Index

ACCEPTANCE

Offer of judgment, nonacceptance, § 21:2-21:4

ACCIDENT RECONSTRUCTION

Movies or videos, experts consulted in preparation for trial, § 7:3, 33:5 Proof of time and speed, § 32:17 Similar acts or occurrences, evidence of, § 32:4

ACCIDENTS

Arbitration of automobile accidents, § 14:2
Post-accident actions as admission, § 29:9
Proof of impact of two vehicles, § 32:18
Relevancy of conduct of party shortly before accident, § 36:6
Similar acts or occurrences, evidence of, § 32:4

AD INTERIM RELIEF

Generally, § 55:1 et seq.
Business practices case, § 55:5
Crowe standard, applicability of, § 55:4
Pendente lite cases, § 55:6
Preliminary injunction
Crowe standard, applicability of, § 55:4
Procedure, § 55:3
Standard, § 55:2
Procedure for preliminary injunction and temporary restraints, § 55:3
Receivers, § 55:9
Standard
Crowe standard, applicability of, § 55:4
Preliminary injunction, § 55:2
Stays of judgment, § 55:7
Summary actions, § 55:8

ADDITUR

New trial motion, § 51:3

ADMINISTRATIVE LAW

Generally, § 56:1
Contested cases, § 56:2
Decisions, generally, § 56:7
Discovery, § 56:3
Hearings, generally, § 56:5
Interlocutory orders appealed to Appellate Division of Superior court, § 20:5
Motions, § 56:4
Residuum rule, § 56:6

ADMISSIONS AND DECLARATIONS

Generally, § 29:1 et seq.

Action of party after accident as admission, § 29:9

Adoptive admissions, § 7:2, 29:4

Against interest, exception to hearsay rule, § 31:18

Agents, § 29:2

Authorized admissions, § 29:4

Contemporaneous statements, § 31:7

Criminal judgment, admissibility in subsequent proceedings, § 29:3

Dead declarants' trustworthy statements, § 31:24

Employees, § 29:2

Guilty pleas, admissibility in subsequent proceedings, § 29:3

Hearsay, this index

Judicial admissions

Generally, § 29:5

Pleadings, in, § 29:6

Offers of compromise as admissions, § 29:8

Party-opponent, generally, § 29:1, 31:6

Past recollection recorded, § 31:10

Present recollection refreshed, § 31:11

Remedial actions taken after accident, § 29:9

Representatives of party, § 29:2

Requests for admissions, use at trial, § 15:6

Safety rules as admission, § 29:10

Silence of party as admission in civil cases, § 29:7

Spontaneous statements, § 31:7

Statements of then existing mental, emotional, or physical condition of declarant, § 31:8

ADOPTIVE ADMISSIONS

Generally, § 29:4

Expert's report, § 7:2

ADVERTISING AND ADVERTISEMENTS

Attorney advertising, § 1:3

AFFIDAVITS

Non-military service, § 8:3

Pleadings (affidavits of merit), § 5:3

AGENTS

Admissions by, § 29:2

AGGRAVATION

Pre-existing injury, § 42:8

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Arbitration

Generally, § 14:2

Automobile accidents, § 14:2

Commercial contract disputes, § 14:2

ALTERNATIVE DISPUTE RESOLUTION (ADR)—Cont'd

Arbitration—Cont'd

Enforcing arbitration awards, § 14:4

Labor disputes, § 14:2

Best practices, § 14:1

Mediation, § 14:3

AMENDMENT OF JUDGMENTS

Motion, § 50:7, 50:11

AMENDMENTS OF PLEADINGS

Conform to proofs, amending to, § 27:3, 45:4

ANCIENT DOCUMENTS

Authentication, § 34:18

APPEAL AND REVIEW

Administrative law, interlocutory orders appealed to Appellate division of Superior court, § 20:5

Appellate division of Superior court, interlocutory orders appealed to, § 20:5

Bench trial, scope of appellate review, § 54:13

Emergent applications to appellate division, interlocutory appeal, § 20:6

Interlocutory appeals

Generally, § 20:1

Emergent appeals, § 20:6

Final judgments appealed to Appellate Division, § 20:4

Limited jurisdiction courts, appeals from, § 20:5

Supreme Court, appeals to, § 20:3

Time for seeking, § 20:2

Interlocutory Appeals, this index

Law of the case doctrine, applicability to appellate court decisions, § 19:4

APPELLATE DIVISION

Emergent appeals, § 20:6

Final judgments appealed to, § 20:4

Limited jurisdiction courts, appeals from, § 20:5

APPORTIONMENT

Attorneys' fees, public reprimand for failure to apportion fees, § 3:3

Bankrupt tortfeasor, apportioning fault when, § 23:8

Burden of proof and damages, difficulty in apportionment of, § 23:13

Comparative Negligence Act, § 23:7

Credits for settling tortfeasors, apportioning, § 23:12

Damages and burden of proof, difficulty in apportionment of, § 23:13

Different theories of liability, § 23:6

Joint tortfeasors, § 23:3-23:21

Joint Tortfeasors Contribution Law, generally, § 23:4, 23:7

Judgment requirement, § 23:5

Negligent and intentional tortfeasors, fault apportioned between, § 23:11

Same injury to person or property, § 23:9

Verdicts, § 49:3

ARBITRATION AND AWARD

Generally, § 14:2 Automobile accidents, § 14:2 Commercial contract disputes, § 14:2 Enforcing arbitration awards, § 14:4 Labor disputes, § 14:2

ARMED FORCES OR MILITARY

Affidavit of non-military service, § 8:3 Civil Relief Act, federal and state, § 8:1-8:4 Default and default judgments, § 8:4 Federal Servicemembers Civil Relief Act, § 8:1-8:4 Foreclosure of mortgage, § 8:4 Residence of servicemember, § 8:4 State's Soldiers' and Sailors' Civil Relief Act of 1979, § 8:2-8:4

ASSUMED OR FICTITIOUS NAMES

Captions, § 5:4

Joint tortfeasors, compromise and settlement, § 23:10

Pleadings, § 5:4, 5:5

Unknown defendants (in rem actions), § 5:5

ATTENDANCE

Witnesses, this index

ATTESTED DOCUMENTS OR COPIES

Authentication of, § 34:4

ATTORNEY ADVERTISING

Generally, § 1:3

ATTORNEY-CLIENT PRIVILEGE

Generally, § 1:4, 28:5-28:9
Claiming, § 28:8
Confidential nature of communication, § 28:7
Existence of attorney-client relationship, § 28:6
Experts, attorney-expert confidentiality, § 1:5
Role of attorney, § 1:4
Termination, § 28:9
Waiver, § 28:8

ATTORNEY-CLIENT RELATIONSHIP

Business relationships with client, § 3:1

Communicate with client

Failure to, § 3:3

Initial consideration, § 4:3

Conflicts in interest in civil matters, § 3:1

Dual representation, § 3:1

Employment contract, failure to fulfill, § 3:3

Failure to communicate with client, § 3:3, 4:3

Former clients, conflicts of interests regarding, § 3:1

ATTORNEY-CLIENT RELATIONSHIP—Cont'd

Government attorneys, § 3:1

Initial consideration, communicate with client, § 4:3

Misappropriation of funds, discipline for, § 3:3

Misrepresenting status of case to client, § 3:3, 4:3

Pattern of neglect by attorney, § 3:3

Privilege. Attorney-Client Privilege, this index

Protecting client's interest while withdrawing as counsel, § 3:2

Right to attorney, initial consideration, § 4:1

Settlement funds, misuse of, § 3:3

Status of case, failing to inform client about, § 3:3, 4:3

Zealous advocate, attorney as, § 4:2

ATTORNEYS

Admission to practice

Ethics issues, § 3:3

Need for, § 2:1

Advertising. Attorney Advertising, this index

Allowing legal assistant to represent client, § 3:3

As witness

Competency to testify, § 35:12

Ethics, § 3:1

Business relationships with client, § 3:1

Candor to the court, § 3:3, 4:2

Closing Arguments, this index

Confidentiality, attorney-expert, § 1:5

Conflicts in interest in civil matters, § 3:1

Crimes not related to practice of law, § 3:3

Discipline for improper conduct, § 3:3

Disclosure representation, role of attorney, § 1:3

Dual representation, § 3:1

Employment contract

Failure to fulfill, § 3:3

Refusal to return unearned retainers, § 3:3

Ethics

Admission to practice issues, § 3:3

Allowing legal assistant to represent client, § 3:3

Attorney as witness, § 3:1

Bribery, § 3:3

Business relationships with client, § 3:1

Candor to the court, § 3:3, 4:3

Conflicts in interest in civil matters, § 3:1

Crimes not related to practice of law, § 3:3

Discipline for improper conduct, § 3:3

Dual representation, § 3:1

Examination of trial witnesses, § 36:8

Failure to communicate with client, § 3:3, 4:3

Failure to cooperate with Ethics Committee, § 3:3

ATTORNEYS—Cont'd

Ethics-Cont'd

Failure to fulfill employment contract, § 3:3

Former clients, conflicts of interests regarding, § 3:1

Fraud, § 3:3

Government attorneys, § 3:1

Lying to the tribunal, § 3:3, 4:3

Misappropriation of funds, discipline for, § 3:3

Misdemeanors (non-indictable offenses), § 3:3

Misrepresenting status of case to client, § 3:3, 4:3

Misuse of settlement funds, § 3:3

Pattern of neglect, § 3:3

Professional misconduct under RPC 8.4, § 3:4

Public reprimands, § 3:3

Publicity and media coverage of trial, conduct of attorneys, § 11:4

Refusal to return unearned retainers, § 3:3

Retainers, keeping without providing services, § 3:3

Self-serving conduct, § 3:3

Settlement funds, misuse of, § 3:3

Speculative business ventures, engaging in, § 3:3

Status of case, failing to inform client about, § 3:3, 4:3

Withdrawal of counsel, § 3:2

Eve of trial withdrawal of counsel, § 3:2

Examination of trial witnesses, improper conduct, § 36:8

Former clients, conflicts of interests regarding, § 3:1

Former employees represented by attorney, attorney's communications with, § 6:2

Fraud, § 3:3

Good faith pleading, effect of signing, § 1:2

Government attorneys, § 3:1

Improper remarks during summations or closing arguments, § 46:7

Jurors, interaction with, § 1:3

Legal assistant, allowing to represent client, § 3:3

Lying to the tribunal, § 3:3, 4:3

Misappropriation of funds, discipline for, § 3:3

Misdemeanors (non-indictable offenses), § 3:3

Misrepresenting status of case to client, § 3:3, 4:3

Misuse of settlement funds, § 3:3

Opening Statements, this index

Pattern of neglect, § 3:3

Privilege. Attorney-Client Privilege, this index

Professional misconduct under RPC 8.4, § 3:4

Prosecutors, actions by, § 1:3

Public reprimands, § 3:3

Publicity and media coverage of trial, conduct of attorneys, § 11:4

Right to attorney, initial consideration, § 4:1

Right to interview witnesses, § 6:5

ATTORNEYS—Cont'd Role of attorney Generally, § 1:1, 1:3 Advertising, attorney, § 1:3 Closing Arguments, this index Conduct of attorney, generally, § 1:3 Confidentiality, attorney-expert, § 1:5 Disclosure representation, § 1:3 Experts, attorney-expert confidentiality, § 1:5 Good faith pleading, effect of signing, § 1:2 Initial considerations Candor to the court, § 4:2 Communicate with client, § 4:3 Right to attorney, § 4:1 Trial proceedings, issues relating to, § 4:4 Zealous advocate, attorney as, § 4:2 Interaction with Court, counsel, and witnesses, § 1:3 Former employees represented by attorney, § 6:2 Jurors, § 1:3 Jurors, interaction with, § 1:3 Opening Statements, this index Privilege, attorney-client, § 1:4 Prosecutors, actions by, § 1:3 Signature on pleading, effect of, § 1:2 Withdrawal as counsel, § 1:3 Self-serving conduct, § 3:3 Speculative business ventures, engaging in, § 3:3 Trial conduct. Role of attorney, above Withdrawal of counsel Generally, § 1:3 Ethical obligations, § 3:2 Eve of trial, § 3:2 Protecting client's interests on, § 3:2 Witness, as, § 3:1, 35:12 **ATTORNEYS' FEES** Generally, § 2:2 Application to increase the fee, § 2:2 Apportionment, public reprimand for failure to apportion fees, § 3:3 Contingent fees, § 2:2 Court rules, matters involving, § 2:2 Family actions, § 2:2 Federal statutes, § 2:2 Fund in court doctrine, § 2:2 Insurance actions, § 2:2 Judgments, recovery of fees, § 52:2, 52:4 Mortgage foreclosure actions, § 2:2

ATTORNEYS' FEES-Cont'd

Probate actions, § 2:2

Public reprimand for failure to apportion fees, § 3:3

Refusal to return unearned retainers, discipline for, § 3:3

State statutory authorization for fees, § 2:2

Statutory authorization, § 2:2

Structured settlements, § 2:2

Taxation actions, § 2:2

AUDIO TAPES

Admissibility of, § 33:7

BAILMENTS

Burden of proof objection persuasion, § 26:10

BANKRUPTCY

Apportioning fault when bankrupt tortfeasor, § 23:8

BENCH TRIAL

Generally, § 54:1 et seq.

Appellate review, scope of, § 54:13

Conduct and demeanor of judges, § 54:2

Decision of the court, § 54:13

Demeanor of judges, § 54:2

Equity jurisdiction, § 54:4

Evidence determinations by trial judge, § 54:5

Evidence excused if fact is judicially noticed, § 54:6

General functions and powers of court, § 54:1

Judges, conduct and demeanor of, § 54:2

Judicial notice

Court, facts concerning, § 54:9

Facts about government officers and political subdivisions, § 54:10

Facts concerning court, § 54:9

Facts not judicially noticed, § 54:12

Government officers, facts about, § 54:10

Laws, § 54:8

Making record of facts judicially noticed, § 54:7

Other facts, § 54:11

Political subdivisions, facts about, § 54:10

Proof excused if fact is judicially noticed, § 54:6

Laws, judicial notice of, § 54:8

Making record of facts judicially noticed, § 54:7

Powers of court, § 54:1

Record of facts judicially noticed, making, § 54:7

Statutes, judicial notice of, § 54:8

Waiver of right to jury trial, § 54:3

BEST EVIDENCE RULE

Generally, § 34:9, 34:19

BEST PRACTICES

Alternative dispute resolution (adr), § 14:1 Discovery use at trial, § 15:1

BIBLES

Authentication of, § 34:17

BIFURCATION

In limine motions, § 22:6 Punitive damages, § 44:5

BLOOD

Test in paternity cases, § 33:10

BRIBERY

Attorneys ethics, § 3:3

BULKY RECORDS

Secondary evidence of, § 34:12

BURDEN OF PROOF

See Presumptions and Burden of Proof, this index

BUSINESS PRACTICES CASE

Commercial publications, hearsay, § 31:15 Interim relief, § 55:5 Market reports, hearsay, § 31:15 Trade secret privilege, § 28:18

BUSINESS RECORDS

Corporate records, authentication of, § 34:8
Entries, records of regularly recorded activity, § 31:12
Hearsay, § 31:9, 31:12
Market reports, hearsay, § 31:15
Medical records as, § 31:9

CAUSE

Failure to state cause of action/claim, motion, § 18:1 Jury selection challenge, § 24:9

CHANCERY DIVISION

Jurisdiction, § 12:1, 12:2

CHARACTER AND REPUTATION

Care or skill, evidence of character trait for, § 32:7
Credibility of witnesses, § 38:6, 38:7
Hearsay, § 31:16
Impeachment
Credibility of witnesses, § 38:6, 38:7
Use of character evidence, § 38:8
Neighborhood reputation, proof of, § 32:19

CHARTS AND DIAGRAMS

Closing arguments, use of charts and diagrams, § 46:8

CHILD SUPPORT

Duty of support, § 43:2

CHILDREN AND MINORS

Competency to testify, § 35:10 Hearsay statements, § 31:20

CHURCHES

Privileges

Clergy, communications to, § 28:15 Religious belief, § 28:16 Records, authentication of, § 34:17 Religious belief Privilege as to, § 28:16 Witnesses at trial, § 35:13

CIRCUMSTANTIAL EVIDENCE

Admissibility of, § 32:1

CLERGY

Privileged communications, § 28:15

CLERKS OF COURT

Duty to enter judgment, § 50:2

CLOSING ARGUMENTS

Generally, § 46:1 et seq.
Charts, use of, § 46:8
Comments on conduct of opposition, § 46:6
Comments on law, § 46:4
Conduct of opposition, comments on, § 46:6
Court's control of closing arguments, § 46:2
Diagrams, use of, § 46:8
Governing rules, generally, § 46:3
Improper remarks of attorney, § 46:7
Law, comments on, § 46:4
Right to make closing argument, § 46:1
Right to open and close at trial, § 26:1
Unliquidated damages, about, § 46:5
Video tapes, use of, § 46:8

COLLATERAL MATTERS

Cross-examination, § 37:3 Impeachment, § 38:3

COLLATERAL SOURCE RULE

Damages, generally, § 43:10, 43:11, 49:3

COLOR OF SKIN

Evidence, § 32:8

COMMERCIAL CONTRACTS

Arbitration of disputes, § 14:2

COMMERCIAL PUBLICATIONS

Exception to hearsay rule, § 31:15

COMMON LAW

Punitive damages, § 44:1

COMPENSATION AND SALARIES

Attorneys' Fees, this index Experts when deposed, § 7:8 Witnesses, § 6:6, 7:8, 35:3

COMPETENCY OF WITNESSES

Generally, § 35:8

Attorney's competency to testify, § 35:12

Child's competency to testify, § 35:10

Experts' competency, § 35:14, 40:1

Judge's competency to testify, § 35:12

Juror's competency to testify, § 35:12

Objecting to competency, § 35:9

Religious beliefs, § 35:13

Spouse's competency to testify for or against other spouse, § 35:11

COMPLAINTS

Damages, specific allegations, § 42:2

COMPLEMENTARY DISPUTE RESOLUTION

Generally, § 14:1

See also Alternative Dispute Resolution (ADR), this index

COMPROMISE AND SETTLEMENT

Generally, § 23:1 et seq.

Admissions, offer of compromise as, § 29:8

Apportionment

Bankrupt tortfeasor, apportioning fault when, § 23:8

Credits for settling tortfeasors, § 23:12

Difficulty in apportionment of damages and burden of proof, § 23:13

Negligent and intentional tortfeasors, fault apportioned between, § 23:11

Attorneys' fees allowable in judgment, § 52:4

Attorneys' fees for structured settlements, § 2:2

Attorneys' misuse of settlement funds, § 3:3

Bankrupt tortfeasor, apportioning fault when, § 23:8

Burden of proof

Difficulty in apportionment of damages and, § 23:13

Empty chair defense, § 23:1, 23:2

No presumption of negligence of settling defendants, § 23:14

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Contribution. Joint tortfeasors, below

Costs allowable in judgment, § 52:4

Credits for settling tortfeasors

Apportioning, § 23:12

Pro tanto credits in certain actions, § 23:16

COMPROMISE AND SETTLEMENT—Cont'd

Cross-claims

Extinguished by defendant's settlements, § 23:15

No pleading requirement, § 23:20

Empty chair defense, § 23:1, 23:2

Fees and costs allowable in judgment, § 52:4

Fictitious tortfeasors, § 23:10

High-low agreements, § 23:17

Joint tortfeasors

Generally, § 23:3 et seq.

Adjudicating at trial settling defendant's liability, § 23:18

Bankrupt tortfeasor, apportioning fault when, § 23:8

Burden of proof

Difficulty in apportionment of damages and, § 23:13

Empty chair defense, § 23:1, 23:2

No presumption of negligence of settling defendants, § 23:14

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Contribution

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Joint Tortfeasors Contribution Law, § 23:4-23:7

Judgment requirement, § 23:5

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

Credits for settling tortfeasors

Apportioning, § 23:12

Pro tanto credits in certain actions, § 23:16

Cross-claims

Extinguished by defendant's settlements, § 23:15

No pleading requirement, § 23:20

Defendants considered joint tortfeasors despite different theories of liability, § 23:6

Difficulty in apportionment of damages and burden of proof, § 23:13

Fault apportioned between negligent and intentional tortfeasors, § 23:11

Fictitious tortfeasors, § 23:10

High-low agreements, § 23:17

Intentional tortfeasors, fault apportioned between negligent and, § 23:11

Joint Tortfeasors Contribution Law, § 23:4-23:7

Judgment requirement, § 23:5

Must be joint tortfeasors for same injury to person or property, § 23:9

Negligence

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Fault apportioned between negligent and intentional tortfeasors, § 23:11

No presumption settling defendants negligent, § 23:14

No presumption settling defendants negligent, § 23:14

Offsets, high-low agreements, § 23:17

COMPROMISE AND SETTLEMENT—Cont'd

Joint tortfeasors—Cont'd

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

Release of one tortfeasor by claimant, § 23:21

Theories of liability

Adjudicating at trial settling defendant's liability, § 23:18

Different theories of liability, defendants considered joint tortfeasors despite, § 23:6

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

Misuse of settlement funds by attorney, § 3:3

Negligence

Apportionment of fault, negligent and intentional tortfeasors, § 23:11

Burden of proof, no presumption of negligence of settling defendants, § 23:14

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Offer of compromise

As admissions, § 29:8

Evidence of, § 32:3

Fees and costs allowable in judgment, § 52:4

Precluding the empty chair defense, § 23:2

Presumptions and burden of proof

Difficulty in apportionment of damages and burden of proof where joint tortfeasors, § 23:13

Empty chair defense, § 23:1, 23:2

No presumption settling defendants negligent, § 23:14

Release of one tortfeasor by claimant, § 23:21

Structured settlements, attorneys' fees, § 2:2

COMPUTERS

Discovery and production of electronic evidence, § 17:2

Documentary evidence, generally, § 34:1

Electronically Stored Information, this index

Preserving electronic evidence, § 17:1

Production of electronic evidence, § 17:2

Spoliation of electronic evidence; sanctions, § 17:3

CONDITIONS

Continuance of condition, presumption of, § 30:11

Presumption of continuance of condition, § 30:11

CONFIDENTIALITY

Attorney-client privilege, confidential nature of communications, § 28:7

Attorney-expert, § 1:5

Privileged Communications, this index

CONFLICTS IN INTEREST

Attorney-client relationship, § 3:1

CONSTITUTIONAL LAW

Attorney, right to, § 4:1

Presumption of constitutionality of statute or ordinance, § 30:14

Public trial, right to, § 4:4

Punitive damages, § 44:6

CONTEMPORANEOUS STATEMENTS

Hearsay, § 31:7

CONTEMPT

Acts constituting contempt, § 10:4

Civil and criminal contempt distinguished, coercive as compared to punitive sanctions, § 10:3

Coercive versus punitive sanctions, civil and criminal contempt, § 10:3

Criminal and civil contempt distinguished, punitive as compared to coercive sanctions, § 10:3

Direct and indirect contempt, § 10:2

Indirect and direct contempt, § 10:2

Power of court to address contempt, § 10:1

Procedure for contempt rulings, § 10:5

Punishment for contempt, § 10:6

Punitive versus coercive sanctions, criminal and civil contempt, § 10:3

Traditional distinctions, civil and criminal contempt, coercive as compared to punitive sanctions, § 10:3

CONTINGENT FEES

Attorneys' fees, § 2:2

CONTINUANCE OF CONDITION

Presumption of, § 30:11

CONTRACTS AND AGREEMENTS

Custom or practice as applied in contract case, evidence of, § 32:6

CONTRIBUTION

Joint tortfeasors, § 23:3-23:21

CONTRIBUTORY NEGLIGENCE

Questions of law and fact, § 45:5

COPIES AND COPYING

Duplicates and Duplication, this index

CORPORATIONS

Existence, proof of, § 32:14

Proof of corporate existence, § 32:14

Records, authentication of, § 34:8

Venue, corporate parties, § 12:5

COURT PAPERS

Authentication of, § 34:7

COURT POWERS

Bench trial, § 54:1

INDEX

COURT POWERS—Cont'd

Contempt, § 10:1

COURT RECORDS

Authentication, § 34:7

COURTROOMS

Decorum in courtroom, § 4:4
Exclusion of public and press, § 11:1
Sketching parties and courtroom scenes, § 11:2

CREDIBILITY

Cross examination, generally, § 37:8
Declarant's credibility, hearsay issues, § 31:26

CREDIBILITY OF WITNESSES

Impeachment, § 38:6, 38:7

CREDITS

Apportioning credits for settling tortfeasors, § 23:12

Pro tanto credits in certain actions involving settling tortfeasors, § 23:16

CRIMINAL JUDGMENT

Admissibility in subsequent proceedings, § 29:3

CROSS-EXAMINATION

Accuracy of witness, testing, § 37:8 Collateral matters, of, § 37:3

Credibility, generally, § 37:8

Form of questions on cross-examination, § 37:4

Foundation for prior inconsistent statements, laying, § 37:6

Knowledge of witness, testing, § 37:8

Laying foundation for prior inconsistent statements, § 37:6

Manner of conducting cross-examination, § 37:5

Prior inconsistent statements, laying foundation for, § 37:6

Proper matters on cross-examination, § 37:7

Recall witness for further cross-examination, right to, § 37:9

Right to cross-examine, § 37:1

Right to recall witness for further cross-examination, § 37:9

Scope of cross-examination, § 37:2

Testing witness's knowledge and accuracy, § 37:8

CROWE STANDARD

Interim relief, § 55:4

CUSTOM OR ROUTINE PRACTICE

Contract cases, custom or practice as applied to, § 32:6 Proof of habit or routine practice, § 32:5

DAMAGES

Generally, § 42:1 et seq., 43:1 et seq.

Additur, § 52:4

Aggravation of pre-existing injury, § 42:8

DAMAGES—Cont'd

Apportionment of damages and burden of proof, difficulty in, § 23:13

Collateral source rule, § 43:10, 43:11, 49:3

Complaints, specific allegations, § 42:2

Contract actions, generally, § 43:9

Demand, amount in complaint, § 42:2

Duty to mitigate, § 42:6

Eminent domain proceedings, § 43:8

Emotional injuries, § 43:3, 43:9

Family expenses and support, § 43:2

Foreseeability of damages, § 42:5

Future effects of injury, § 42:7

General and special damages, § 42:9

Intentional infliction of emotional distress, § 43:3

Interest, § 43:12

Liquidated damages and penalties, § 42:4

Loss of consortium, § 43:6

Measure of damages in other cases, § 43:9

Miscellaneous, § 43:9

Mitigation duty, § 42:6

Negligent infliction of emotional distress, § 43:3

No fault act, § 43:11

Nominal damages, § 42:3

Other cases, measure of damages in, § 43:9

Other payments received by plaintiff, treatment of, § 43:10, 43:11

Payments received by plaintiff, treatment of other, § 43:10, 43:11

Personal injuries

Generally, § 43:1

Aggravation of pre-existing injury, § 42:8

Emotional injuries, § 43:3

Future effects of injury, § 42:7

Loss of consortium, § 43:6

Wrongful death cases, § 43:5

Personal property, § 43:4

Proof of damages, § 42:10

Punitive Damages, this index

Real estate, § 43:7

Remittitur, § 52:4

Special and general damages, § 42:9

Unsatisfied claim and judgment fund law, § 43:11

Wrongful death cases, § 43:5

DE BENE DEPOSITIONS

Use at trial, § 27:1

DEAD MAN'S ACT

Disqualification under, § 27:5

INDEX

DEATH AND DEATH ACTIONS

Burden of proof, claims against estates, § 26:8 Disqualification under Dead Man's Act, § 27:5 Dying declarations, hearsay, § 31:22 Presumption of death after five years' absence, § 30:6

DECISIONS

Administrative law, office of administrative law (oal), § 56:7 Bench trial, § 54:13 Office of administrative law (oal), § 56:7

DECLARATORY JUDGMENTS

Generally, § 50:8

DEFAULT AND DEFAULT JUDGMENTS

Entry of default, generally, § 13:1 Entry of default judgment, generally, § 13:2 Relief from default judgment, generally, § 13:3

DEFECTS

Interrogatories answers
Sanctions for deficient answers, § 15:3
Witnesses omitted from, § 27:2
Verdict, power of court to have jury reconsider defective, § 49:4

DEFENSE

Empty chair defense, § 23:1, 23:2

DELIVERY OF LETTER

Presumption of, § 30:9

DEMAND

Damages amount in complaint, § 42:2

DEMEANOR OF JUDGES

Bench trials, § 54:2 Responsibilities of judges, § 9:1

DEMONSTRATIVE EVIDENCE

Generally, § 33:1 et seq.
Audiotapes, admissibility of, § 33:7
Blood tests in paternity cases, § 33:10
Diagrams, admissibility of, § 33:8, 34:23
Displaying personal injuries to jury, § 33:9
Displays, admissibility of, § 33:8, 34:23
Drawings, admissibility of, § 33:8, 34:23
Experiments, § 33:11
Maps, admissibility of, § 33:8, 34:23
Motion pictures, admissibility of, § 33:5
Movies, admissibility of, § 33:5
Paternity cases, blood tests in, § 33:10
Personal injuries, displaying to jury, § 33:9

DEMONSTRATIVE EVIDENCE—Cont'd

Photographs, admissibility of, § 33:4, 34:21

Real and demonstrative evidence, generally, § 33:1

Sound recordings, admissibility of, § 33:7

Tangible articles having some bearing on transaction, § 33:2

Tangible articles in same condition, § 33:3

Tests

Generally, § 33:11

Blood tests in paternity cases, § 33:10

Videotapes, admissibility of, § 33:5

X-ray films, admissibility of, § 33:6, 34:22

DEPOSITIONS

De bene depositions, use at trial, § 27:1

Use at trial

Generally, § 15:4, 32:10

De bene depositions, § 27:1

DIAGRAMS

Admissibility of, § 33:8, 34:23

DIRECT EXAMINATION

Admissibility of negative evidence, § 36:5

Adverse party or person as witness, calling, § 36:21

Attorney's improper conduct examining witnesses, § 36:8

Content and form of questions, § 36:7

Court calling and examining witness, § 36:2

Drugs, refreshing memory by, § 36:23

Form and content of questions, § 36:7

Foundation for witness' testimony, § 36:3

Hostile witness, calling adverse party or person as witness, § 36:21

Hypnosis, refreshing memory by, § 36:23

Impeachment of one's own witness, § 36:11, 36:12

Improper conduct of attorney examining witnesses, § 36:8

Incriminating testimony. Privilege against self-incrimination, below

Inspection of person of accused or witness, § 36:17

Leading questions, § 36:9

Lie detector test, use of, § 36:20

Materiality of questions asked on direct, § 36:1

Negative evidence, admissibility of, § 36:5

Neutralization of one's own witness, § 36:12

Privilege against self-incrimination

Extent of, § 36:13

Inspection of person of accused or witness, § 36:17

Invoking, § 36:14

Lie detector test, use of, § 36:20

Necessity of court to warn witness about, § 36:16

Ruling upon existence of privilege, § 36:18

Testimony that tends to incriminate witness, § 36:15

DIRECT EXAMINATION—Cont'd

Privilege against self-incrimination—Cont'd

Waiver of privilege, § 36:19

Protective order

Testimony that tends to incriminate witness, § 36:15

Redirect Examination, this index

Refreshing memory, aiding witness by

Generally, § 36:10

Hypnosis or drugs, by, § 36:23

Relevancy

Conduct of party shortly before accident, § 36:6

Questions asked, § 36:4

Self-incrimination. Privilege against self-incrimination, above

Telephone conversations, testimony concerning, § 36:22

Waiver of privilege against self-incrimination, § 36:19

DIRECTED VERDICT

Generally, § 45:1 et seq.

Amending pleadings to conform to proof, § 45:4

Authority to direct verdict, § 45:1

Determining right to, § 45:3

Procedure in moving for, § 45:2

Questions of law and fact, § 45:5

DISCLOSURE

Attorney, disclosure representation, § 1:3

Mistrial, disclosure of liability insurance status, § 53:3

DISCOVERY

Administrative law, office of administrative law (oal), § 56:5

Admissions requests, § 15:6

Best practices rules, § 15:1

De bene depositions, use at trial, § 27:1

Deadlines, discovery, § 15:1

Deficient interrogatories answers and use of sanctions, § 15:3

Depositions, § 15:4, 32:10

De bene depositions, § 27:1

Dispositive motion pretrial

Failure to comply with discovery order, § 18:2

Failure to make discovery, § 18:3

Electronically stored information

Discovery and production of electronic evidence, § 17:2

Preserving electronic evidence, § 17:1

Spoliation of electronic evidence; sanctions, § 17:3

Experts' opinions not disclosed in discovery, precluding, § 40:9

Failure to comply with discovery order, dispositive motion pretrial, § 18:2

Failure to make discovery, dispositive motion pretrial, § 18:3

Federal actions, protective orders, § 16:5

Government records, protective orders, § 16:3

DISCOVERY—Cont'd

Interrogatories answers, § 15:2, 15:3

Office of administrative law (oal), § 56:5

Opinions of experts not disclosed in discovery, precluding, § 40:9

Presumption of access to information, § 16:1

Protective orders

Federal actions, § 16:5

Government records, § 16:3

Health Insurance Portability and Accountability Act (HIPPA), § 16:6, 16:7

Presumption of access to information, § 16:1

Seal proceedings, request to, § 16:4

State court actions, § 16:2

Requests for admissions, § 15:6

Seal proceedings, request to, § 16:4

Spoliation of evidence, § 15:5

Use at trial

Admissions requests, § 15:6

Best practices rules, § 15:1

Deadlines, discovery, § 15:1

Deficient interrogatories answers and use of sanctions, § 15:3

Depositions, § 15:4

Interrogatories answers, § 15:2, 15:3

Opinions of experts not disclosed in discovery, precluding, § 40:9

Requests for admissions, § 15:6

Spoliation of evidence, § 15:5

DISCRETION

Exclude writings under hearsay exceptions, § 31:13

Expert testimony, § 40:2

DISMISSAL, DISCONTINUANCE OR NONSUIT

Generally, § 18:4, 18:5

Discovery grounds

Failure to comply with discovery order, motion, § 18:2

Failure to make discovery, motion, § 18:3

Dispositive motions before trial

Involuntary dismissals, § 18:4

Miscellaneous dismissals, § 18:5

Failure to comply with discovery order, motion, § 18:2

Failure to make discovery, motion, § 18:3

Failure to state cause of action/claim, motion, § 18:1

Involuntary dismissals, § 18:4

Motions

Failure to comply with discovery order, § 18:2

Failure to make discovery, § 18:3

Failure to state cause of action/claim, § 18:1

DISMISSAL OF ACTION

Dismissal, Discontinuance or Nonsuit, this index

DISPLAYING PERSONAL INJURIES TO JURY

Generally, § 33:9

DISPLAYS

Admissibility of, § 33:8, 34:23

DRAWINGS

Admissibility of, § 33:8, 34:23

Sketching parties and courtroom scenes, § 11:2

DRUGS AND NARCOTICS

Testimony hypnotically induced, § 36:23

DUAL REPRESENTATION

Attorney-client relationship, § 3:1

DUE PROCESS

Punitive damages, § 44:6

DUPLICATES AND DUPLICATION

Evidence, copies as, § 34:4, 34:15

DYING DECLARATIONS

Hearsay, § 31:22

ELECTRONICALLY STORED INFORMATION

Discovery and production of electronic evidence, § 17:2

Documentary evidence, generally, § 34:1

Preserving electronic evidence, § 17:1

Production of electronic evidence, § 17:2

Spoliation of electronic evidence; sanctions, § 17:3

EMERGENT APPLICATIONS TO APPELLATE DIVISION

Interlocutory appeal, § 20:6

EMINENT DOMAIN

Damages, § 43:8

EMOTIONAL DISTRESS

Damages, § 43:3

Statements of then existing mental, emotional, or physical condition of declarant, $\S 31:8$

EMPLOYEES

Admissions by, § 29:2

EMPTY CHAIR DEFENSE

Compromise and settlement, § 23:1, 23:2

ENTIRE CONTROVERSY DOCTRINE

Generally, § 5:6

Pleadings, § 5:6

ENTRY

Default and Default Judgments, this index

ENTRY—Cont'd

Judgments, this index

EQUITY

Bench trial, equity jurisdiction, § 54:4

ESTATES

Burden of proof, claims against estates, § 26:8, 27:5

Dead Man's Act, representative disqualification under, § 27:5

ETHICS

Attorneys, this index

EVIDENCE

Generally, § 31:1 et seq., 32:1 et seq., 33:1 et seq., 34:1 et seq.

Accident reconstruction, § 32:17

Admissibility

Audiotapes, § 33:7

Circumstantial evidence, § 32:1

Criminal judgment, admissibility in subsequent proceedings, § 29:3

Diagrams, § 33:8, 34:23

Displays, § 33:8, 34:23

Drawings, § 33:8, 34:23

Guilty pleas, admissibility in subsequent proceedings, § 29:3

Maps, § 33:8, 34:23

Motion pictures, § 33:5

Negative evidence, of, § 36:5

Photographs, § 33:4, 34:21

Rulings on admissibility of evidence, § 9:4

Safety regulations, § 29:10

Sound recordings, § 33:7

Videotapes, § 33:5

X-ray films, § 33:6, 34:22

Amending pleadings to conform to proof, § 27:3, 45:4

Ancient documents, § 34:18

Attested documents, authentication of, § 34:4

Audiotapes, admissibility of, § 33:7

Authentication of documentary evidence

Ancient documents, § 34:18

Attested documents, § 34:4

Church records, § 34:17

Corporate records, § 34:8

Court papers and records, § 34:7

Family bible, § 34:17

Letters, § 34:16

Private writings, § 34:3

Recorded documents, § 34:5

Secondary evidence, below

Statutes, § 34:6

When excused, § 34:2

INDEX

EVIDENCE—Cont'd

Bench trial

Evidence determinations by trial judge, § 54:5

Evidence excused if fact is judicially noticed, § 54:6

Best evidence rule, § 34:9, 34:19

Bibles, authentication of, § 34:17

Blood tests in paternity cases, § 33:10

Bulky records, secondary evidence of, § 34:12

Business entries, records of regularly recorded activity, § 31:12

Business records, medical records as, § 31:9

Character trait for care or skill, § 32:7

Children, statements by, § 31:20

Circumstantial evidence, admissibility of, § 32:1

Color or race, § 32:8

Commercial publications, § 31:15

Contemporaneous statements, § 31:7

Contents of documents, oral evidence to establish, § 34:20

Copies

As primary or secondary evidence, § 34:15

Authentication of, § 34:4

Corporate existence, proof of, § 32:14

Corporate records, authentication of, § 34:8

Court papers and records, authentication of, § 34:7

Credibility

Cross examination, generally, § 37:8

Declarant making statement, § 31:26

Criminal case judgment, facts underlying, § 31:17

Custom or practice as applied in contract case, § 32:6

Damages, proof of, § 42:10

De bene depositions, use at trial, § 27:1

Dead declarants' trustworthy statements, § 31:24

Dead Man's Act, generally, § 27:5

Declarations against interest, § 31:18

Demonstrative Evidence, this index

Depositions, use at trial, § 32:10

Diagrams, admissibility of, § 33:8, 34:23

Displaying personal injuries to jury, § 33:9

Displays, admissibility of, § 33:8, 34:23

Documentary evidence

Generally, § 34:1 et seq.

Authentication of documentary evidence, above

Best evidence rule, § 34:9, 34:19

Maps, drawings, diagrams and displays, § 33:8, 34:23

Mortality tables, § 33:12, 34:24

Oral evidence to establish contents of documents, § 32:6, 34:20

Photographs, § 33:4, 34:21

Secondary evidence, below

X-ray films, § 33:6, 34:22

EVIDENCE—Cont'd

Drawings, admissibility of, § 33:8, 34:23

Dying declarations, § 31:22

Exceptions, generally, § 31:3

Exclusion of improper evidence, § 9:6

Experiments, § 33:11

Family bible, authentication of, § 34:17

Family history, statements about, § 31:23

Former testimony, § 31:21

Habit or routine practice, proof of, § 32:5

Hearsay, this index

Hypnosis, § 36:23

In limine motions, exclusion of evidence, § 22:3

Inapplicability to certain situations, § 31:2

Included hearsay, § 31:25

Income tax returns, § 32:13

Inspection of person of accused or witness, § 36:17

Insurance, liability, § 32:9

Intelligence and psychological tests, § 32:12

Judgments against persons entitled to indemnity, "vouching in," § 31:19

Judgments in criminal cases, facts underlying, § 31:17

Judicial comment on evidence before jury, limitations on, § 4:4

Judicial discretion to exclude writings under certain exceptions, § 31:13

Jury view of premises, § 27:4

Letters, authentication of, § 34:16

Liability insurance, § 32:9

Lie detector test, use of, § 36:20

Loss of primary evidence, proof of, § 34:13

Maps, admissibility of, § 33:8, 34:23

Market reports, § 31:15

Medical records as business records, § 31:9

Mental or emotional condition of declarant, statements of then existing, § 31:8

Mortality tables, § 33:12, 34:24

Motion in limine, exclusion of evidence, § 22:3

Motion pictures, admissibility of, § 33:5

Movies, admissibility of, § 33:5

Nationality, § 32:8

Negative evidence, admissibility of, § 36:5

Neighborhood, reputation of, § 32:19

Objections, § 41:1-41:6

Offer of proof, objections, § 41:6

Offers of settlement and compromise, § 32:3

Omitted witnesses from interrogatory answers, § 27:2

Oral evidence to establish contents of documents, § 32:6, 34:20

Parol evidence, § 32:6, 34:20

Party-opponent, statement by, § 29:1, 31:6

Past recollection recorded, § 31:10

Past recollection refreshed, § 31:11

INDEX

EVIDENCE—Cont'd Paternity cases, blood tests in, § 33:10 Personal injuries, displaying to jury, § 33:9 Personal property valuation, § 32:16 Photographs, admissibility of, § 33:4, 34:21 Physical and mental examinations, § 32:11 Physical condition of declarant, statements of then existing, § 31:8 Point of impact of two vehicles, § 32:18 Poverty or wealth, § 32:8 Presumptions and Burden of Proof, this index Prior identification of parties, § 31:5 Prior statement of witnesses, § 31:4 Private writings, authentication of, § 34:3 Psychological and intelligence tests, § 32:12 Public officials' reports and official records, § 31:14 Public records, secondary evidence of, § 34:14 Punitive damages, § 44:2 Race, color, nationality, wealth or poverty, § 32:8 Real and demonstrative evidence, generally, § 33:1 Real estate valuation, § 32:15 Rebut presumption, evidence to, § 30:15 Recorded documents, authentication of, § 34:5 Reputation as to character, § 31:16 Reputation of neighborhood, proof of, § 32:19 Restricting use of admitted evidence, § 9:5 Routine practice or habit, proof of, § 32:5 Rulings on admissibly of evidence, § 9:4 Safety regulations, § 29:10 Secondary evidence Best evidence rule, § 34:9, 34:19 Bulky records, of, § 34:12 Copies as primary or secondary evidence, § 34:15 Proof of loss of primary evidence, § 34:13 Public records, of, § 34:14 Use of secondary evidence, § 34:10 Where primary evidence is in opponent's control, § 34:11 Similar acts or occurrences, § 32:4 Sound recordings, admissibility of, § 33:7 Specific exceptions, § 31:3 Speed and time, proof of, § 32:17 Spoliation of evidence, § 15:5 Spontaneous statements, § 31:7 Statutes, authentication of, § 34:6 Strike inadmissible evidence, motion, § 41:5 Subpoena duces tecum, § 6:4

Tangible articles having some bearing on transaction, § 33:2

Tangible articles in same condition, § 33:3

Tax returns, § 32:13

EVIDENCE—Cont'd

Telephone conversations, § 36:22

Tests

Generally, § 33:11

Accident reconstruction, § 32:17

Blood tests in paternity cases, § 33:10

Time and speed, proof of, § 32:17

Trustworthy statements, dead declarants', § 31:24

Valuation of personal property, § 32:16

Valuation of real estate, § 32:15

Vehicular accidents, proof of impact, § 32:18

Videotapes, § 33:5, 46:8

Vital statistics, § 31:14

Vouching in, judgments against persons entitled to indemnity, § 31:19

Wealth or poverty, § 32:8

Weighing probative value under Rule 403, § 32:2

Witnesses omitted from interrogatory answers, § 27:2

X-ray films, admissibility of, § 33:6, 34:22

EXAMINATION OF WITNESSES

Accuracy of witness, testing, § 37:8

Admissibility of negative evidence, § 36:5

Admissions and Declarations, this index

Adverse party or person as witness, calling, § 36:21

Attorney's improper conduct examining witnesses, § 36:8

Children, statements as evidence, § 31:20

Collateral matters, of, § 37:3

Competency of Witnesses, this index

Content and form of questions

Cross-examination, § 37:4

Direct examination, § 36:7

Redirect examination, § 39:2

Court calling and examining witness, § 9:7, 36:2

Credibility, generally, § 37:8

Cross-Examination, this index

Direct Examination, this index

Drugs, refreshing memory by, § 36:23

Examining and correcting testimony on redirect, § 39:3

Explaining impeaching answers, § 39:5

Form of questions. Content and form of questions, above

Foundation

Prior inconsistent statements, § 37:6

Witness' testimony, § 36:3

Hostile witness, calling adverse party or person as witness, § 36:21

Hypnosis, refreshing memory by, § 36:23

Hypothetical questions, § 40:12

Impeachment, this index

Improper conduct of attorney examining witnesses, § 36:8

EXAMINATION OF WITNESSES—Cont'd

In limine motions, exclusion of testimony, § 22:2

Incriminating testimony. Privilege against self-incrimination, below

Inspection of person of accused or witness, § 36:17

Judge's control of, § 9:2

Knowledge of witness, testing, § 37:8

Laying foundation for prior inconsistent statements, § 37:6

Leading questions, § 36:9

Lie detector test, use of, § 36:20

Manner of conducting cross-examination, § 37:5

Materiality of questions asked on direct, § 36:1

Negative evidence, admissibility of, § 36:5

Neutralization of one's own witness, § 36:12

Order of producing testimony, § 26:2

Prior inconsistent statements, laying foundation for, § 37:6

Privilege against self-incrimination

Extent of, § 36:13

Inspection of person of accused or witness, § 36:17

Invoking, § 36:14

Lie detector test, use of, § 36:20

Necessity of court to warn witness about, § 36:16

Ruling upon existence of privilege, § 36:18

Testimony that tends to incriminate witness, § 36:15

Waiver of privilege, § 36:19

Proper matters on cross-examination, § 37:7

Protective order

Testimony that tends to incriminate witness, § 36:15

Rebuttal testimony, § 26:3, 30:3, 30:15, 39:6

Recall witness for further cross-examination, right to, § 37:9

Redirect Examination, this index

Refreshing memory, aiding witness by

Generally, § 36:10

Hypnosis or drugs, by, § 36:23

Rehabilitating the witness, § 39:4

Relevancy

Conduct of party shortly before accident, § 36:6

Questions asked, § 36:4

Right to cross-examine, § 37:1

Right to introduce testimony at later stage, § 26:4

Right to recall witness for further cross-examination, § 37:9

Scope of cross-examination, § 37:2

Scope of redirect examination, § 39:1

Self-incrimination. Privilege against self-incrimination, above

Telephone conversations, testimony concerning, § 36:22

Testing witness's knowledge and accuracy, § 37:8

Waiver of privilege against self-incrimination, § 36:19

EXHIBITS

Jury room, in, § 48:4

EXPERIMENTS

Evidence, generally, § 33:11

Scientific tests, opinion testimony, § 40:11

EXPERT AND OPINION TESTIMONY

Generally, § 40:1 et seq.

Cross examination, hypothetical questions, § 40:12

Discovery, not disclosed in, § 40:9

Discretion of court to admit expert testimony, § 40:2

Fact distinguished from opinion, § 40:4

Hypothetical questions, cross examination, § 40:12

Impeachment, § 38:2

Lay person's opinion, § 40:3, 40:6

Matters as to which expert may or must testify, § 40:7, 40:8, 40:10

Medical expert

Impartial medical expert as court's witness, § 9:7

Matters which expert may or must testify about, § 40:8

Net opinion rule, § 40:4

Non-disclosed opinion, precluding, § 40:9

Non-expert opinion, § 40:3, 40:6

Precluding expert opinion not disclosed in discovery, § 40:9

Report of expert and permissible scope of expert's testimony, § 7:6

Required expert testimony, § 40:7, 40:8

Scientific tests, § 40:11

Scope of expert's testimony, report of expert and, § 7:6

Testifying for one party when retained by other party, § 7:14

Ultimate issues, opinions as to, § 40:5

EXPERTS AND CONSULTANTS

Accident reconstruction movies or videos, § 7:3, 33:5

Adoptive admission, report of expert as, § 7:2

Attorney-expert confidentiality, § 1:5

Compensation when deposed, § 7:8

Competency to testify, § 35:14, 40:1

Consulted in preparation for trial

Accident reconstruction movies or videos, § 7:3, 33:5

Compensation when deposed, § 7:8

Consulting physician but not for expert opinions, § 7:12

Court order not required to discover examining physician's report, § 7:11

Disclosure of materials

Not relied on for expert's opinion, § 7:4

Provided to attorney and expert, § 7:5

Discovery of examining physician's report, court order not required, § 7:11

Discovery of experts

Generally, Rule 4:10-2(d)(2), § 7:7

Non-testifying experts, Rule 4:10-2(d)(3), § 7:9

EXPERTS AND CONSULTANTS—Cont'd Consulted in preparation for trial—Cont'd Exceptional circumstances allowing discovery of facts and opinions, Rule 4:10-2(d)(3), § 7:10 Fee for experts, fixing reasonable, § 7:8 Informal interviews of treating physician, § 7:13 Miscellaneous, § 7:14 Movies relied on to render opinion, § 7:3, 33:5 Report of expert, below Rule 4:10-2(d)(1), § 7:1 Rule 4:10-2(d)(2), § 7:7 Rule 4:10-2(d)(3), § 7:9, 7:10 Treating physician, below Consulting physician but not for expert opinions. § 7:12 Court order not required to discover examining physician's report, § 7:11 Disclosure of materials Not relied on for expert's opinion, § 7:4 Provided to attorney and expert, § 7:5 Discovery of examining physician's report, court order not required, § 7:11 Discovery of experts Generally, Rule 4:10-2(d)(2), § 7:7 Non-testifying experts, Rule 4:10-2(d)(3), § 7:9 Exceptional circumstances allowing discovery of facts and opinions, Rule 4:10-2(d)(3), § 7:10 Fee for experts, fixing reasonable, § 7:8 Impeachment, § 38:2 Informal interviews of treating physician, § 7:13 Miscellaneous, § 7:14 Movies relied on to render opinion, § 7:3, 33:5 Qualifications of, § 40:1 Report of expert Adoptive admission, as, § 7:2 Examining physician, court order not required to discover, § 7:11 Permissible scope of expert's testimony, and, § 7:6 Rule 4:10-2(d)(1), § 7:1 Rule 4:10-2(d)(2), § 7:7 Rule 4:10-2(d)(3), § 7:9, 7:10 Scope of expert's testimony, report of expert and, § 7:6 Testimony. Expert and Opinion Testimony, this index Treating physician Consulted but not for expert opinions, § 7:12 Informal interviews of, § 7:13 Report of examining physician, court order not required to discover, § 7:11 **EXTENDED CARE FACILITIES** Utilization review committee privilege, § 28:12

FACT

Distinguished from opinion, § 40:4

FAILURE TO COMPLY WITH DISCOVERY ORDER

Dismissal, motion for, § 18:2

Dispositive motion pretrial, § 18:2

FAILURE TO MAKE DISCOVERY

Dismissal, motion for, § 18:3

Dispositive motion pretrial, § 18:3

FAILURE TO STATE CAUSE OF ACTION OR CLAIM

Dispositive motion pretrial, § 18:1

FAILURE TO STATE CAUSE OF ACTION/CLAIM

Dismissal, motion for, § 18:1

FAIRNESS

Jury, right to fair and impartial jury, § 24:1

FAMILY ACTIONS

Attorneys' fees, § 2:2

FAMILY BIBLE

Authentication of, § 34:17

FAMILY EXPENSES

Damages, § 43:2

FAMILY HISTORY

Hearsay, exception, § 31:23

Statements as to family history, § 31:23

FAMILY THERAPIST/PATIENT PRIVILEGE

Generally, § 28:14

FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT

Generally, § 8:1-8:4

FEES

Attorneys' Fees, this index

Experts' fees, fixing reasonable, § 7:8

FICTITIOUS NAMES

Assumed or Fictitious Names, this index

FINGERPRINTS AND FINGERPRINTING

Generally, § 36:17

FORECLOSURE

Attorneys' fees, § 2:2

FOREIGN JUDGMENTS

Generally, § 50:10

FORESEEABILITY

Damages, § 42:5

FORMER CLIENTS

Conflicts of interests regarding, § 3:1

FORMER EMPLOYEES REPRESENTED BY ATTORNEY

Attorney's communications with, § 6:2

FORMER TESTIMONY

Exception to hearsay rule, § 31:21

FOUNDATION

Cross-examination, laying foundation for prior inconsistent statements, § 37:6 Direct examination, foundation for witness' testimony, § 36:3 Impeachment, laying foundation for, § 38:4

FRAUD

Attorneys ethics, § 3:3 Burden of proof, § 26:9

FRIVOLOUS LITIGATION

Pleadings (affidavits of merit), § 5:3

FUND IN COURT DOCTRINE

Attorneys' fees, generally, § 2:2

FUTURE

Damages, future effects of injury, § 42:7

GIFTS

Presumptions about, § 30:12

GOOD FAITH

Pleading, effect of signing, § 1:2 Signing pleadings, § 1:2

GOVERNMENT ATTORNEYS

Attorney-client relationship, § 3:1 Ethics, § 3:1

GOVERNMENT RECORDS

Protective orders, § 16:3

GOVERNMENTAL ENTITIES

Judicial notice about, § 54:10 Official information privilege, § 28:19

GUILTY PLEAS

Admissibility in subsequent proceedings, § 29:3

HABIT

Custom or Routine Practice, this index Proof of, § 32:5

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)

Generally, § 16:6

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)—Cont'd

Preemption requirement, § 16:7

HEARINGS

Administrative law, office of administrative law (oal), § 56:5

In limine motions, § 22:5

Office of administrative law (oal), § 56:5

HEARSAY

Generally, § 31:1 et seq.

Business entries, records of regularly recorded activity, § 31:12

Business records, medical records as, § 31:9

Children, statements by, § 31:20

Commercial publications, § 31:15

Contemporaneous statements, § 31:7

Credibility of declarant, § 31:26

Criminal case judgment, facts underlying, § 31:17

Dead declarants' trustworthy statements, § 31:24

Declarations against interest, § 31:18

Dying declarations, § 31:22

Exceptions, generally, § 31:3

Family history, statements about, § 31:23

Former testimony, § 31:21

Inapplicability to certain situations, § 31:2

Included hearsay, § 31:25

Judgments against persons entitled to indemnity, "vouching in," § 31:19

Judgments in criminal cases, facts underlying, § 31:17

Judicial discretion to exclude writings under certain exceptions, § 31:13

Market reports, § 31:15

Medical records as business records, § 31:9

Mental or emotional condition of declarant, statements of then existing, § 31:8

Party-opponent, statement by, § 29:1, 31:6

Past recollection recorded, § 31:10

Past recollection refreshed, § 31:11

Physical condition of declarant, statements of then existing, § 31:8

Prior identification of parties, § 31:5

Prior statement of witnesses, § 31:4

Public officials' reports and official records, § 31:14

Reputation as to character, § 31:16

Specific exceptions, § 31:3

Spontaneous statements, § 31:7

Trustworthy statements, dead declarants', § 31:24

Vital statistics, § 31:14

Vouching in, judgments against persons entitled to indemnity, § 31:19

HIPPA

Protective orders, § 16:6, 16:7

HOSPITAL RECORDS

Utilization review committee privilege, § 28:12

HOSTILE WITNESS

Direct examination, § 36:21

HYPNOSIS

Testimony hypnotically induced, § 36:23

HYPOTHETICAL QUESTIONS

Cross examination of expert witnesses, § 40:12

IDENTITY AND IDENTIFICATION

Hearsay, prior identification of parties, § 31:5 Informant, identity of, § 28:20, 35:7

IMPARTIALITY

Jury selection, right to fair and impartial jury, § 24:1 Medical expert as court's witness, § 9:7

IMPEACHMENT

Generally, § 38:1

Character evidence, use of, § 38:8

Collateral matters, § 38:3

Credibility of witnesses, § 38:6-38:11

Expert witnesses, § 38:2

Improperly obtained statements, use of, § 38:11

Laying foundation for, § 38:4

One's own witness, § 36:11, 36:12

Particular matters affecting credibility of witnesses, § 38:7

Prior convictions, § 38:10

Prior inconsistent statements, § 38:5

Redirect examination, explaining impeaching answers, § 39:5

Sensory deficiencies, use of, § 38:9

IN LIMINE MOTIONS

Generally, § 22:1-22:6

Bifurcation, § 22:6

Clarification of parties' burdens, § 22:4

Exclusion of evidence, § 22:3

Exclusion of testimony, § 22:2

Hearings, in limine, § 22:5

INCOME TAX RETURNS

Evidence, § 32:13

INCRIMINATION

Privilege Against Self-Incrimination, this index

INDEMNITY AND INDEMNIFICATION

Hearsay, judgments against persons entitled to indemnity, § 31:19

INDIVIDUALS

Presumptions about, § 30:10

INFERENCES

Generally, § 30:4

Arising from conduct of party, § 30:8

INFORMANTS

Identity of informant, § 28:20, 35:7

Privilege as to identity of informant, § 28:20, 35:7

INFORMATION

Presumption of access to information, § 16:1

INJUNCTIONS

Preliminary injunctions, § 55:2-55:4

INSPECTION

Person of accused or witness, § 36:17

INSTRUCTIONS TO JURY

Generally, § 47:1 et seq.

INSURANCE

Attorneys' fees, § 2:2

Liability Insurance, this index

INTELLIGENCE TESTS

Evidence, § 32:12

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Generally, § 43:3

INTENTIONAL TORTFEASORS

Apportionment of fault between negligent and, § 23:11

INTEREST ON MONEY

Damages, § 43:12

Judgments, interest on, § 50:5, 52:3

INTERIM RELIEF

Ad Interim Relief, this index

INTERLOCUTORY APPEALS

Generally, § 20:1 et seq.

Administrative agencies, appeals from, § 20:5

Appellate Division

Emergent appeals, § 20:6

Final judgments appealed to, § 20:4

Limited jurisdiction courts or administrative agencies, appeals from, § 20:5

Emergent appeals, § 20:6

Final judgments appealed to Appellate Division, § 20:4

Limited jurisdiction courts or administrative agencies, appeals from, § 20:5

Supreme Court, appeals to, § 20:3

INTERLOCUTORY APPEALS—Cont'd

Time for seeking, § 20:2

INTERLOCUTORY ORDERS OR JUDGMENTS

Appeal. Interlocutory Appeals, this index Law of the case doctrine, applicability of, § 19:1, 19:4

INTERPRETERS

Use of, § 6:8, 35:6

INTERROGATORIES

Answers

Generally, § 15:2

Sanctions for deficient answers, § 15:3

Witnesses omitted from, § 27:2

Sanctions for deficient answers, § 15:3

Use at trial, § 15:2, 15:3

Verdicts with special interrogatories, construction of, § 49:6

Witnesses omitted from answers to interrogatories, § 27:2

INTERVIEWS

Attorney's right to interview witnesses, § 6:5

Treating physician, informal interviews of, § 7:13

JOINT TORTFEASORS

Generally, § 23:3 et seq.

Adjudicating at trial settling defendant's liability, § 23:18

Bankrupt tortfeasor, apportioning fault when, § 23:8

Burden of proof

Difficulty in apportionment of damages and, § 23:13

Empty chair defense, § 23:1, 23:2

No presumption of negligence of settling defendants, § 23:14

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Compromise and Settlement, this index

Contribution

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Joint Tortfeasors Contribution Law, § 23:4-23:7

Judgment requirement, § 23:5

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

Credits for settling tortfeasors

Apportioning, § 23:12

Pro tanto credits in certain actions, § 23:16

Cross-claims

Extinguished by defendant's settlements, § 23:15

No pleading requirement, § 23:20

Defendants considered joint tortfeasors despite different theories of liability, § 23:6

Difficulty in apportionment of damages and burden of proof, § 23:13

JOINT TORTFEASORS—Cont'd

Fault apportioned between negligent and intentional tortfeasors, § 23:11

Fictitious tortfeasors, § 23:10

High-low agreements, § 23:17

Intentional tortfeasors, fault apportioned between negligent and, § 23:11

Joint Tortfeasors Contribution Law, § 23:4-23:7

Judgment requirement, § 23:5

Must be joint tortfeasors for same injury to person or property, § 23:9 Negligence

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Fault apportioned between negligent and intentional tortfeasors, § 23:11

No presumption settling defendants negligent, § 23:14

No presumption settling defendants negligent, § 23:14

Offsets, high-low agreements, § 23:17

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

Release of one tortfeasor by claimant, § 23:21

Theories of liability

Adjudicating at trial settling defendant's liability, § 23:18

Different theories of liability, defendants considered joint tortfeasors despite, § 23:6

Permitting contribution even though plaintiff's claim against defendant barred, § 23:19

JOURNALIST PRIVILEGE

See News Media Privilege, this index

JUDGES

Competency of judge to testify, § 35:12

Conduct and demeanor of judges, § 9:1, 54:2

Control of proceedings

Examination of witnesses, control of, § 9:2

Pretrial order, by, § 9:8

Stipulation, by, § 9:9

Court's witnesses, § 9:7, 36:2

Demeanor and conduct of judges, § 9:1, 54:2

Duties and obligations, generally, § 4:4

Ethics, conduct and demeanor of judges, § 9:1, 54:2

Evidence, judicial responsibilities as to

Exclusion of improper evidence, § 9:6

Restricting use of admitted evidence, § 9:5

Rulings on admissibility of evidence, § 9:4

Expression of opinion in trial proceedings, § 4:4

Impartial medical expert as court's witness, § 9:7

Trier of facts, judge as, § 9:10

Witness, judge as, § 35:12

Witnesses, judicial responsibilities as to

Calling and examination of witnesses, § 36:2

JUDGES—Cont'd Witnesses, judicial responsibilities as to—Cont'd Control over witnesses examination, § 9:2 Court's witnesses/impartial medical experts, § 9:7 Limiting number of witnesses, § 9:3 **JUDGMENTS** Additur, § 51:3 Alter or amend judgments, motion, § 50:7, 50:11 Amendment of judgments, motion, § 50:7, 50:11 Amount of judgment, entry of judgment, § 50:4 Attorney's fees, recovery of, § 52:2, 52:4 Clerk's duty to enter judgment, § 50:2 Correction of erroneous judgments, § 50:7, 50:11 Costs allowance Entry of judgment, § 50:6 Offer of compromise, § 52:4 Recovery of, § 52:1 Criminal judgment, admissibility in subsequent proceedings, § 29:3 Declaratory judgments, § 50:8 Default and Default Judgments, this index Directed Verdict, this index Duty of clerk to enter judgment, § 50:2 Entry of judgment Generally, § 50:1 et seq. Amount of judgment, § 50:4 Clerk's duty to enter judgment, § 50:2 Court costs allowance, § 50:6 Default judgment, § 13:2 Duty of clerk to enter judgment, § 50:2 Effect of, § 50:3 Interest included in judgment, § 50:5 Staying, § 55:7 Erroneous judgments, correction of, § 50:11 Fees, recovery of, § 52:2, 52:4 Foreign judgments, § 50:10 Hearsay exception Judgments against persons entitled to indemnity, "vouching in," § 31:19 Judgments in criminal cases, facts underlying, § 31:17 Interest included in judgment, § 50:5, 52:3 Mistake or error, § 50:7, 50:11 Motions Alter or amend judgment, § 50:7 New trial, § 50:7, 51:2, 51:3 New trial, motion, § 50:7, 51:2, 51:3 Notwithstanding verdict, § 50:7, 51:1

Offer of compromise of fees and costs, § 52:4

JUDGMENTS-Cont'd Offer of judgment Consequences of nonacceptance of offer of Claimant, § 21:3 Party not a claimant, § 21:4 Multiple claims or parties, § 21:5 Nonacceptance of claimant's offer, consequences of, § 21:3 Nonacceptance of party not a claimant, offer of, consequences of, § 21:4 Purpose of offer of judgment rule, § 21:1 Time and manner of making and accepting the offer, § 21:2 Remittitur, § 51:3 Stay, § 55:7 Summary Judgment, this index JUDICIAL ADMISSIONS Generally, § 29:5 Pleadings, in, § 29:6 JUDICIAL NOTICE Court, facts concerning, § 54:9 Facts about government officers and political subdivisions, § 54:10 Facts concerning court, § 54:9 Facts not judicially noticed, § 54:12 Government officers, facts about, § 54:10 Laws, § 54:8 Making record of facts judicially noticed, § 54:7 Other facts, § 54:11 Political subdivisions, facts about, § 54:10 Proof excused if fact is judicially noticed, § 54:6 Record of facts judicially noticed, making, § 54:7 **JURISDICTION** Administrative agencies, interlocutory appeals, § 20:5 Bench trial, equity jurisdiction, § 54:4 Chancery Division, § 12:1, 12:2 Court selection (Law Division/Chancery), § 12:1 Equity jurisdiction, § 54:4 Law of the case doctrine, application to decisions of equal jurisdiction courts, § 19:3 Limited jurisdiction courts, interlocutory appeals, § 20:5 Tax court, transfer to, § 12:3 Transfer and removal actions, § 12:3 Transfer between Law and Chancery Divisions, § 12:2 Venue, this index **JURY AND JURY TRIAL** Generally, § 24:1-24:12 Alternate jurors Selecting, § 24:6

Substituting, § 48:6

JURY AND JURY TRIAL—Cont'd Array, challenges, § 24:3 Attorney's interaction with jurors, § 1:3 Bench trial, waiver of right to jury trial, § 54:3 Cause, grounds for challenge for, § 24:9 Challenges Array, § 24:3 Cause, grounds for challenge for, § 24:9 Discrimination because of sex, race, etc., § 24:4 Grounds for challenge for cause, § 24:9 Grounds for challenging array, § 24:3 Number of peremptory challenges, § 24:8 Peremptory challenges, number of, § 24:8 Communications with jurors Generally, § 24:11 After verdict, § 48:9 Attorney's interaction with jurors, § 1:3 Court's communications during deliberations, § 48:5 Improper, § 24:12, 48:3 Punishment for influencing jury, § 48:10 Competency of juror to testify, § 35:12 Conduct of jury and those dealing with it Generally, § 24:11, 48:1 Exhibits and other materials in jury room, § 48:4 Reading newspaper accounts of trial, § 48:2 Conduct of voir dire examination, generally, § 24:5 Court's communications with jury during deliberations, § 48:5 Court's power to have jury reconsider defective verdict, § 49:4 **Deliberations** Court's communications with jury, § 48:5 Exhibits and other materials in jury room, § 48:4 Improper communications with jury, § 48:3 Substitution of juror during, § 48:6 Discrimination because of sex, race, etc., § 24:4 Displaying personal injuries to jury, § 33:9 Excuse from jury service, § 24:7 Exhibits and other materials in jury room, § 48:4 Fair and impartial jury, right to, § 24:1 Grounds for challenge for cause, § 24:9 Grounds for challenging array, § 24:3 Impartial and fair jury, right to, § 24:1 Improper communications with jurors, § 1:3, 24:11, 24:12, 48:3 Improper conduct of jurors, § 48:8 Instructions to jury, § 47:1 et seq. Method of summoning jurors, § 24:2 Newspaper accounts of trial, jurors reading, § 48:2 Number of peremptory challenges, § 24:8 Peremptory challenges, number of, § 24:8

JURY AND JURY TRIAL—Cont'd

Polling jurors, § 49:7

Punishment for influencing jury, § 48:10

Questions of Law and Fact, this index

Race discrimination, § 24:4

Reading newspaper accounts of trial, jurors, § 48:2

Right to fair and impartial jury, § 24:1

Rules governing arriving at verdict, § 48:7

Selection of jury. Jury Selection, this index

Sex discrimination, § 24:4

Substitution of juror during deliberations, § 48:6

Summoning jurors, method of, § 24:2

Swearing the jury, § 24:10

Verdict, this index

View of premises, § 27:4

Viewing personal injuries, § 33:9

Voir dire examination, generally, § 24:5

Witness, juror as, § 35:12

JURY INSTRUCTIONS

Generally, § 47:1 et seq.

JURY SELECTION

Generally, § 24:1-24:12

Alternate jurors

Selection of, § 24:6

Substitution of, § 48:6

Array, challenges, § 24:3

Cause, grounds for challenge for, § 24:9

Challenges

Array, § 24:3

Cause, grounds for challenge for, § 24:9

Discrimination because of sex, race, etc., § 24:4

Grounds for challenge for cause, § 24:9

Grounds for challenging array, § 24:3

Number of peremptory challenges, § 24:8

Peremptory challenges, number of, § 24:8

Conduct of voir dire examination, generally, § 24:5

Discrimination because of sex, race, etc., § 24:4

Exemptions from jury service, § 24:7

Fair and impartial jury, right to, § 24:1

Grounds for challenge for cause, § 24:9

Grounds for challenging array, § 24:3

Impartial and fair jury, right to, § 24:1

Improper communications with jurors, § 1:3, 24:11, 24:12, 48:3

Method of summoning jurors, § 24:2

Number of peremptory challenges, § 24:8

Peremptory challenges, number of, § 24:8

Race discrimination, § 24:4

JURY SELECTION—Cont'd

Right to fair and impartial jury, § 24:1 Sex discrimination, § 24:4 Substitution of juror during deliberations, § 48:6 Summoning jurors, method of, § 24:2 Swearing the jury, § 24:10 Voir dire examination, generally, § 24:5

JURY VIEW

Generally, § 27:4

LABOR DISPUTES

Arbitration of, § 14:2

LAW DIVISION

Jurisdiction, § 12:1, 12:2

LAW OF THE CASE DOCTRINE

Generally, § 19:1
Application to decisions of
Appellate courts, § 19:4
Equal jurisdiction courts, § 19:3
As not a rule of law, § 19:6
Exceptions to doctrine, § 19:2
Interlocutory orders, § 19:5

LEADING QUESTIONS

Direct examination at trial, § 36:9

LEGAL ASSISTANTS

Allowing legal assistant to represent client, § 3:3

LETTERS

Authentication of, § 34:16 Presumption of delivery, § 30:9

LIABILITY INSURANCE

Evidence, generally, § 32:9
Mistrial, disclosure of liability insurance status, § 53:3

LIE DETECTOR TEST

See Polygraph, this index

LIMITED JURISDICTION COURTS

Appeals from, § 20:5

LIQUIDATED DAMAGES

Generally, § 42:4

LOSS OF CONSORTIUM

Damages, § 43:6

LYING

Attorneys lying to the tribunal, § 3:3, 4:3

LYING—Cont'd

Polygraph test, § 36:20

MAPS AND PLATS

Admissibility of maps and diagrams, § 33:8, 34:23

MARITAL PRIVILEGE

Generally, § 28:2-28:4

Claiming privilege, § 28:4

Competency of spouse to testify for or against other spouse, § 35:11

Requirements, § 28:3

Waiver of privilege, § 28:4

MARKETS AND MARKETING

Reports, exception to hearsay rule, § 31:15

MARRIAGE

Presumption of validity, § 30:7

Void and voidable marriages

Presumption of validity, § 30:7

MARRIAGE AND FAMILY THERAPIST PRIVILEGE

Generally, § 28:14

MATERIALITY

Direct examination questions, § 36:1

MEDIA

Newspapers, this index

Publicity and Media, this index

MEDIATION AND CONCILIATION

Generally, § 14:3

MEDICAL PRIVILEGE

Physician-patient privilege, § 28:11, 28:12

Psychologist-patient privilege, § 28:10

MEDICAL RECORDS OR REPORTS

Business records, medical records as, § 31:9

Privilege, utilization review committee privilege, § 28:12

MILITARY

Armed Forces or Military, this index

MISAPPROPRIATION OF FUNDS

Attorney discipline for, § 3:3

MISDEMEANORS

Attorneys, of, § 3:3

MISREPRESENTATION

Attorney misrepresenting status of case to client, § 3:3, 4:3

MISTRIAL

Disclosure of liability insurance status, § 53:3 Grounds for declaring, § 53:2, 53:4 Insufficient grounds for declaring mistrial, § 53:4 Liability insurance status, disclosure of, § 53:3 Nature of mistrial, § 53:1

MORTALITY TABLES

Evidence, § 33:12, 34:24

MORTGAGES

Attorneys' fees, § 2:2

MOTION PICTURES

Movies or Motion Pictures, this index

MOTIONS

Administrative law practice, § 56:4
Alter or amend judgment, § 50:7
Directed verdict, § 45:2
Discovery
Failure to comply with discovery order, § 18:2
Failure to make discovery, § 18:3
Dismissals, § 18:4, 18:5
Failure to comply with discovery order, § 18:2
Failure to make discovery, § 18:3
Failure to state cause of action/claim, § 18:1
In Limine Motions, this index
New trial, § 50:7, 51:2, 51:3

Office of administrative law practice, § 56:4 Strike inadmissible evidence, § 41:5 Summary judgment, § 18:6

MOTOR VEHICLES

Arbitration of accidents, § 14:2 Proof of impact of two vehicles, § 32:18 Time and speed, proof of, § 32:17

MOVIES OR MOTION PICTURES

Admissibility of, § 33:5
Experts' reliance on movies to render opinion, § 7:3

MULTIPLE CLAIMS

Offer of judgment, § 21:5

MULTIPLE PARTIES

Offer of judgment, § 21:5

Punitive damages, bifurcation and issues concerning multiple defendants, § 44:5 Verdict, apportionment of, § 49:3

NATIONALITY

Evidence, § 32:8

NEGATIVE EVIDENCE

Admissibility of, § 36:5

NEGLIGENCE

Apportionment of fault, negligent and intentional tortfeasors, § 23:11

Attorney's pattern of neglect, § 3:3

Burden of proof, no presumption of negligence of settling defendants, § 23:14

Comparative Negligence Act and the Joint Tortfeasors Contribution Law, § 23:7

Compromise and Settlement, this index

Infliction of emotional distress, § 43:3

Joint Tortfeasors, this index

Questions of law and fact, § 45:5

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Generally, § 43:3

NEIGHBORHOOD

Reputation of neighborhood, proof of, § 32:19

NET OPINION RULE

Generally, § 40:4

NEW TRIAL

Improper communications with jurors, § 24:12

NEWS MEDIA PRIVILEGE

Generally, § 28:13

NEWSPAPERS

Exclusion of public and press, § 11:1

Jurors reading newspaper accounts of trial, § 48:2

Privilege, news media, § 28:13

NO FAULT ACT

Damages, § 43:11

NOMINAL DAMAGES

Generally, § 42:3

NOTICE OR KNOWLEDGE

Cross-examination, testing knowledge of witness, § 37:8

NUMBER

Jury selection peremptory challenges, number of, § 24:8

Witnesses, limiting number of, § 9:3

OATHS AND AFFIRMATIONS

Jury, swearing the, § 24:10

OBJECTIONS

Generally, § 41:1 et seq.

Motion to strike inadmissible evidence, § 41:5

Offer of proof, § 41:6

Plain error exception, § 41:3

OBJECTIONS—Cont'd

Right to object, § 41:1 Stating grounds for objection, § 41:4 Timeliness of objection, § 41:2 Verdict, form of, § 49:2

OFFER OF COMPROMISE

Admission, as, § 29:8 Evidence of, § 32:3

OFFER OF JUDGMENT

Judgments, this index

OFFER OF PROOF

Objections, § 41:6

OFFICE OF ADMINISTRATIVE LAW (OAL)

Generally, § 56:1 Contested cases, § 56:2 Decisions, § 56:7 Discovery, § 56:3 Hearings, § 56:5 Motion practice, § 56:4 Residuum rule, § 56:6

OFFICIAL INFORMATION PRIVILEGE

Generally, § 28:19

OFFICIAL RECORD

Hearsay exception, § 31:14

OFFSETS

Settlement high-low agreements involving joint tortfeasors, § 23:17

OPENING STATEMENTS

Content, § 25:2 Right to make, § 25:1 Right to open and close at trial, § 26:1

OPINION TESTIMONY

Expert and Opinion Testimony, this index

OPINIONS

Expert and Opinion Testimony, this index Lay person's opinion, § 40:3, 40:6

ORAL EVIDENCE

Contents of documents, establishing, § 32:6, 34:20

ORDERS

Law of the case doctrine, § 19:1-19:6

ORDINANCES

Presumption of constitutionality of, § 30:14

PAROL EVIDENCE

Generally, § 32:6, 34:20

PAST RECOLLECTION RECORDED

Exception to hearsay rule, § 31:10

Refreshing recollection distinguished, § 31:11

PAST RECOLLECTION REFRESHED

See Refreshing Recollection, this index

PATERNITY

Blood tests, § 33:10

PENDENTE LITE

Interim relief, § 55:6

PEREMPTORY CHALLENGES

Number of, § 24:8

PERSONAL INJURIES

Aggravation of pre-existing injury, § 42:8

Damages, generally, § 43:1

Displaying to jury, § 33:9

Emotional injuries, damages, § 43:3

Future effects of injury, damages, § 42:7

Loss of consortium, § 43:6

Physical and mental examinations, evidence, § 32:11

Physician-patient privilege, § 28:10, 28:11

Wrongful death cases, damages, § 43:5

PERSONAL PROPERTY

Damages, § 43:4

Valuation, evidence of, § 32:16

PERSONAL REPRESENTATIVE

Dead Man's Act, representative disqualification under, § 27:5

PHOTOGRAPHS AND PICTURES

Admissibility of, § 33:4, 34:21

PHYSICAL AND MENTAL EXAMINATIONS

Evidence, § 32:11

PHYSICIAN-PATIENT PRIVILEGE

Generally, § 28:11, 28:12

Psychologists, § 28:10

PICTURES

Photographs and Pictures, this index

PLAIN ERROR RULE

Objections, § 41:3

PLEADINGS

Generally, § 5:1

PLEADINGS—Cont'd

Affidavits of merit, § 5:3

Amending to conform to proofs, § 27:3, 45:4

Entire controversy doctrine, § 5:6

Fictitious names, § 5:4

Frivolous litigation (affidavits of merit), § 5:3

Good faith signing of pleadings, § 1:2

Judicial admissions in, § 29:6

Requirements, generally, § 5:1

Signing, effect of, § 1:2, 5:3

Unknown defendants

Fictitious names, § 5:4

In rem actions, § 5:5

Verification, § 5:2

PLEAS

Admissibility in subsequent proceedings, § 29:3

POLITICAL ACTIVITIES AND PARTIES

Voter's privilege, § 28:17

POLITICAL SUBDIVISIONS

Judicial notice of facts about, § 54:10

POLLING OF JURY

Generally, § 49:7

POLYGRAPH

Direct examination, use of tests, § 36:20

POVERTY

Evidence, § 32:8

PREEMPTION

Health Insurance Portability and Accountability Act (HIPPA), preemption requirement, § 16:7

PRE-EXISTING INJURY

Aggravation of, § 42:8

PRELIMINARY INJUNCTIONS

Interim relief, § 55:2-55:4

Procedure, § 55:3

Standard, § 55:2, 55:4

PRESENT RECOLLECTION REFRESHED

See Refreshing Recollection, this index

PRESUMPTIONS AND BURDEN OF PROOF

Generally, § 26:5-26:11, 30:1 et seq.

Access to information, presumption of, § 16:1

After resting case, right to introduce testimony, § 26:4

Apportionment of damages and burden of proof, difficulty in, § 23:13

PRESUMPTIONS AND BURDEN OF PROOF—Cont'd

Bailment cases, § 26:10

Burden of persuasion, generally, § 26:5

Burden on defendant in civil cases, § 26:11

Civil cases

Generally, § 26:6

Defendant's burden, § 26:11

Condition, presumption of continuance of, § 30:11

Constitutionality of statute or ordinance, presumption of, § 30:14

Continuance of condition, presumption of, § 30:11

Dead Man's Act, § 27:5

Death after five years' absence, presumption, § 30:6

Defendant's burden in civil cases, § 26:11

Delivery of letter, presumptions of, § 30:9

Estates, claims against, § 26:8, 27:5

Evidence to rebut presumption, § 30:15

Fraud, burden of proving, § 26:9

Gifts, presumptions about, § 30:12

In limine motions, clarification of parties' burdens, § 22:4

Individuals, presumptions about, § 30:10

Inferences

Generally, § 30:4

Arising from conduct of party, § 30:8

Irrebuttable presumptions, § 30:2

Joint tortfeasors, difficulty in apportionment of burden of proof, § 23:13

Later stage, right to introduce testimony at, § 26:4

Marriage validity, presumption of, § 30:7

Nature of presumptions, § 30:1

Open an close, right to, § 26:1

Order of producing testimony, § 26:2

Ordinance, presumption of constitutionality of, § 30:14

Protective orders, presumption of access to information, § 16:1

Rebut the presumption, evidence to, § 30:15

Rebuttable presumptions, § 30:3

Rebuttal testimony, § 26:3, 30:3, 30:15

Res ipsa loquitur, § 30:5

Right to introduce testimony at later stage, § 26:4

Right to open an close, § 26:1

Services, presumptions about, § 30:12

Statute, presumption of constitutionality of, § 30:14

Statute-created presumptions, § 30:13

Trusts, claims against, § 26:8

Validity of marriage, presumption of, § 30:7

Wrongful death cases, burden of proof, § 26:7

PRETRIAL MOTIONS

Dismissals

Involuntary, § 18:4

PRETRIAL MOTIONS—Cont'd

Dismissals—Cont'd

Miscellaneous, § 18:5

Failure to comply with discovery order, § 18:2

Failure to make discovery, § 18:3

Failure to state cause of action or claim, § 18:1

Involuntary dismissals, § 18:4

Summary judgments, § 18:6

PRIOR CONVICTIONS

Impeachment, § 38:10

PRIOR IDENTIFICATION OF PARTIES

Hearsay, § 31:5

PRIOR INCONSISTENT STATEMENTS

Cross-examination, § 37:6

Foundation for, laying, § 37:6

Hearsay declarant, prior statements of, § 31:4, 31:5

Impeachment, § 38:5

PRIVILEGE AGAINST SELF-INCRIMINATION

Extent of, § 36:13

Inspection of person of accused or witness, § 36:17

Invoking, § 36:14

Lie detector test, use of, § 36:20

Necessity of court to warn witness about, § 36:16

Ruling upon existence of privilege, § 36:18

Testimony that tends to incriminate witness, § 36:15

Waiver of privilege, § 36:19

PRIVILEGED COMMUNICATIONS

Attorney-client privilege, § 28:5-28:9

Clergy privilege, § 28:15

Extended care facilities, utilization review committee privilege, § 28:12

Family therapist privilege, § 28:14

Hospitals, utilization review committee privilege, § 28:12

Husband and wife, communications between, § 28:2-28:4

Identity of informer privilege, § 28:20

Informer identity privilege, § 28:20, 35:7

Journalist privilege, § 28:13

Marital privilege, § 28:2-28:4, 35:11

Marriage and family therapist privilege, § 28:14

Medical privilege

Hospitals and extended care facilities, utilization review committee privilege, § 28:12

Physician-patient privilege, § 28:11, 28:12

Nature of privileged communications

Generally, § 28:1

Attorney-client privilege, § 28:7

PRIVILEGED COMMUNICATIONS—Cont'd

Official information privilege, § 28:19

Physician-patient privilege, § 28:11, 28:12

Political vote privilege, § 28:17

Psychologist-patient privilege, § 28:10

Religion

Beliefs, privilege as to religious, § 28:16

Clergy privilege, § 28:15

Requirements of marital privilege, § 28:4

Self-incrimination. Privilege Against Self-Incrimination, this index

Termination of attorney-client privilege, § 28:9

Therapist privilege

Marriage and family therapist privilege, § 28:14

Psychologist-patient privilege, § 28:10

Victim counselor's privilege, § 28:21

Trade secret privilege, § 28:18

Utilization review committee privilege, certified hospitals and extended care facilities, § 28:12

Victim counselor's privilege, § 28:21

Voting privilege, § 28:17

Waiver of privilege

General rules as to waiver, § 28:22

Attorney-client privilege, § 28:8

Marital privilege, § 28:4

PROBATE ACTIONS

Attorneys' fees, § 2:2

Dead Man's Act, representative disqualification under, § 27:5

PROSECUTING ATTORNEYS

Role of attorney, actions by prosecutors, § 1:3

PROTECTIVE ORDERS

Federal actions, § 16:5

Government records, § 16:3

Health Insurance Portability and Accountability Act (HIPPA), § 16:6, 16:7

Presumption of access to information, § 16:1

Seal proceedings, request to, § 16:4

State court actions, § 16:2

PSYCHIATRIC EXAMINATIONS

Self-incrimination, § 36:17

PSYCHOLOGICAL TESTS

Evidence, § 32:12

PSYCHOLOGIST-PATIENT PRIVILEGE

Generally, § 28:10

Marriage and family therapist privilege, § 28:14

Victim counselor's privilege, § 28:21

PUBLIC OFFICERS AND EMPLOYEES

Judicial notice about, § 54:10

Reports and records, hearsay exception, § 31:14

PUBLIC RECORDS AND REPORTS

Secondary evidence, § 34:14

PUBLIC TRIAL

Rights and limitations, generally, § 4:4

PUBLICITY AND MEDIA

Conduct of attorneys, § 11:4

Exclusion of public and press, § 11:1

Jurors reading newspaper accounts of trial, § 48:2

Newspapers, this index

Publicity before and during trial, § 11:3

Sketching parties and courtroom scenes, § 11:2

PUNISHMENT

Contempt, § 10:6

Jury, influencing, § 48:10

PUNITIVE DAMAGES

Generally, § 44:1 et seq.

Amount of damage award, § 44:4

Bifurcation and issues concerning multiple defendants, § 44:5

Common law standard and the punitive damages act, § 44:1

Determination of damages, § 44:3

Due process implications, § 44:6

Standard of proof, § 44:2

PUNITIVE SANCTIONS

Contempt, § 10:3

QUESTIONS OF LAW AND FACT

Directed verdict, § 45:5

RACE

Discrimination. Racial Discrimination, this index

Evidence, § 32:8

RACIAL DISCRIMINATION

Jury selection challenge, § 24:4

REAL ESTATE

Valuation, evidence of, § 32:15

REAL ESTATE CONTRACTS

Damages, § 43:7

REAL PROPERTY

Damages, § 43:7

REBUTTAL

Order and burden of proof, § 26:3

Presumptions

Evidence to rebut presumption, § 30:15

Order and burden of proof, § 26:3

Rebuttable presumption, § 30:3

Redirect examination, § 39:6

RECEIVERS AND RECEIVERSHIP

Interim relief, § 55:9

RECONSIDERATION

Verdict, court's power to have jury reconsider defective, § 49:4

RECORDINGS, SOUND

Admissibility of sound recordings, § 33:7

RECORDS AND RECORDING

Authentication of recorded instruments, generally, § 34:5

Bulky records, secondary evidence of, § 34:12

Business entries, records of regularly recorded activity, § 31:12

Business Records, this index

Church records, authentication of, § 34:17

Corporate records, authentication of, § 34:8

Court records, authentication, § 34:7

Government records, protective orders, § 16:3

Hospital records, utilization review committee privilege, § 28:12

Judicial notice, record of facts judicially noticed, § 54:7

Medical Records or Reports, this index

Official record, hearsay exception, § 31:14

Past recollection recorded, § 31:10

Public records as secondary evidence, § 34:14

Sound recordings, admissibility of, § 33:7

REDIRECT EXAMINATION

Examining and correcting testimony on redirect, § 39:3

Explaining impeaching answers, § 39:5

Form and content of questions, § 39:2

Rebuttal testimony, § 26:3, 30:3, 30:15, 39:6

Rehabilitating the witness, § 39:4

Scope of, § 39:1

REFRESHING RECOLLECTION

Generally, § 31:11

Direct examination, generally, § 36:10

Hypnosis or drugs, by, § 36:23

Past recollection recorded distinguished, § 31:10

REFUSAL OR DENIAL

Attorneys' fees, discipline for refusal to return unearned retainers, § 3:3

REHABILITATION

Redirect examination, rehabilitating the witness, § 39:4

RELEASE

Joint tortfeasors, release of one tortfeasor by claimant, § 23:21

RELEVANCY

Conduct of party shortly before accident, § 36:6 Questions asked on direct examination, § 36:4

RELIEF

Default judgment, relief from, generally, § 13:3 Federal Servicemembers Civil Relief Act, § 8:1-8:4 Interim. Ad Interim Relief, this index Soldiers' and Sailors' Civil Relief Act, § 8:2-8:4

RELIGION AND RELIGIOUS ORGANIZATIONS

Beliefs

Privilege as to, § 28:16
Witness's competency to testify, § 35:13
Privilege, § 28:15, 28:16

REMITTITUR

New trial motion, § 51:3

REMOVAL

Actions or proceedings. Transfer of Actions, this index

REPORTS AND REPORTING

Experts' reports. Witnesses, this index Hearsay exception
Market reports, § 31:15
Public officials' reports, § 31:14

REPRESENTATIVE ADMISSIONS

Generally, § 29:2

REPRESENTATIVES

Admissions by, § 29:2

Dead Man's Act, representative disqualification under, § 27:5

REPRIMAND

Attorneys' fees, public reprimand for failure to apportion, § 3:3

REPUTATION

Character and Reputation, this index

REQUESTS FOR ADMISSIONS

Use at trial, § 15:6

RES IPSA LOQUITUR

Generally, § 30:5

RESIDENCE

Military members, § 8:4

RESIDUUM RULE

Administrative law, § 56:6

ROUTINE PRACTICE

See Custom or Routine Practice, this index

SAFETY REGULATIONS

Admissions and admissibility, § 29:10

SANCTIONS

Contempt, coercive as compared to punitive sanctions, § 10:3 Interrogatories answers deficient, § 15:3 Spoliation of electronically stored information evidence, § 17:3

SCIENTIFIC TESTS

Blood tests in paternity cases, § 33:10 Experiments as evidence, generally, § 33:11 Lie detector test, use of, § 36:20 Opinion testimony, § 40:11

SEALED AND SEALED INSTRUMENTS

Protective orders, request to seal proceedings, § 16:4

SELF-INCRIMINATION

Privilege Against Self-Incrimination, this index

SELF-SERVING CONDUCT

Attorneys' ethics, § 3:3

SENSORY DEFICIENCIES

Impeachment, for, § 38:9

SEQUESTRATION

Trial witnesses, § 6:7, 35:4

SERVICES

Presumptions about, § 30:12

SETTLEMENT AND COMPROMISE

See Compromise and Settlement

SEX DISCRIMINATION

Jury selection challenge, § 24:4

SILENCE, ADMISSION BY

Generally, § 29:7

SIMILAR ACCIDENTS

Similar acts or occurrences, evidence of, § 32:4

SKETCHING PARTIES AND COURTROOM SCENES

Generally, § 11:2

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1979

Generally, § 8:2-8:4

SOUND RECORDINGS

Admissibility of, § 33:7

SPECIAL DAMAGES

Generally, § 42:9

SPECIAL VERDICTS

Generally, § 49:5

SPECTATORS

Exclusion of trial spectators, § 4:4

SPECULATIVE BUSINESS VENTURES

Attorney engaging in, § 3:3

SPEED AND SPEEDING

Motor vehicles speed, proof of, § 32:17

SPOLIATION OF EVIDENCE

Discovery of evidence, generally, § 15:5 Electronically stored information, § 17:3

SPONTANEOUS STATEMENTS

Hearsay, § 31:7

SPOUSES

Competency to testify for or against other spouse, § 35:11 Loss of consortium damages, § 43:6 Marital privilege, § 28:2-28:4

STANDARDS

Crowe standard, interim relief, § 55:4 Plain error rule for objections, § 41:3 Preliminary injunctions, § 55:2, 55:4 Punitive damages Common law standard, § 44:1 Standard of proof, § 44:2

STATISTICS

Mortality tables, § 33:12, 34:24

STATUS OF CASE

Attorney failing to inform client about, § 3:3, 4:3

STATUTES

Authentication of, § 34:6

Judicial notice of, § 54:8

Presumptions

Constitutionality, presumption of, § 30:14

Statute-created, § 30:13

STAYS

Judgments, staying entry of, § 55:7

STIPULATIONS

Judicial control of proceedings by stipulation, § 9:9

STRUCTURED SETTLEMENTS

Attorneys' fees, § 2:2

SUBPOENA DUCES TECUM

In anticipation of trial, § 6:4 Trial witnesses, § 35:2

SUBSTITUTION

Juror during deliberations, § 48:6

SUMMARY DISPOSITION OF ACTIONS OR PROCEEDINGS

Dismissals

Involuntary, § 18:4

Miscellaneous, § 18:5

Failure to comply with discovery order, § 18:2

Failure to make discovery, § 18:3

Failure to state cause of action/claim, § 18:1

Interim relief, § 55:8

Involuntary dismissals, § 18:4

Summary Judgment, this index

SUMMARY JUDGMENT

Generally, § 18:6, 50:9

SUMMATIONS

Videotapes, using, § 46:8

SUPREME COURT

Interlocutory appeals to, § 20:3

SWEARING

Jury, swearing the, § 24:10

Witness, swearing the, § 35:5

TABLES

Mortality Tables, this index

TAX RETURNS

Evidence, § 32:13

TAXATION

Attorneys' fees, tax actions, § 2:2

TELEPHONES

Direct examination testimony concerning telephone conversations, § 36:22

TERMINATION

Attorney-client privilege, § 28:9

TESTS AND TESTING

As evidence, § 33:10, 33:11

Blood tests in paternity cases, § 33:10

THERAPIST PRIVILEGE

Marriage and family therapist privilege, § 28:14 Psychologist-patient privilege, § 28:10 Victim counselor's privilege, § 28:21

TIME

Discovery deadlines, § 15:1
Interlocutory appeals, time for seeking, § 20:2
Motor vehicles, proof of time and speed, § 32:17
Objections, timeliness of, § 41:2
Offer of judgment, time and manner of making and accepting, § 21:2

TRADE SECRETS

Privilege, § 28:18

TRANSFER OF ACTIONS

Generally, § 12:2, 12:3

TREATING PHYSICIAN

Experts, this index

TRIER OF FACTS

Judge as, § 9:10

TRUSTS AND TRUSTEES

Burden of proof, claims against trusts, § 26:8

ULTIMATE ISSUE

Opinion on, § 40:5

UNSATISFIED CLAIM AND JUDGMENT FUND

Generally, § 43:11

UTILIZATION REVIEW COMMITTEE PRIVILEGE

Generally, § 28:12

VALIDITY AND VALIDATION

Marriage presumption, § 30:7

VALUATION

Personal property, § 32:16 Real estate, § 32:15

VENUE

Generally, § 12:4 Corporate parties, § 12:5 Multicounty vicinages, exceptions in, § 12:6

VERDICT

Generally, § 49:1

Apportionment of verdicts among codefendants, § 49:3 Communications with jury after verdict, § 48:9 Construction of general verdicts with special interrogatories, § 49:6 Defective verdict, power of court to have jury reconsider, § 49:4

VERDICT—Cont'd

Form of verdict, objections to, § 49:2

General verdicts with special interrogatories, construction of, § 49:6

Molding of verdicts, § 49:3

Objections to form of verdict, § 49:2

Polling jurors, § 49:7

Power of court to have jury reconsider defective verdict, § 49:4

Reconsider defective verdict, power of court to have jury, § 49:4

Rules governing arriving at verdict, § 48:7

Special interrogatories, construction of general verdicts with, § 49:6

Special verdict, § 49:5

VERIFICATION

Pleadings, § 5:2

VICINAGES

Venue, § 12:6

VICTIM-COUNSELOR PRIVILEGE

Generally, § 28:21

VIDEOTAPES

Admissibility of, § 33:5

Closing arguments using, § 46:8

VIEW BY JURY

Personal injuries, § 33:9

Premises, § 27:4

VITAL STATISTICS

Mortality tables, § 33:12, 34:24

VOICEPRINT IDENTIFICATION EVIDENCE

Self-incrimination, § 36:17

VOIR DIRE

Generally, § 24:5

Jury and Jury Trial, this index

VOTES AND VOTING

Privilege, political vote, § 28:17

VOUCHING IN

Hearsay, judgments against persons entitled to indemnity, § 31:19

WAIVER

Attorney-client privilege, § 28:8

Bench trial, waiver of right to jury trial, § 54:3

Marital privilege, § 28:4

Privileged communications, general rules as to waiver, § 28:22

Right to jury trial, § 54:3

Self-incrimination, privilege against, § 36:19

WANTON MISCONDUCT

Willful and Wanton Misconduct, this index

WARNINGS

Privilege against self-incrimination, necessity of court to warn witness about, § 36:16

WEALTH

Evidence, § 32:8

WILLFUL AND WANTON MISCONDUCT

Questions of law and fact, § 45:5

WITHDRAWAL OF COUNSEL

Attorneys, this index

WITNESSES

Adverse party or person as witness, calling, § 36:21

Answers to interrogatories, omitted from, § 27:2

At trial

Adverse party or person as witness, calling, § 36:21

Compelling attendance of witnesses, § 35:1

Compensation of witnesses, § 35:3

Competency of witness, below

Informer's privilege, § 35:7

Interpreter, use of, § 35:6

Sequestration or exclusion of, § 35:4

Subpoena duces tecum, § 35:2

Swearing the witnesses, § 35:5

Attendance. Compelling attendance of witnesses, below

Attorney as witness, § 3:1, 35:12

Attorney's interaction with witnesses

Communications with witnesses or former employees represented by attorney, § 6:2

Contacting party's treating physician, § 6:10

Right to interview witnesses, § 6:5

Role of attorney, § 1:3

Children

Competency to testify, § 35:10

Statements as evidence, § 31:20

Compelling attendance of witnesses

Generally, § 6:1, 35:1

Out of state witnesses, § 6:3

Subpoena duces tecum, § 6:4, 35:2

Compelling production of evidence by subpoena duces tecum, § 6:4

Compensation of witnesses, § 6:6, 7:8, 35:3

Competency of Witnesses, this index

Cross-Examination, this index

Direct Examination, this index

WITNESSES-Cont'd

Examination of Witnesses, this index

Exclusion of testimony, in limine motions, § 22:2

Exclusion or sequestration of, § 6:7, 35:4

Experts, this index

Former employees represented by attorney, attorney's communications with, § 6:2

Impeachment, this index

In anticipation of trial

Communications with, § 6:2

Compelling attendance, § 6:1

Compensation of, § 6:6

Exclusion or sequestration of, § 6:7

Experts consulted. Experts, this index

Informer's privilege, § 6:9

Interpreters, use of, § 6:8

Out of state witnesses, § 6:3

Right to interview, § 6:5

Subpoena duces tecum, § 6:4

Treating physician, contacting, § 6:10

In limine motions, exclusion of testimony, § 22:2

Informer's privilege

Generally, § 28:20

At trial, § 35:7

In anticipation of trial, § 6:9

Interpreter, use of, § 6:8, 35:6

Judge's competency to testify, § 35:12

Juror's competency to testify, § 35:12

Objecting to competency, § 35:9

Omitted from answers to interrogatories, § 27:2

Out of state witnesses, compelling attendance of, § 6:3

Rebuttal testimony, § 26:3, 30:3, 30:15, 39:6

Recall witness for further cross-examination, right to, § 37:9

Redirect Examination, this index

Religious beliefs, § 35:13

Right to interview witnesses, § 6:5

Sequestration or exclusion of, § 6:7, 35:4

Spouse's competency to testify for or against other spouse, § 35:11

Subpoena duces tecum, § 6:4, 35:2

Swearing the witnesses, § 35:5

Testimony. Examination of Witnesses, this index

Treating physician, contacting party's, § 6:10

WRONGFUL DEATH

Burden of proof, § 26:7

X-RAYS
Admissibility of, § 33:6, 34:22
ZEALOUS ADVOCATE
Attorney as, § 4:2