

LIST OF LEGAL TERMS AND COMMON DEFINITIONS

(Reference to Rules means the Texas Rules of Civil Procedure)

Answer/Response	The first responsive <i>pleading</i> filed by the defendant/respondent in a civil action. It is a formal written statement that admits or denies the allegations in the <i>petition</i> and sets out any available defenses. The answer gives the <i>plaintiff/petitioner</i> notice of the issues the <i>defendant</i> will raise as the case progresses.
Cause of Action	See also <i>Petition/Pleading</i> , and <i>Lawsuit</i> , below. The cause of action is the complaint you are filing, and is the <i>pleading</i> that starts a lawsuit. Without a properly stated cause of action the plaintiff's case can be dismissed at the outset. It is not sufficient to state that certain events occurred that entitle the plaintiff to relief. All the elements of each cause of action must be detailed in the petition that states a cause of action. The claims must be supported by the facts, the law, and a conclusion that flows from the those facts. You will need to be familiar with the Texas Civil Practice and Remedies Code.
Deadline	Finish date or cutoff point. Deadlines are very important in law. A deadline may limit what you can do after that point in time. Generally, see Rule 4. But, specific <i>causes of action</i> and <i>motions</i> may have their own special rule on deadlines. Don't miss one.
Decree	Usually used in divorce cases. A decree sets out the conclusions of the court relating to the facts asserted for an action such as a divorce, and it formally dissolves the marriage. <i>Decree</i> is sometimes used interchangeably with judgment and order.
Defendant	The person or side of a lawsuit defending the claims by the other party. In criminal law, the person accused of a crime.
Discovery	The legal means used to find out what the other side is claiming to be true. Discovery is a set of procedures use prior to trial, to require the opposing party to disclose information for the preparation of the requesting party's case and that the other party alone knows or possesses. Rules 190 through 205, and Rule 215 generally cover the types of discovery. Also, you will need to be familiar with the Rules of Evidence.
Evidence	Physical things that you can see, hear, read, or touch. Any matter of fact that a party to a lawsuit offers to prove or disprove an issue in the case. Evidence may be pictures, letters, documents, video, physical objects, and verbal testimony of witnesses. You will need to be familiar with the Texas Rules of Evidence.
Hearing	A legal proceeding where an issue of law or fact is tried and evidence is presented to help determine the issue. Hearings resemble trials in that they involve the opposing parties. They differ from trials in that they feature more relaxed standards of evidence and procedure and usually do not determine the ultimate outcome of a case. In family law cases, a temporary orders hearing is very common, and is used to establish child custody, visitation, and child support, among other things.
Judgment	A judgment is the final part of a court case, similar to a <i>decree</i> . A final judgment resolves all the contested issues. It is the judge's official pronouncement of the law on the <i>cause of action</i> . It states who wins the case and what the winner is awarded.
Lawsuit	A common term for a legal action by one person or entity against another person or entity, to be decided in a court of law, sometimes just called a <i>suit</i> . The legal claims within a lawsuit are called <i>causes of action</i> .

Motion	A written or oral application made to a judge to obtain a ruling directing that some act be done in favor of the applicant. The applicant is known as the moving party, or the movant.
Notice	Providing or giving certain information or certain information. The formal receipt of papers that provide specific information. There are various types of notice, each of which has different results. In general, notice deals with information that a party knows or should have known. In this context notice is an essential element of due process. Familiarize yourself with Section 1., of the Rules of Civil Procedure. You must give the other side notice of all <i>pleadings</i> you file, and all actions you intend to take in court.
Petitioner	Most commonly found in family law cases. The petitioner is one who presents a formal, written application to a court that requests action on a certain matter, such as the granting of a divorce.
Plaintiff	Similar to <i>Petitioner</i> , in that it is the party who initiates a lawsuit by filing a <i>petition</i> with the clerk of the court against the defendant demanding money damages, performance of some action, or a determination of rights.
Petition/Pleading	The formal, written presentation of claims and defenses by the parties to a lawsuit. It is the papers that contain the allegations or defenses of the parties to a lawsuit, presented in proper form. More specifically, it is the <i>petition</i> of a <i>plaintiff/petitioner</i> and the <i>answer</i> of a defendant/respondent, plus any additional responses to those papers that are authorized by law and the Rules.
Respondent	Similar to defendant in a lawsuit, but the potential result is a court order and not money damages. For example, a respondent in a divorce case is the person against whom the divorce is filed. The respondent is a motions hearing is the person against whom the motion is filed.
Service	The delivery of a legal document that notifies the recipient of the commencement of a legal action or proceeding in which he or she is involved. This is sometimes called service of process or service of citation. The term <i>service</i> has various meanings, depending upon the context of the word. See the Rules for further explanation because many deadlines are affected by service.
SAPCR	Often pronounced “Sap-sur,” this is the kind of pleading that must be filed in a child custody case where there is no marriage, or after a marriage has been terminated by a decree of divorce. You will need to familiarize yourself with the Texas Family Code for filing a SAPCR.
The Rules	Generally speaking, this is the Texas Rules of Civil Procedure, which controls virtually all parts of a lawsuit. However, the term <i>rules</i> can also mean the Texas Rules of Evidence.
Trial	The final determination of a case made by a judge or a jury. The two main types of trials are civil trials and criminal trials. Civil trials resolve civil actions, including family law cases. In a criminal trial, a person charged with a crime is found guilty or not guilty and sentenced by way of a trial. Most family law trials do not include a jury but are determined by the judge.