

GLOSSARY/INDEX ^{170/}

Abstract of judgment - a document which, when recorded, places a lien on all real property owned by the judgment debtor in the county in which it is recorded. (Ch. 22, pp. 1, 2)

Abuse of discretion - standard of appellate court review used where the trial judge had discretion to make the particular decision; appellate court will defer to the trial court, overturning the lower court decision only when the trial court abused its discretion. (Ch. 21, p. 3)

ADR - abbreviation for **alternative dispute resolution**.

Affirm - declaration by a higher court that the lower court's judgment is valid. (Ch. 21, p. 3)

Affirmative defense - a defense which, if proven, denies recovery to the other party, e.g., the statute of limitations has run, and the action is therefore time-barred; the plaintiff assumed the risk of his/her own harm, and therefore the defendant is not liable; the plaintiff has no standing to sue, etc. (Ch. 9, pp. 4,7)

Alternative dispute resolution - resolution of cases by means other than trial to reduce court calendar congestion and backlog. The two main methods are arbitration, and mediation. (Ch. 19)

Amendment - a supplemental portion to be added to the original pleading, e.g., to insert a name for a DOE, or correct the spelling of a party's name; does not replace the original pleading. (Ch. 10)

Amended pleading - a pleading which replaces a previously filed pleading; may be filed to add parties, causes of action, etc. (Ch. 10)

Amicus curiae brief - a "friend of the court" brief filed in an appellate case by a non-party on a legal point or aspect of the case that they believe the court should consider in deciding the case. (Ch. 21, p. 2)

Answer - responsive pleading in which a defendant or cross-defendant may admit or deny allegations in a complaint or cross-complaint, and assert affirmative defenses; it resists the opposing party's demand for relief. (Ch. 9, p. 2)

Appeal - asking a higher court to review or reconsider the decision of a lower court. (Ch. 21)

Appellant - party who initiates an appeal. (Ch. 21, p. 1)

Appellee - party who responds to a federal court appeal. **Respondent** in state court. (Ch. 21, p. 1)

Arbitrator - a neutral who hears a case and renders an award in an arbitration proceeding; often a retired judge. (Ch. 19, p. 1, 2)

Arbitration - a process whereby an arbitrator hears a case and renders an award which determines the parties' rights and obligations. (Ch. 19, p. 1, 2)

^{170/} We thought this rather unconventional Glossary/Index defining key terms and providing references to pages where the terms are meaningfully discussed would be more helpful than a Glossary and a separate Index. If you can't find what you're looking for here, check the Table of Contents.