
§ 4.4**Legal Terminology: Additional Terms***Definitions*

chain of custody

For evidence to maintain its integrity, there must be chronological documentation of each person having possession of the evidence (custody) from the point of collection (or seizure) until admission at trial, including how it has been controlled, transferred, analyzed, or otherwise handled. Applies to physical and electronic evidence and may be relevant in civil or criminal cases.

full faith and credit

Article IV, Section 1 of the U.S. Constitution establishes that individual states within the United States must respect the “public acts, records, and judicial proceedings of every other state.” In short, any state must give “full faith and credit” to the laws and judgments of other states. A good example of where this was a serious issue was when some states authorized marriage between same-sex couples while others did not. According to the full faith and credit clause, other states should have recognized those same-sex marriages, but many did not. Ultimately, the issue became moot (irrelevant) when the U.S. Supreme Court legalized same-sex marriage in all 50 states and all U.S. Territories.

precedent

A prior case (usually a written court opinion) that a subsequent court may rely upon when deciding a matter with similar facts and/or issues.

stare decisis

The principle that a court should follow previous court decisions unless there exists a compelling reason not to. Related to the concept of precedence. *Stare decisis* means “let the decision stand.”

due process

Legal principle that the government must safeguard the legal rights owed to a person according to the law, including notice of proceedings and a chance to be heard prior to the loss of life, liberty, or property. Also, a constitutional guarantee that a law shall not be unreasonable.

notice

To provide, or to gain, knowledge of legally relevant information. Notice is a critical concept applicable in almost every area of law. For instance, a defendant in any legal action, whether civil, criminal, or administrative, has a right to be “noticed” as to that matter. In civil law, having “notice” of certain facts can indicate or increase a person’s liability (such as when a person is aware of a dangerous condition on his or her property).