See Chapter 22, and Article 45.231, C.C.P. for forfeiture procedures).

Fraud: An act of deceiving or misrepresenting; see Chapter 32 of the Penal Code for offenses involving fraud.

Gigabyte (GB): A unit of data storage size which represents 1,073,741,824 (1024 x 1024 x 1024 bytes) bytes of information.

Graphics Interchange Format (GIF): A type of file used to transfer files to and from online services.

Guilty: A plea by which a defendant confesses to the crime with which the defendant is charged, or the verdict by which a defendant is convicted.

Habeas Corpus: A writ commanding that a person be brought before a judge. Most commonly, a writ of habeas corpus is a legal document that forces law enforcement authorities to produce a prisoner they are holding and to legally justify his or her confinement.

Hard Drive: A storage device, also called a fixed disk, composed of a rigid platter or platters that store information magnetically. Hard drives hold more information than diskettes and are used for long-term storage. They are usually not user-removable.

Hardware: The physical, electronic, and mechanical components of a computer system, including devices such as a display, disk drive, printer, mouse, and processor.

Headnote: A brief summary of the legal rule or significant fact in a case that often precedes the printed opinion of the case.

Hit: Any file that is downloaded. May also refer to a visit to a web page.

Holding: The main legal principle in the case; the declaration of the conclusion of law reached by the court as to the legal effect of the facts of the case.

Home Page: The document displayed when you first open your web browser. Home page also can refer to the first document you come to at a website's list of documents visited.

Home-Rule City: A city that is governed by a charter that gives the city a measure of self-government. A home-rule city looks to its charter for limitation in power.

Hornbook: Refers to a series of treatises published by West that reviews various fields of law in a summary, textual form as opposed to a casebook, which contains reprints of court opinions.

Host: The computer on which your internet account is located.

HTML: An acronym for Hypertext Markup Language. This is the language used to tag various parts of a web document so that browsing software will know how to display that document's links, text, graphics, and attached media.

http://: Hypertext Transfer Protocol. Indicates that the site is designed in Hypertext Markup Language.

Hypertext: Describes the system that allows documents to be cross-linked in such a way that the reader can explore related documents by clicking on a highlighted word or symbol, also called hyperlink.

Icon: A small picture that represents a function, file, or program.

Impartial: Treating all alike; unbiased, equitable, fair, and just.

Impinge: Encroach or infringe.

Impropriety: The state of being improper (not in accord with fact, truth, or right procedure).

Inactive Records: Records that have a reference rate of less than one search per month. Records that are not needed to be readily available, but which must be kept for administrative, fiscal, legal, historical, or governmental purposes.

Index: An organized aid to find the contents of a document, database, or filing system that is arranged in a logical order, giving document or data location in storage. Usually a list or file that is arranged alphabetically or numerically for the purpose of facilitating references to topics, names, numbers, or captions within a body of information.

Indexing: The action of specifying or determining the pre-designed topic, name, number, or caption under which a document is to be filed.

Indictment: A formal accusation of a crime made by a grand jury at the request of a prosecuting attorney. In Texas, indictments are required in felony cases.

Indictment: A sworn affidavit accusing a person of a crime made by a grand jury.

Indigent: Poor; unable to pay; one who does not have sufficient financial ability to hire legal counsel or pay a fine and court costs. Texas law defines indigent as a person who earns not more than 125 percent of the income standard established by federal poverty guidelines.

Indirect Access Filing: A system in which reference to the code under which material is filed must be made before the file can be located.

Information: The charging instrument that sets out the accusation against a defendant accused of committing a Class A or B misdemeanor and that initiates the prosecution.

Integrity: An adherence to one's moral values or practicing what one claims to believe in.

Internet: The global collection of interconnected regional and wide-area

networks that use IP (Internet Protocol) as the network layer protocol. This is an unregulated, global confederation of computer networks linked through regional, private business, and educational networks. The internet was established in 1969 as an attempt by the Department of Defense to link universities to Pentagon researchers, while also serving the national security purpose of transmitting crucial computing tasks to a wide geographic area. The internet provides file transfer, remote login, electronic mail, news, and other services.

Inviolable: Free from substantial impairment. Secure, holy, sacrosanct, invulnerable.

Issue: 1) The disputed point in a disagreement between parties in a lawsuit; 2) To send out officially, as in to issue an order.

Jail-Time Credit: Credit on a defendant's fine required to be given when a defendant has been confined in jail before or after being convicted of a crime by the court or jury.

JPEG: Joint Photographic Experts Group. An image compression format used to transfer color photographs and images over computer networks.

Judgment Nisi: A temporary order that will become final unless the defendant and/or surety shows good cause as to why the judgment should be set aside.

Judgment: In a criminal case, it is the written declaration of the court signed by the trial judge and entered in the record showing the conviction or acquittal of a defendant. In a bail forfeiture case, the judgment is the final decision of the court resolving the dispute and determining the rights and obligations of the parties. It determines the liability of the defendant (surety).

Judicial Duties: Duties that require an exercise of judgment or decision on a question of law or fact or choice of alternatives. Only judges may perform judicial duties.

Jurisdiction: The power given to the court by a constitution or legislative body to make legally binding decisions over certain persons or property, or the geographical area in which a court's decisions or legislative enactments are binding.

Jury Charge: An instrument which contains the law that applies to a case and is read to jurors before argument commences in a trial.

Jury Shuffle: When juror names are mixed to create a new seating order on a jury list.

Jury Summons: A notice sent to prospective jurors notifying them to appear for jury duty. Usually, this act is performed by the court clerk.

Juvenile: Although there is no legal definition of juvenile, the Family Code defines a child as a person who is at least 10 years of age and under the age of 17. Courts usually use this definition to mean a juvenile.

Key Number: A building block of the West indexing system. The key number is a permanent number given to a specific point of law.

Keyboard: The device used to type information into the computer. Each key on the keyboard is a switch that is activated when pressed. The switch sends a specific code representing the character printed on the key to the computer.

Kilobyte (Kb): A unit of data storage size that represents one thousand units of

information (1024 bytes).

LAN: An acronym for Local Area Network. It is a network that takes advantage of the proximity of other computers to offer relatively more efficient, faster communications than long-haul or wide-area networks.

Law Review or Law Journal: A legal periodical that usually describes a scholarly publication edited by law students.

Legislative History: The information embodied in legislative documents that provides the meanings and interpretations (intent) of statutes.

LexisNexis: The computerized legal research system offered by Reed Elsevier Company. It is a database that provides the full text of court decisions, statutes, administrative materials, annotations, law review articles, reporter services, Supreme Court briefs, and other items.

Liaison: A person who establishes and maintains communication and understanding between groups of people.

Life Cycle of Records: The management concept that records pass through four stages: creation, maintenance, use, and disposition.

Linear Foot: A unit of measurement used to determine the quantity of records in terms of length of space occupied without regard for height and width.

Links: Hypertext connections between web pages. A synonym for hotlinks or hyperlinks.

Litigant: A party to a lawsuit.

Local Area Network: Usually known as LAN; several small to mid-sized computers that are linked together electronically to share hardware, such as printers and modems, as well as data. With a LAN, one user can easily transmit information to another user on the LAN and use the same applications. Each computer on the LAN is linked by cable.

Loose-Leaf Services and Reporters: Contain federal and state administrative regulations and decisions or subject treatment of a legal topic. They consist of separate leaves to be placed in a binder that allows for frequent substitutions and updates.

Magistrate: A judicial officer whose duty it is to preserve the peace within a certain territorial jurisdiction through all lawful means; to issue all process intended to aid in preventing and suppressing crime; and to cause the arrest of all offenders in order that they may be brought to trial or, after trial, to punishment.

Magistration: The process where a magistrate explains to a defendant his or her rights under the law and constitution.

Magnetic Tape: A tape or ribbon of any material impregnated or coated with magnetic material on which information may be recorded. Commonly used as medium for carrying computer programmed information.

Mandatory Authority: Authority given that a court is to follow and includes constitutional provisions, legislation, and court decisions.

Manifest: To make evident or certain by showing or displaying a certain conduct.

May: Denotes permissible discretion or, depending on the context, refers to action that is not covered by specific proscriptions.

Megabyte (Mb): A unit of data storage size which represents one million characters of information (1024 x 1024).

Memory: The working space used by the computer to hold the program that is currently running, along with the data it needs to run programs and process data. The main memory is built from RAM chips. The amount of memory available determines the size and number of programs that can be run simultaneously. Main memory is temporary and is lost when the computer is turned off. The computer's battery, however, allows ROM to remember settings such as time and date when the computer is off. It is distinguished from more permanent internal memory (ROM), which contains the computer's essential programs and storage.

Menu: A list of options on your screen available for access.

Microfilm: A film containing photographic records or images considerably reduced in size from the original material filmed.

Microfilming: The process of photographic reproduction of a document, usually on 16mm or 35mm film. The original may be reduced from one-eighth to one-fiftieth of its original size, with such clarity that it can be enlarged to its original size without loss of detail.

Microform: Roll microfilm, microfiche, computer output microfilm, and all other formats produced by any method of microphotography or other means of miniaturization on film.

Micrographics: The art of producing or reproducing information in miniature form. Also termed microprinting or microphotography. Encompasses the creation, use, and storage of microforms.

Ministerial Duties: A duty in which there is nothing left to discretion or a duty imposed by law.

Minor: In the Transportation Code, a minor is a person who is younger than 17 years of age; in the Alcoholic Beverage Code, a minor is a person who is under 21 years of age.

Misconduct of Office: Official misconduct means an offense that is an intentional or knowing violation of a law committed by a public servant while acting in an official capacity as a public servant. Municipal judges, court clerks, and deputy court clerks are public servants. (See also Chapter 39, P.C., for offenses relating to abuse of office.)

Misdemeanors: Offenses lower than felonies and generally punishable by fine or imprisonment. Municipal courts have jurisdiction over misdemeanors that are fine-only offenses.

Mitigating Circumstances: Circumstances that do not constitute a justification or excuse of the offense in question, but which, in fairness and mercy, may be considered as extenuating or reducing the degree of moral culpability.

Modem (Modulator demodulator): A piece of equipment that connects a computer to a data transmission line (typically a telephone line). Modems convert digital signals (the binary computer language of zeros and ones) into analog signals (the transmission method of telephones) enabling computers to send data over telephone networks.

Motion: A formal request made to a judge pertaining to any issue arising during

the pending case.

Municipal Court of Non-Record: A municipal court that does not keep a record of its proceedings established when the city incorporates. The appeal is de novo at the county level.

Municipal Court of Record: A municipal court that is required to keep a record of its proceedings. Established either by state legislation or city election.

Must: Creates or recognizes a condition precedent.

Network: A system of connections between computers that enables them to share facilities, such as printers, and allows users to pass information to and from one another. Commonly used networks are LAN (local area network) and WAN (wide area network).

No Contest/Nolo Contendere: A plea in which the defendant does not contest the charge. Nolo contendere has the same legal effect as a guilty plea; however, it may not be used against the defendant as an admission of guilt in a civil suit based upon or growing out of the act upon which the criminal prosecution is based.

Nonessential Record: A record that is not vital to the continued operation of the court.

Nonsecure Custody: An unlocked multipurpose area where juveniles may be detained for up to six hours. While the juvenile is in the custodial area, they cannot be handcuffed to a chair, railing, or any object, and they must be under continuous visual observation by a law enforcement officer or a member of the facility staff.

Not Guilty Plea: The defendant is informing the court that he or she denies guilt or has a defense in the case and that the state must prove what it has charged in the complaint.

Numeric Filing: Arrangement of numeric characters in various combinations.

Onerous: A burden imposed.

Online: Information available on the internet, such as an online document or online help, or through a connection by a modem to another computer.

Operating System: The software, sometimes called system software, that tells the computer how to process tasks. Operating systems control access to files and provide instructions to the computer that enable all of the hardware devices to work together. This includes creating programs and data files and controlling the flow of information between the processor, memory, and devices. The Microsoft Disk Operating System (MS-DOS) has long been the most popular one used for personal computers.

Opinion: An expression of the reasons a certain decision (the judgment) was reached in a case and includes the following:

- A **majority opinion** is usually written by one judge and represents the principles of law that the majority of the court deemed operative in a given decision. It has the greatest precedential value.
- A **separate opinion** may be written by one or more judges in which he or she concurs in or dissents from the majority.
- A **concurring opinion** agrees with the results reached by the

majority, but it disagrees with the precise reasoning of the majority opinion.

- A **dissenting opinion** disagrees with the result and the reasoning of the majority.
- A **plurality opinion** (called a judgment by the Supreme Court) is agreed to by less than a majority as to the reasoning of the decision, but it is agreed to by a majority as to the result.
- A **per curiam opinion** is an opinion by the court which expresses its decision in the case but whose author is not identified.
- A **memorandum opinion** is a holding of the whole court in which the opinion is very concise

Optical Data Storage Systems: An electronic imaging system that stores digitized document images on optical disks and has a supporting database of index information for online retrieval.

Optical Disks: Platter-shaped, computer-oriented storage medium that permits the recording and/or retrieval of information by optical processes, typically through the use of lasers. Optical disks are recorded and/or read by specially-designed drives that function as computer peripheral devices. Optical disks and their associated drives are available in both read/write and read-only configurations.

Optical Media: Storage medium that permits the recording and/or retrieval of information by optical processes, typically through the use of lasers, including optical disks, tapes, cards, and other similar media.

Oral Argument: An opportunity for lawyers to summarize their position before the court and to answer the judges' questions.

Ordinance: The equivalent of a municipal statute, passed by the city council and governing matters not covered by state or federal law.

Out-Card: A card filled out showing the date, description of the record, agency, person requesting the record, and other pertinent information. This card replaces the record that is pulled and is removed when the record is refiled.

Overt: Open to view.

Party: A person, business, or government agency actively involved in the prosecution or defense of a legal proceeding.

Payee: A person to whom a check, money, etc., is payable.

Payor: A person who pays. A person named in a bill who has to pay the holder.

Pecuniary: Relating to money.

Peremptory Challenges: An objection made to a particular juror that does not require any cause be shown or any ruling be made by the judge; the striking of a juror. In municipal court, three peremptory challenges or strikes are allowed both to the state and to the defendant.

Perfectd: Completed; finished.

Periodical: A publication appearing at regular intervals. Legal periodicals include law school publications, bar association publications, commercially published journals, and legal newspapers. All are secondary source materials.

Permanent Record: A record considered to be so valuable or unique that it is

to be permanently preserved.

Person: An individual or corporation.

Personal Bond: A bond that is granted in the court's discretion that releases the defendant on his or her word or promise to appear, without sureties or other security, to appear in court to answer criminal charges.

Persuasive Authority: Reasoning which a given court may, but is not bound to, follow. For example, decisions from one jurisdiction may be persuasive authority in the courts of another jurisdiction, although they are not binding.

Plaintiff: A person who brings an action; the person who complains or sues in a civil action; a person who seeks remedial relief for an injury to rights.

Plea: The defendant's answer to the accusation, complaint, or petition brought against him or her by the State in a municipal court. In criminal cases in municipal courts, there are four possible pleas: guilty, not guilty, nolo contendere (no contest), or the special plea of double jeopardy. In a truancy case, the pleas are true or not true.

Pleadings: The written statements of fact and law filed by the parties to a lawsuit.

Pocket Part: A paperback supplement inserted in a book through a slit in its back cover. Usually includes textual, case, or statutory references keyed to the original publication.

Port: The electrical connection through which the computer sends and receives information to and from devices or other computers. For example, a serial port is used to attach the modem to the CPU.

Precedent: A previously decided case that guides the decision of future cases.

Preponderance of the Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Presumption of Innocence: A principle of criminal law that the government has the burden of proving every element of a crime beyond a reasonable doubt and the defendant has no burden to prove his or her innocence.

Pre-Trial Hearing: A meeting of the defense, the prosecution, and the judge before the trial to attempt to narrow the issues to be tried, to secure stipulations, and to make a final effort to settle the case without trial. The actions taken at the hearing are made the subject of an order that controls the future course of the action.

Primary Authority: Statutes, constitutions, and administrative regulations issued pursuant to enabling legislation and case law. Primary authority may be either mandatory or persuasive. All other legal writings are secondary and are never binding on the courts.

Principal: The criminal defendant.

Privileged information: Information that is protected from disclosure.

Procedural Law: The law that governs the operation of the legal system, including court rules and procedures, as distinguished from substantive law.

Process: Written orders such as a warrant, *capias*, *capias pro fine*, and summons issued by the municipal judge.

Promulgated: To publish; to announce officially; to make public as important or required; the formal act of announcing a statute or rule of court.

Proration: The process of dividing or distributing proportionately.

Protocol: A collection of rules and conventions that two computers must follow to exchange messages or information. When transmitting a file, both modems must use the same protocol, much the same as two people must speak the same language on the telephone.

Public Information: Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it.

Purging Files: The process of clearing out inactive or obsolete records from active file storage areas for retention elsewhere or for destruction.

Random Access Memory (RAM): The working memory of the computer used for storing data temporarily while working on it, running application programs, etc.

Ratio Decidendi: The point in a case that determines the result; the basis of the decision. This is more commonly referred to as the holding of the case.

Read-only Memory (ROM): A type of memory that the computer can access but cannot change. The information stored in ROM is permanent and not lost when the computer is turned off.

Reasonable Doubt: All persons are presumed innocent and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his or her trial. The law does not require a defendant to prove his or her innocence or to produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

Reconciliation: The act of harmonizing records.

Record Copy: A record that is designated to be kept for the full retention period; not a reference, working, or convenience copy.

Record: A document containing data or information of any kind and in any form generated or received by an organization and containing information necessary for the operation of that organization's business.

Records Control: The management of documents generated or received by an organization.

Records Creation: The process of production or reproduction of records.

Records Disposition: The final processing of records for destruction, permanent retention, or archival preservation.

Records Inventory: The physical listing of all records series created and maintained by an agency conducted prior to the development of retention schedules. Includes data such as records series titles, inclusive date, use, location, quantity, arrangement, duplication, and other pertinent information.

Records Management: The systematic control of recorded information

required in the operation of an organization's business from creation and active maintenance and use, through inactive storage, to final disposition.

Records Preservation: The maintenance of documents in usable form.

Records Protection: Safeguarding documents against unintentional destruction.

Records Retention Schedule: A document that identifies the length of time a records series must be retained in active and inactive storage before its final disposition to permanent storage, archival preservation, or destruction.

Records Series: A group of identical or related records that is normally used and filed as a unit and that permits evaluation as a unit for retention scheduling purposes.

Records Storage: The systematic assembling of documents in containers or depositories for possible future use.

Recusal: The process by which a judge is disqualified from hearing a charge filed in his or her court.

Reference Copy: A copy of an official record that serves as a substitute for reference purposes. Also called convenience or working copy.

Refile: The process of returning a record to its original place in a file after it has been withdrawn.

Remand: To send back; the sending by the appellate court of the case back to the same court out of which it came for the purpose of having some further action taken on it there.

Remit: To pay back money.

Remittitur: To put back into the previous position and may include the return of all or part of the amount of the bond.

Rendering Judgment: The judicial act of pronouncing the decision (judgment) of the court.

Retention Period: The period of time during which a record must be kept before final disposition.

Retrieval: Recalling and repossessing data at any time needed. The manual or machine searching of a database to retrieve specific data or documents to satisfy requests for information from the database.

Rules of Evidence: Rules of court that govern the admissibility of evidence at trials and hearings.

Scanner: A device that looks much like a copier or printer, which transforms printed documents into a digitized file for editing with application software on a computer. Scanners are also used to capture photographic images and drawings for storage and retrieval.

School Crossing Zone: A reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

Scire Facias: A special docket required by law to handle all cases and proceedings involved in the forfeiture of bail bonds. The process of issuing a citation (notice) to the parties of a temporary judgment (judgment nisi) that they need to come to court or lose the bond money to the State.

Sealing of Records: The process whereby a juvenile's court records are closed and the matter is treated for all purposes as if it never occurred. The records will not be opened except by order of the juvenile court brought about by a petition of the person whose records were sealed. After September 1, 2001, municipal courts are not longer required to seal juvenile records. Juvenile cases filed with municipal courts before September 1, 2001, are subject to the sealing provisions.

Serial Port: The communications port to which a serial device, such as a modem, a mouse, or a serial printer, can be attached. Usually located in the back of the computer.

Server: A computer that shares its resources, such as printers and files, with other computers on the network. An example of this is a Network File System (NFS) Server which shares its disk space with a workstation that does not have a disk drive of its own.

Session Laws: Laws of a state enacted that are published in bound or pamphlet volumes after the adjournment of each regular or special session.

Shall and Shall Not: Denotes binding obligations that if violated can result in disciplinary action.

Shall: Imposes a duty.

Shepardizing: A descriptive use of Shepard's Citations. A trademark of Shepard's.

Should or Should Not: Relates to aspirational goals and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined.

Shredding: The destruction of documents by shredding or pulping to render them illegible and beyond reconstruction.

Slip Opinion: An individual court decision published separately soon after it is rendered.

Software: The computer programs or instructions that tell the hardware what tasks to perform. The three classes of software are operating systems, applications, and utilities.

Stare Decisis: The doctrine that courts will follow principles of law laid down in previous cases and is similar to precedent.

Statute of Limitations: The time within which a plaintiff must begin a lawsuit (in civil cases) or a prosecutor must bring charges (in criminal cases). There are different statutes of limitations at both the federal and state levels for different kinds of lawsuits or crimes.

Statute: An act of a legislature. Depending upon its context in usage, a statute that may mean a single act of a legislature or a body of acts that are collected and arranged according to a scheme or for a session of a legislature.

Statutory Construction: A process by which a court seeks to interpret the meaning and scope of legislation.

Statutory Law: Law enacted by the legislative branch of government as distinguished from case law or common law.

Stereotype: A standardized mentality held in common by members of a group; an oversimplified opinion, affective attitude, or uncritical judgment.

Strike: A common name for peremptory challenge where an objection is made to a particular juror which does not require that any cause be shown or that any ruling be made by the judge.

Style of Case: The parties to a lawsuit as they are written in the heading at the beginning of the case. Also known as the caption of the case.

Subpoena Duces Tecum: A command by a court to appear at a certain time and place and to produce books, papers, or other things requested by the court.

Subpoena: A command by a court to appear at a certain time and place to give testimony upon a certain matter.

Subsidiary Dockets: Listings of cases set for a particular date for trial and are also called trial dockets.

Substantive Law: That law which establishes rights and obligations, as distinguished from procedural law, which is concerned with rules for establishing their judicial enforcement.

Subverted: Undermined.

Summary Judgment: A judgment made when there is no genuine issue of material fact and the party is entitled to prevail as a matter of law.

Summons: A writ of the court directing that a person appear at a stated time and place. In municipal court, the judge can issue a summons for a defendant or for the parents of a juvenile.

Suppress: To keep evidence from being presented during a trial.

Surety: One who bonds and obligates himself or herself to guarantee the appearance of the citizen accused of an offense in court at times ordered to answer the charges. Should the defendant fail to appear, the surety is liable on the bond.

Table of Cases: A list of cases arranged alphabetically by case names with citations and references to the body of the publication where the cases are treated.

Table of Statutes: A list of statutes with references to the body of the publication where the statutes are treated or construed.

Tantamount: Equivalent in significance or effect.

Terminal-Digit Filing: The arrangement of files using the last digit or set of digits as the primary filing unit.

Tertiary: Third in order, place, degree, or rank.

The Rule: When "The Rule" is invoked, either the prosecution or the defense asks the court to have witnesses who are not parties in the case to remain outside the hearing of the courtroom at all times while testimony is being heard, except when testifying or until discharged.

Transcript: A written, word-for-word record of what was said while in a proceeding such as a trial or during some other conversation, as in a transcript of a hearing or oral disposition.

Transferring: Moving inactive records to a records center or storage area on a regular schedule.

Treatise: An exposition, which may be critical, evaluative, interpretative, or informative on case law or legislation and is usually quite detailed and often

critical.

Trial de Novo: A new trial as if the case had not been previously heard and as if no decision had been previously rendered.

Trial De Novo: Trying the case again, the same as if it had not been heard before.

Trial Dockets: Listings of cases set for a particular trial date and are commonly called subsidiary dockets.

Tuancy: The unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from a school without the consent of the child's parents.

Traunt Conduct: The unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days of parts of days within a four-week period from school without the consent of the child's parents.

URL: Abbreviation for Uniform Resource Locator, the addressing system used on the web and other internet resources. The URL contains information about the method of access, the server to be accessed, and the path of any file to be accessed.

Utility: A computer program that modifies how certain aspects of the computer work. Utilities differ from applications in that they are not used to do real work, but rather to improve how the computer functions or to repair it. Utilities can manage fonts, compress files, and check for viruses.

Venire Person: A person summoned as a juror.

Venire: The whole group of prospective jurors; the panel from which jurors are selected to hear the case.

Venue: The particular geographical area in which a court with jurisdiction may hear and determine a case.

Verdict: The formal unanimous decision of a jury impaneled and sworn for a trial and returned in open court on the questions of fact submitted to the jury during the trial. The final decision in a criminal case; either guilty or not guilty.

Verify: To confirm the truth, correctness, and authenticity of a matter by affidavit or oath.

Verity: Something that is true.

Voir Dire: This phrase means "to speak the truth" and describes the preliminary examination which the court, the prosecution, and the defense may make of a person presented as a witness or juror, where the person's qualifications, competency, or interest is examined in light of fitness to serve in a particular trial. In an attempt to block the admissibility of a particular piece of evidence, counsel may ask the court to "take the witness on voir dire" out of the jury's presence.

Voluntarily: Intentionally and without coercion.

Waive/Waiver: Voluntary, knowing, and intentional relinquishment or surrender of a right, claim, or privilege.

Waiver: The voluntary relinquishment of a known right.

Warrant of Arrest: A written order issued by a magistrate or judge directed to

a peace officer commanding him or her take the body of the person accused of an offense, to be dealt with according to the law.

Webmaster: A person responsible for keeping a server running properly.

Westlaw: The computerized legal research system of The West Group / Thomson Reuters. It is a database providing full text of court decisions, statutes, administrative materials, law review articles, reporter services, and other items. Documents are organized into databases. Keyword searches, field searches, and key number searches are offered.

Windows: A program by Microsoft that enables a DOS machine to use icons and a mouse. The user can multitask or use two different programs at the same time and switch back and forth between them, such as using the calendar and word processor at the same time.

Witness: One who personally sees, observes, or is an expert concerning something and later testifies to what was seen, perceived, or known; a person whose declaration under oath or affirmation is received as evidence.

Writ of Execution: The formal process issued by the court that evidences the debt of the defendant (surety) to the plaintiff (city prosecutor) and commands an officer to take the property of the defendant in satisfaction of the debt (judgment of forfeiture on the bail bond).

Writ of Procedendo: A written order by which the county court declares its lack of jurisdiction over an appeal and returns the case to municipal court to proceed to collect the judgment.

Writ of Venire: An order from the judge commanding the proper officer (usually the court clerk) to summon immediately a list of prospective jurors to serve for a particular term of the court.

Writ: A written order of which there are many types, issued by a court and directed to an official or party, commanding the performance of some act.