

The PIL Toolkit

Glossary

affidavit: a document sworn by a solicitor that allows parties to admit evidence into the Court proceedings.

alternative dispute resolution: a process other than litigation through which the parties can reach an agreement. Negotiation and mediation are two examples of alternative dispute resolution methods.

applicant: the individual or organisation that brings an application for judicial review to court.

authorities: the law that the parties will rely upon in the Court proceedings. Here, law includes legislation and case law, which is sometimes called jurisprudence.

barrister: a member of the legal profession who can be instructed by a solicitor to provide a legal opinion or make submissions in courts. Barristers in Northern Ireland are regulated by the Bar of Northern Ireland.

bundle: a group of documents that have been compiled to comply with the Court's rules. There are a few different kinds of bundles, so this is a general term which might be used to refer to any of the specific bundles. Trial bundles and the bundle of authorities are specific types of 'bundle'.

bundle of authorities: a document which contains all of the legal authorities (both legislation and case law) that the parties will rely on in the Court proceedings.

case management review: a hearing between the Court and the parties where the Court makes procedural decisions about the next steps in the Court proceedings. They are not ordered in all cases, but can be requested.

civil proceedings: a kind of legal proceedings that addresses claims around broken contracts and injuries, among other things, and enables parties to claim financial compensation for their perceived loss.

complainant: the individual or group that makes a complaint. This is the terminology used in complaints to ombudsmen in Northern Ireland.

costs indemnity: a sum of money pledged to cover any Court order setting out that the indemnified party (usually the applicant) pays the other party if their claim is unsuccessful.

counsel: another term for a barrister; a member of the legal profession who can be instructed by a solicitor to provide a legal opinion or make submissions in courts.

exhibit: a document that forms part of an affidavit which contains the evidence that the party wants to admit into the Court proceedings.

expert report: a document in which someone with special knowledge of a relevant subject gives their opinion to the Court. That report can be used as evidence in the Court proceedings.

first has notice: this is always fact-specific, but refers to when a person knew or ought to have known that they have a complaint or legal claim. Where a complaint or claim arises from a particular decision, the complainant or applicant will be generally expected to know that they have a claim when they receive a final decision. Where it arises from a public body's practice or conduct, the complainant or applicant would be generally expected to know that they have a claim when they become aware of that practice or conduct.

formally commence litigation: litigation formally commences when papers are lodged with the Court.

grounds: the bases of your application for judicial review.

interlocutory: made provisionally throughout the course of a legal action; usually refers to an interlocutory decision, which is given at some point in the proceedings but that is not the Court's final decision.

judicial review: a legal process in which a judge reviews the lawfulness of decisions and actions taken by the government, legislature, public body or a body exercising public functions.

lawyer: a general term referring to an individual who is qualified to give legal advice and is licensed as a legal practitioner. Both barristers and solicitors are lawyers.

leave: permission from the Court.

litigation: the process of taking legal action (a case) before the courts or another judicial decision maker.

statute: this is another term for legislation or a law.

maladministration: the term maladministration does not have a specific legal definition, but generally means poor administration, the wrong application of rules, or an unfair process by a public body.

mediation: Mediation is the attempt to settle a legal dispute through active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result.

negotiation: negotiation is an alternative to litigation in which the parties agree to a resolution which is satisfactory to them both instead of proceeding with a legal action.

open justice: a legal principle that requires that court proceedings are conducted in public except where to do so would be unjust.

papers: the documents that the parties lodge with the Court, which sets out, among other things, the grounds of the claim.

party: an individual, group, or legal entity formally recognised by the court as participating in the legal action. In most applications for judicial review, the parties formally engaged would be the “applicant” and “respondent”, but, in some instances, there are additional participants formally recognised by the court as participating in the litigation.

public body: a formally established organisation that is publicly funded to deliver a public or government service, but is not a part of a government department.

public interest element: a feature of the legal action which indicates that a positive decision would have a wider impact and improve the position of people other than only the individual applicant in the proceedings.

rejoinder: the applicant’s response to the respondent’s submission in an application for judicial review.

respondent: the individual, organisation, or public body against whom an application for judicial review is brought.

reserve the judgment: when the judge decides to give his decision in a written judgment some time after the hearing date rather than to give the decision at the conclusion of the hearing.

review hearing: a hearing that occurs before the substantive hearing in which the Court will determine your claim. Review hearings typically address a particular issue or procedural irregularity that the Court or parties think need to be discussed in person.

serve: a legal term and process for delivering Court documents to the other parties to the Court proceedings. It is not enough to deliver documents, you must comply with the court's rules on *how* you can deliver documents, sometimes called "rules of service".

settling: settling refers to accepting a formal settlement agreement which is intended to resolve a dispute or conflict. It is often considered an alternative to litigation, but commonly comes about throughout the course of litigation if the respondent is willing to resolve the dispute without requiring a decision from the court.

skeleton arguments: a document in which each party sets out the arguments that they will advance in the substantive hearing.

statute: this is another term for legislation or a law.

solicitor: a member of the legal profession who can represent clients and instruct barristers. Solicitors in Northern Ireland are regulated by the Law Society of Northern Ireland.

substantive hearing: the hearing after which the Court will make the decision on the outcome of the proceedings. It provides the parties the opportunity to explain, expand on, and respond to questions from the Court on their skeleton arguments.

trial bundle: lever arch folders, compiled by the applicant's solicitor, which contain hard copies all of the evidence and submissions that the Court will consider when making its decision.