

Index

ABSENCE OF PERSONS

Presumption of death after five years' absence, **21:7**

ACCIDENTS

Examination of witnesses, relevance of conduct of party shortly before accident, **16:5**

Prior accidents

proof of facts, **11:4**

real and demonstrative evidence, **22:21**

Proof of facts, prior accidents, **11:4**

Real and demonstrative evidence. See index heading REAL AND DEMONSTRATIVE EVIDENCE

ACCOMPLICE

Competency of witness to testify, **14:8**

ACCOUNTANTS

Public accountant-client privilege, **19:13**

ACCURACY OF WITNESS

Testing on cross-examination, **17:6**

ACCUSED

Examination of witnesses, inspection of accused and privilege against self-incrimination, **16:18**

Real and demonstrative evidence, connecting tangible articles to accused, **22:4**

ADDITIONAL OR FURTHER MATTERS

Cross-examination of witnesses, **17:4, 17:15**

ADEQUACY

See index heading SUFFICIENCY OR INSUFFICIENCY

ADMISSION OR ADMISSIBILITY OF EVIDENCE

Conduct of trial, **2:14, 2:15**

Documentary evidence, procedure in admitting documents, **24:2**

Examination of witnesses, negative evidence, **16:4**

Expert testimony, **25:20**

Hearsay evidence, **26:1-26:33**

Mistrial, effect of disappearance of admitted exhibits during trial, **28:4**

Opinion evidence

generally, **25:3**

for detailed treatment see index heading OPINION EVIDENCE

Real and demonstrative evidence, **22:5-22:11**

ADMITTED TO PRACTICE LAW

Need for counsel to be, **1:4**

ADVERSE PARTY AS WITNESS

Examination of witnesses, **16:23, 16:24**

AGAINST INTEREST DECLARATIONS

Hearsay evidence, **26:32**

AIDING WITNESS BY REFRESHING HIS MEMORY

Examination of witnesses, **16:10**

ALCOHOLIC CONTENT OF BLOOD

Presumption of intoxication from, **21:15**

ALIBI

Burden of proof, **10:12**

ALLOWANCE OF COURT COSTS

Judgment, **34:6**

ALTERNATE JURORS

Selection, **7:13**

AMENDMENT OR MODIFICATION

Jury instruction requests, **31:7**

Verdict, **33:3**

AMOUNT OR NUMBER

Class actions, numerosity, **5:6**

Conduct of trial, limiting number of witnesses, **2:13**

Examination of witnesses, extent of privilege against self-incrimination, **16:16**

Instructions to jury, **31:9**

Judgment, **34:4**

Selection of jury. See index heading SELECTION OF JURY

ANCIENT DOCUMENTS

Authentication of documentary evidence, **24:28**

Hearsay evidence, **26:26**

ANNUITY TABLES

Documentary evidence, authentication, **24:27**

Hearsay evidence, **26:24**

ANSWERS

See index heading WITNESSES

APPLICABILITY OR INAPPLICABILITY

Class actions, **5:7**

Conduct of trial, applicable law to cases arising outside Louisiana, **2:23**

Dead Man's Act, inapplicable to tort claims, **15:6**

Hearsay rule, **26:3**

Instructions to jury, rules, **31:14**

APPOINTMENT OF EXPERTS BY COURT

Generally, **2:20, 25:41**

INDEX

ARGUMENTATIVE JURY INSTRUCTIONS

Generally, **31:13**

ARGUMENTS OF COUNSEL

Closing arguments

generally, **30:1-30:14**

for detailed treatment see index heading CLOSING ARGUMENTS

Opening statements

generally, **8:1-8:4**

for detailed treatment see index heading OPENING STATEMENTS

ARRAY

Selection of jury, grounds for challenging, **7:7**

ARREST

Judgment, arrest of, **34:7**

Witnesses, **12:13**

ATHEIST

Competency of witness to testify, **14:7**

ATTENDANCE OF WITNESS

Compelling, **12:1**

ATTESTED DOCUMENTS

Documentary evidence, authentication, **24:5**

ATTORNEY-CLIENT PRIVILEGE

Generally, **19:6-19:8, 19:10, 19:11**

ATTORNEYS

Action against attorneys, **1:11**

Admitted to practice law, need for counsel to be, **1:4**

Arguments of counsel

closing arguments

generally, **30:1-30:14**

for detailed treatment see index heading CLOSING ARGUMENTS

opening statements

generally, **8:1-8:4**

for detailed treatment see index heading OPENING STATEMENTS

Closing arguments

generally, **30:1-30:14**

for detailed treatment see index heading CLOSING ARGUMENTS

Competent counsel, right to, **1:3**

Conduct of attorney

generally, **1:7-1:9**

closing arguments. See index heading CLOSING ARGUMENTS

improper conduct. See “Improper conduct” in this heading

Conduct of trial, presence of counsel, **2:2**

Consult with attorney and others, right to, **1:6**

Contempt by attorney, **1:8**

Discipline of attorney for improper conduct, **1:9**

ATTORNEYS—Cont'd

Fees, **1:12**

General conduct of attorney, **1:7**

Improper conduct

closing arguments, correcting improper conduct of counsel, **30:13**

criminal trials, improper conduct of prosecution, **4:9**

discipline of attorney for, **1:9**

examination of witnesses, **16:8**

Need for counsel to be admitted to practice law, **1:4**

Opening statements

generally, **8:1-8:4**

for detailed treatment see index heading OPENING STATEMENTS

Practice law, need for counsel to be admitted to, **1:4**

Privileges. See index heading PRIVILEGES

Right to

closing arguments. See index heading CLOSING ARGUMENTS

competent counsel, **1:3**

consult with attorney and others, **1:6**

counsel, **1:2, 1:5**

make opening statement and closing argument, **8:1, 30:1**

Role, **1:1-1:12**

Waiver of right to counsel, **1:5**

Withdrawal of counsel, **1:10**

Witnesses. See index heading WITNESSES

AUTHENTICATION

Documentary evidence, **24:3-24:12, 24:24-24:28**

AUTOMATIC STAY FOLLOWING ORDER OF MISTRIAL

Generally, **28:10**

AVERMENT

Burden of proving negative averment, **10:18**

BAILMENT CASES

Burden of proof, **10:8**

BALLISTICS

Expert testimony on, **25:29**

BAR OR PROHIBITION

See index heading PROHIBITION OR BAR

BASES OF OPINION TESTIMONY BY EXPERTS

Generally, **25:38**

BEFORE TRIAL

See index heading PRETRIAL MATTERS

BENEFITS

Proof of facts, workers' compensation benefits, **11:7**

INDEX

BEST EVIDENCE

Documentary evidence, **24:13-24:15**

BIBLES

See index heading FAMILY BIBLES

BILLS

Hearsay evidence, medical bills, **26:19**

BIRTH CERTIFICATES

Hearsay evidence, **26:21**

BLACKBOARDS

Closing arguments, use, **30:12**

BLOOD AND BLOOD TESTS

Presumption of intoxication from alcoholic content of blood, **21:15**

Proof of facts, blood test results, **11:12**

Real and demonstrative evidence, blood tests in paternity cases, **22:14**

BULKY RECORDS

Documentary evidence, secondary evidence, **24:18**

BURDEN OF GOING FORWARD

Burden of proof, **10:1**

BURDEN OF PROOF

Generally, **10:1-10:19**

Alibi, **10:12**

Bailment cases, **10:8**

Burden of going forward, **10:1**

Civil cases, generally, **10:3, 10:15, 10:16**

Claims against estates, **10:4**

Competency of accused, **10:11**

Constructive trusts cases, **10:6**

Corpus delicti, **10:10**

Criminal cases, generally, **10:9-10:14**

Estates, claims against, **10:4**

Fraud, **10:7**

Identity of accused, **10:13**

Negative averment, **10:18**

Parties, **10:14-10:16**

Prima facie case, **10:2**

Products liability cases, **10:17**

Resulting trusts cases, **10:6**

Shifting of burden of proof, **10:5**

Workers' compensation cases, **10:19**

BUSINESS MATTERS

Expert testimony on, **25:22**

Hearsay evidence, business records, **26:13, 26:14**

CALLING WITNESSES

See index heading WITNESSES

CASES

Selection of jury, grounds for challenge for cause, **7:18**

CASTS

Real and demonstrative evidence, admissibility, **22:11**

CAUSE CHALLENGES

Selection of jury, **7:17, 7:18, 7:21**

CAUTIONARY JURY INSTRUCTIONS

Generally, **31:10**

CERTIFICATES OF BIRTH AND DEATH

Hearsay evidence, **26:21**

CERTIFICATION OF CLASS ACTIONS

Generally, **5:2**

For detailed treatment see index heading CLASS ACTIONS

CHALLENGES

See index heading SELECTION OF JURY

CHANGE

See index heading AMENDMENT OR MODIFICATION

CHARTS

Closing arguments, use, **30:12**

CHILDREN

Competency of child-witness to testify, **14:4**

Paternity cases, real and demonstrative evidence, **22:14, 22:15**

CHURCH RECORDS

Documentary evidence, authentication, **24:26**

Hearsay evidence, **26:25**

CIRCUMSTANTIAL EVIDENCE

Proof of facts, **11:10**

CIVIL CONTEMPT OF COURT

Generally, **6:2**

CLAIMING PRIVILEGES

Generally, **19:5, 19:10**

CLAIMS

Burden of proof, claims against estates, **10:4**

Dead Man's Act, inapplicable to tort claims, **15:6**

CLASS ACTIONS

Generally, **5:1-5:12**

Adequacy of representation, **5:9**

Application, **5:7**

INDEX

CLASS ACTIONS—Cont'd

Certification

generally, **5:2**

decertification, **5:10**

preclusion of certification, **5:11**

Commonality, **5:8**

Decertification, **5:10**

Definability, **5:4**

Numerosity, **5:6**

Preclusion of certification, **5:11**

Procedure, **5:12**

Representation, adequacy of, **5:9**

Representative of class, **5:3**

Typicality, **5:5**

CLERGYMEN

Privileged communications to, **19:14**

CLERICAL ERROR

Verdict, **33:9**

CLERK

Judgment, duty to enter, **34:2**

CLIENTS

See index heading PRIVILEGES

CLOSE RIGHT

Closing arguments, **30:3**

Order of proof, **9:1**

CLOSING ARGUMENTS

Generally, **30:1-30:14**

Blackboards, use in argument, **30:12**

Charts, use in argument, **30:12**

Civil cases, improper remarks, **30:10**

Close right, **30:3**

Comments or remarks

conduct of opposition, **30:7**

court's instructions, **30:5**

improper remarks, **30:8-30:10**

liability insurance, **30:11**

Conduct of counsel

comments on conduct of opposition, **30:7**

correcting improper conduct of counsel, **30:13**

Control of closing arguments by court, **30:2**

Correcting improper conduct of counsel, **30:13**

Court

comments on court's instructions, **30:5**

control of closing arguments, **30:2**

Damages, **30:6**

CLOSING ARGUMENTS—Cont'd

- General rules governing closing arguments, **30:4**
- Improper matters
 - correcting improper conduct of counsel, **30:13**
 - remarks, **30:8-30:10**
- Instructions of court, comments on, **30:5**
- Liability insurance, remarks about, **30:11**
- Objections to statements made in closing arguments, **30:14**
- Open right, **30:3**
- Remarks. See “Comments or remarks” in this heading
- Right to
 - make closing argument, **30:1**
 - open and close argument, **30:3**
- Statements made in closing arguments, objections to, **30:14**
- Use of blackboards and charts in argument, **30:12**

CO-CONSPIRATOR STATEMENTS

- Hearsay evidence, **26:11**

COLLATERAL ISSUES

- Impeachment of witnesses, **13:2**

COMMENTS OR REMARKS

- Closing arguments. See index heading CLOSING ARGUMENTS
- Judge’s comment on facts, **2:28, 28:8**
- Opening statements, objections, **8:4**

COMMONALITY

- Class actions, **5:8**

COMMUNICATIONS

- Conduct of jury, communications with jurors, **32:3, 32:10**
- Privileged communications, **19:1-19:15**

COMPELLING ATTENDANCE OF WITNESS

- Generally, **12:1**

COMPENSATION

- Witnesses, **12:8**
- Workers’ compensation. See index heading WORKERS’ COMPENSATION

COMPETENCY OF PERSONS

- Accused, burden of proof, **10:11**
- Witnesses, **14:1-14:11**

COMPETENCY OF QUESTIONS

- Direct examination of witnesses, **16:6**

COMPETENT COUNSEL

- Right to, **1:3**

COMPROMISE OR SETTLEMENT

- Proof of facts, **11:6**

INDEX

COMPROMISE OR SETTLEMENT—Cont'd

Real and demonstrative evidence, **22:17**

CONDITION

Presumption of continuance of condition, **21:16**

Real and demonstrative evidence, tangible articles in same condition, **22:3**

CONDITIONAL GROUNDS FOR CHALLENGE

Selection of jury, **7:19**

CONDUCT AND CONDUCTING

Cross-examination of witnesses, **17:5**

Deliberations, manner of conducting, **32:8**

Trial. See index heading CONDUCT OF TRIAL

View, **23:3**

Voir dire examination, selection of jury, **7:9**

CONDUCT OF JURY

Generally, **32:1-32:13**

Arrival at verdict, rules governing, **32:9**

Before trial communications with jurors, **32:3**

Communications with jurors, **32:3, 32:10**

Control of jury during deliberations, **32:7**

Deliberations

communications with jury during deliberations, **32:10**

control of jury during deliberations, **32:7**

eavesdropping on deliberations, **32:11**

manner of conducting deliberations, **32:8**

During trial

generally, **32:2**

communications with jurors, **32:3**

separation of jury, **32:5**

Eavesdropping on deliberations, **32:11**

General conduct of jury and those dealing with it, **32:1**

Improper conduct of jurors, **32:12, 32:13**

Items taken by jury to jury room, **32:6**

Manner of conducting deliberations, **32:8**

Reading of newspaper accounts of trial by jurors, **32:4**

Rules governing arrival at verdict, **32:9**

Separation of jury during trial, **32:5**

Treatment of improper conduct of jurors, **32:13**

Verdict, rules governing arrival at, **32:9**

CONDUCT OF PERSONS

Attorneys

generally, **1:7-1:9**

for detailed treatment see index heading ATTORNEYS

Conduct of trial. See index heading CONDUCT OF TRIAL

Criminal trials, improper conduct of prosecution, **4:9**

CONDUCT OF PERSONS—Cont'd

General conduct

attorney, **1:7**

judge, **2:7**

jury and those dealing with it, **32:1**

Improper conduct

attorneys. See index heading ATTORNEYS

criminal trials, prosecution, **4:9**

jurors, **32:12, 32:13**

Jury

generally, **32:1-32:13**

for detailed treatment see index heading CONDUCT OF JURY

Parties. See index heading PARTIES

Witnesses. See index heading WITNESSES

CONDUCT OF TRIAL

Generally, **2:1-2:28**

Admission or admissibility of evidence, **2:14, 2:15**

Applicable law to cases arising outside Louisiana, **2:23**

Appointment of experts by court, **2:20**

Before trial. See “Pretrial” in this heading

Comment on facts by jury judge prohibited, **2:28**

Conduct of persons

judge, **2:7**

parties, **2:3**

Control

examination of witness, judge, **2:12**

proceedings, **2:21, 2:22**

Counsel, presence of, **2:2**

Demeanor of judge, **2:8**

During trial publicity, **2:11**

Duty to preserve order, **2:9**

Evidence

admission or admissibility of evidence, **2:14, 2:15**

exclusion of evidence, **2:16, 2:17**

limiting use of admitted evidence, **2:15**

ruling on admissibility of evidence, **2:14**

witnesses. See “Witnesses” in this heading

Examination of witness, control by judge, **2:12**

Exclusion

evidence, **2:16, 2:17**

public, **2:10**

Experts, court appointed, **2:20**

Facts

comment on facts by jury judge prohibited, **2:28**

judge as trier of facts, **2:25**

General conduct of judge, **2:7**

Improper evidence, exclusion on court’s own motion, **2:16**

INDEX

CONDUCT OF TRIAL—Cont'd

Judges

- generally, **2:4-2:20**
- appointment of experts, **2:20**
- comment on facts by jury judge prohibited, **2:28**
- control of examination of witness by judge, **2:12**
- demeanor of judge, **2:8**
- duty to preserve order, **2:9**
- exclusion of improper evidence on court's own motion, **2:16**
- general conduct of judge, **2:7**
- presence of judge, **2:4**
- questioning of witnesses by judge, **2:18**
- recusation of judge, **2:6**
- substitution of judges, **2:5**
- trier of facts, **2:25**

Jury

- comment on facts by jury judge prohibited, **2:28**
- material allowed into jury room, **2:27**
- note taking, **2:26**

Limitations

- number of witnesses, **2:13**
- use of admitted evidence, **2:15**

Material allowed into jury room, **2:27**

Note taking, **2:26**

Number of witnesses, limiting, **2:13**

Order preservation, duty, **2:9**

Own motion of court, exclusion of improper evidence, **2:16**

Parties

- conduct of parties, **2:3**
- presence of parties, **2:2**

Presence

- judge, **2:4**
- parties and counsel, **2:2**

Preserve order, duty to, **2:9**

Pretrial

- order, control of proceedings, **2:21**
- publicity, **2:11**

Prohibition, comment on facts by jury judge, **2:28**

Proof. See "Evidence" in this heading

Public, exclusion of, **2:10**

Publicity before and during trial, **2:11**

Questioning of witnesses by judge, **2:18**

Recusation of judge, **2:6**

Restrictions. See "Limitations" in this heading

Ruling on admissibility of evidence, **2:14**

Statute, exclusion of evidence pursuant to, **2:17**

Stipulation, control of proceedings, **2:22**

Substitution of judges, **2:5**

CONDUCT OF TRIAL—Cont’d

Testimony. See “Witnesses” in this heading

Transcribing testimony, **2:24**

Trier of facts, judge as, **2:25**

Use of admitted evidence, limiting, **2:15**

Witnesses

appointment of experts by court, **2:20**

control of examination of witness by judge, **2:12**

court’s witnesses, **2:19**

limiting number of witnesses, **2:13**

questioning of witnesses by judge, **2:18**

transcribing testimony, **2:24**

CONFER WITH WITNESSES ON STAND

Right to, **12:7**

CONFESSION

Judicial notice, judicial confession, **20:8**

CONFIDENTIAL COMMUNICATIONS PRIVILEGED

Generally, **19:1-19:15**

CONFRONT WITNESSES RIGHT

Examination of witnesses, **16:28**

CONNECTING TANGIBLE ARTICLES TO ACCUSED

Real and demonstrative evidence, **22:4**

CONSIDERATION FOR NEW PROMISE TO PAY

Dead Man’s Act, **15:5**

CONSPIRACY

Hearsay evidence, co-conspirator statements, **26:11**

CONSTRUCTION AND INTERPRETATION

General verdicts, **33:5**

Stipulations used to excuse proof of facts, **11:9**

CONSTRUCTIVE CONTEMPT OF COURT

Generally, **6:9**

CONSTRUCTIVE TRUSTS

Burden of proof, **10:6**

CONSULT WITH ATTORNEY AND OTHERS

Right to, **1:6**

CONTEMPT OF COURT

Generally, **6:1-6:9**

Acts constituting direct criminal contempt, **6:4**

Attorneys, **1:8**

Civil contempt, generally, **6:2**

Constructive contempt, **6:9**

Criminal contempt, generally, **6:2, 6:4, 6:5**

INDEX

CONTEMPT OF COURT—Cont'd

- Direct contempt, **6:3-6:5**
- Imposition of sanctions, **6:7**
- Indirect contempt, **6:3**
- Power of court to punish for contempt, **6:1**
- Procedure in direct criminal contempt, **6:5**
- Punishment for contempt, **6:1, 6:6, 6:7**
- Review of contempt judgment, **6:8**
- Sanctions, imposition of, **6:7**

CONTINUANCE OF CONDITION

- Presumption, **21:16**

CONTINUANCES

- Motions during trial, **3:2**

CONTROL

- Closing arguments, court's control, **30:2**
- Conduct of jury, control of jury during deliberations, **32:7**
- Conduct of trial. See index heading CONDUCT OF TRIAL
- Criminal trials, physical control of defendant during trial, **4:2**
- Dead Man's Act, controlling law of forum state, **15:7**
- Documentary evidence, primary evidence in control of opponent, **24:17**

CONVERSATIONS

- Examination of witnesses, testimony concerning telephone conversations, **16:27**

CONVICTION OF CRIME

- Criminal trials, sufficiency of evidence to support conviction, **4:10**
- Cross-examination of witnesses, impeachment by proof of prior conviction, **17:12, 17:13**

COPIES

- Documentary evidence, **24:21**

CORPORATIONS' RECORDS

- Documentary evidence authentication, **24:12**

CORPUS DELICTI

- Burden of proof, **10:10**

CORRECTING

- Erroneous jury instructions, **31:16**
- Improper conduct of counsel, closing arguments, **30:13**
- Testimony, redirect examination of witnesses, **18:4**

COSTS AND EXPENSES

- Judgment, allowance of court costs, **34:6**
- Payment of medical and similar expenses, evidence, **11:5, 22:18**

COUNSEL

- See index heading ATTORNEYS

COURTS

- Appointment of experts, **2:20, 25:41**
- Closing arguments. See index heading CLOSING ARGUMENTS
- Contempt of court
 - generally, **6:1-6:9**
 - for detailed treatment see index heading CONTEMPT OF COURT
- Directed verdict, court's right, **29:1**
- Documentary evidence, authentication of court decisions, papers and records, **24:9, 24:10**
- Examination of witnesses, court to warn witness of privilege against self-incrimination, **16:14, 16:15**
- Instructions to jury
 - generally, **31:1-31:17**
 - for detailed treatment see index heading INSTRUCTIONS TO JURY
- Judicial notice
 - generally, **20:1-20:8**
 - for detailed treatment see index heading JUDICIAL NOTICE
- Power of court
 - instructions to jury, **31:3**
 - punish contempt of court, **6:1**
 - reconsideration of defective verdict by jury, **33:4**

CREDIBILITY OF WITNESSES

- Impeachment of witnesses, **13:4-13:6**

CRIMINAL TRIALS

- Generally, **4:1-4:11**

CROSS-EXAMINATION OF WITNESSES

- Generally, **17:1-17:16**
- For detailed treatment see index heading WITNESSES

DAMAGES

- Closing arguments, **30:6**

DATE

- See index heading TIME

DEAD MAN'S ACT

- Generally, **15:1-15:9**

DEAF MUTE

- Competency of witness to testify, **14:7**

DEATH

- Hearsay evidence, death certificates, **26:21**
- Mortality tables. See index heading MORTALITY TABLES
- Presumption of death after five years' absence, **21:7**

DECERTIFICATION

- Class actions, **5:10**

INDEX

DECISIONS OF COURTS

Documentary evidence, authentication, **24:9**

DECLARATION OF MISTRIAL

Generally, **28:2, 28:3, 28:7**

DEFAULT JUDGMENT

Motions during trial, **3:6**

DEFECTIVE VERDICT

Power of court to have jury reconsider, **33:4**

DEFENSES

Criminal trials, **4:3-4:8**

DEFINABILITY

Class actions, **5:4**

DEFINITIONS

Hearsay evidence, **26:2**

DELIBERATIONS

See index heading CONDUCT OF JURY

DELIVERY OF LETTER OR TELEGRAM

Presumptions, **21:12, 21:13**

DEMEANOR OF JUDGE

Conduct of trial, **2:8**

DEMONSTRATIONS

Expert witnesses, **25:31**

DEMONSTRATIVE EVIDENCE

Generally, **22:1-22:21**

For detailed treatment see index heading REAL AND DEMONSTRATIVE EVIDENCE

DENIAL OF RIGHT TO CROSS-EXAMINE WITNESSES

Generally, **17:16**

DESTRUCTION OF EVIDENCE

Presumptions, **21:11**

DETECTION

Experts and expert witnesses, electronic speed detection devices, **25:33**

DETECTIVE

Competency of private detective to testify in criminal action, **14:11**

DEVICES

Experts and expert witnesses, electronic speed detection devices, **25:33**

DIAGRAMS

Real and demonstrative evidence, admissibility, **22:10**

DIRECT CONTEMPT OF COURT

Generally, **6:3-6:5**

DIRECTED VERDICT

Generally, **29:1-29:4**
Court's right to direct verdict, **29:1**
Grounds, **29:4**
Motion, **29:2, 29:3**
Procedure for moving for directed verdict, **29:2**
Right of court to direct verdict, **29:1**
Time for requesting motion for directed verdict, **29:3**

DIRECT EXAMINATION OF WITNESSES

Generally, **16:1-16:28**
For detailed treatment see index heading WITNESSES

DISAPPEARANCE OF ADMITTED EXHIBITS DURING TRIAL

Mistrial, **28:4**

DISCHARGE OF JURY

Mistrial, **28:6**

DISCIPLINE OF ATTORNEY

Improper conduct, **1:9**

DISCLOSURE OF LIABILITY INSURANCE

Mistrial, **28:5**

DISCRIMINATION

Selection of jury, **7:8**

DISMISSAL

Motions during trial, **3:3, 3:5**

DISPLAYING PERSONAL INJURIES TO JURY

Real and demonstrative evidence, **22:13**

DISPLAYS

Real and demonstrative evidence, admissibility, **22:10**

DISPOSITION OF JURY INSTRUCTIONS

Generally, **31:17**

DISQUALIFICATIONS

Dead Man's Act, **15:1**

DOCTORS

See index heading PHYSICIANS OR SURGEONS

DOCUMENTARY EVIDENCE

Generally, **24:1-24:28**
Admitting documents, procedure in, **24:2**
Ancient documents, authentication, **24:28**
Annuity tables, authentication, **24:27**
Attested documents, authentication, **24:5**
Authentication, **24:3-24:12, 24:24-24:28**
Best evidence, **24:13-24:15**

INDEX

DOCUMENTARY EVIDENCE—Cont'd

- Bulky records, secondary evidence of, **24:18**
- Church records, authentication, **24:26**
- Contents of document, establishing by oral evidence, **24:23**
- Control of opponent, primary evidence in, **24:17**
- Copies as primary or secondary evidence, **24:21**
- Corporations' records, authentication, **24:12**
- Court decisions, papers and records, authentication, **24:9, 24:10**
- Decisions of courts, authentication, **24:9**
- Establishing contents of document by oral evidence, **24:23**
- Excusal of authentication of documentary evidence, **24:3**
- Family bibles, authentication, **24:26**
- General requirement relating to documentary evidence, **24:1**
- Letter, authentication, **24:24**
- Loss of primary evidence, proof of, **24:19**
- Mortality tables, authentication, **24:27**
- Municipalities' records, authentication, **24:11**
- Nature of secondary evidence to be used, **24:22**
- Offering documents, procedure in, **24:2**
- Oral evidence, establishing contents of document by, **24:23**
- Other rules relating to use of private writings, **24:7**
- Papers of court, authentication, **24:10**
- Parishes' records, authentication, **24:11**
- Primary evidence, **24:16-24:22**
- Private writings, **24:4, 24:7**
- Procedure in offering and admitting documents, **24:2**
- Public records, secondary evidence of, **24:20**
- Recorded documents, authentication, **24:6**
- Records
 - bulky records, secondary evidence of, **24:18**
 - church records, authentication, **24:26**
 - corporations, authentication, **24:12**
 - court records, authentication, **24:10**
 - parishes and municipalities, authentication, **24:11**
 - public records, secondary evidence of, **24:20**
- Secondary evidence, **24:16-24:22**
- Statutes, authentication, **24:8**
- Telegram, authentication, **24:25**
- Use
 - private writings, **24:7**
 - secondary evidence, **24:16, 24:22**
- When authentication of documentary evidence excused, **24:3**

DOCUMENTS

- Ancient documents. See index heading ANCIENT DOCUMENTS
- Evidence
 - generally, **24:1-24:28**
 - for detailed treatment see index heading DOCUMENTARY EVIDENCE

DOCUMENTS—Cont'd

Expert testimony on questioned documents, **25:27**

DOUBLE JEOPARDY

Criminal trials, **4:11**

DRAWINGS

Real and demonstrative evidence, admissibility, **22:10**

DRUGGED CONDITIONS AS DEFENSE

Criminal trials, **4:7**

DRUNKENNESS

See index heading INTOXICATION

DUCES TECUM SUBPOENA

Witnesses, **12:4**

DUTY

Clerk, entry of judgment, **34:2**

Court, instructions to jury, **31:3**

Preserve order, conduct of trial, **2:9**

DYING DECLARATIONS

Hearsay evidence, **26:6**

EAVESDROPPING ON DELIBERATIONS

Conduct of jury, **32:11**

ELECTRONIC SPEED DETECTION DEVICES

Expert witnesses, **25:33**

ENFORCEMENT

Stipulations used to excuse proof of facts, **11:9**

ENTRAPMENT

Defense, **4:4**

ENTRY OF JUDGMENT

Generally, **34:1-34:3**

ERROR OR MISTAKE

Criminal trials, mistake as defense, **4:6**

Instructions to jury, correcting erroneous instructions, **31:16**

Verdict, **33:9**

ESTATES

Burden of proof, claims against estates, **10:4**

EVIDENCE

Admission or admissibility of evidence. See index heading ADMISSION OR ADMISSIBILITY OF EVIDENCE

Ancient documents. See index heading ANCIENT DOCUMENTS

Annuity tables. See index heading ANNUITY TABLES

Burden of proof

generally, **10:1-10:19**

INDEX

EVIDENCE—Cont'd

Burden of proof—Cont'd

for detailed treatment see index heading BURDEN OF PROOF

Church records. See index heading CHURCH RECORDS

Conduct of trial. See index heading CONDUCT OF TRIAL

Demonstrative evidence

generally, **22:1-22:21**

for detailed treatment see index heading REAL AND DEMONSTRATIVE EVIDENCE

Documentary evidence

generally, **24:1-24:28**

for detailed treatment see index heading DOCUMENTARY EVIDENCE

Exclusion of evidence

conduct of trial, **2:16, 2:17**

objections to evidence, motion to exclude inadmissible evidence, **27:6**

Excusal of proof, **11:1, 11:2, 11:8, 11:9, 20:1**

Facts, proof of, **11:1-11:12**

Family bibles. See index heading FAMILY BIBLES

Hearsay evidence

generally, **26:1-26:33**

for detailed treatment see index heading HEARSAY EVIDENCE

Improper evidence

conduct of trial, exclusion on court's own motion, **2:16**

objections to evidence, **27:1, 27:2**

Judicial notice

generally, **20:1-20:8**

for detailed treatment see index heading JUDICIAL NOTICE

Models. See index heading MODELS

Mortality tables. See index heading MORTALITY TABLES

Objections to evidence

generally, **27:1-27:8**

for detailed treatment see index heading OBJECTIONS TO EVIDENCE

Order of proof

generally, **9:1-9:5**

for detailed treatment see index heading ORDER OF PROOF

Presumptions

generally, **21:1-21:19**

for detailed treatment see index heading PRESUMPTIONS

Real evidence

generally, **22:1-22:21**

for detailed treatment see index heading REAL AND DEMONSTRATIVE EVIDENCE

Sufficiency of evidence

Dead Man's Act, **15:8**

support conviction, criminal trials, **4:10**

Weight of evidence. See index heading WEIGHT OF EVIDENCE

Witnesses

generally, **12:1-12:13**

for detailed treatment see index heading WITNESSES

EXAMINATION

Selection of jury, conduct of voir dire examination, **7:9**
Witnesses. See index heading WITNESSES

EXCEPTIONS

Exclusions or exemptions. See index heading EXCLUSIONS OR EXEMPTIONS
Objections to evidence, need for formal exception, **27:7**

EXCITED UTTERANCES

Hearsay evidence, **26:28**

EXCLUSIONS OR EXEMPTIONS

Conduct of trial. See index heading CONDUCT OF TRIAL
Documentary evidence, situations in which “best evidence” not required, **24:15**
Evidence. See index heading EVIDENCE
Hearsay rule, **26:4-26:33**
Judicial notice, facts not judicially noticed, **20:7**
Selection of jury, exemptions from jury service, **7:16**
Witnesses, **12:9**

EXCUSAL

Authentication of documentary evidence, **24:3**
Proof, **11:1, 11:2, 11:8, 11:9, 20:1**

EXEMPTIONS

See index heading EXCLUSIONS OR EXEMPTIONS

EXHIBITING CHILD IN PATERNITY CASES

Real and demonstrative evidence, **22:15**

EXHIBITS

Mistrial, effect of disappearance of admitted exhibits during trial, **28:4**

EXISTENCE

See index heading PRIVILEGES

EXPENSES

See index heading COSTS AND EXPENSES

EXPERIMENTS

Expert witnesses, **25:31**

EXPERTS AND EXPERT WITNESSES

Admissibility of expert testimony, **25:20**
Answers to hypothetical questions, **25:37**
Appointment of experts by court, **2:20, 25:41**
Ballistics, expert testimony on, **25:29**
Bases of opinion testimony by experts, **25:38**
Business matters, expert testimony on, **25:22**
Calling opponent’s expert as your witness, **25:4**
Conduct of trial, court appointed experts, **2:20**
Contents of hypothetical question, **25:35**
Court-appointed experts, **2:20, 25:41**

INDEX

EXPERTS AND EXPERT WITNESSES—Cont'd

- Cross-examination of expert witness, **25:39**
- Demonstrations, **25:31**
- Distinction between expert and skilled witness, **25:21**
- Electronic speed detection devices, **25:33**
- Experiments, **25:31**
- Fees, **25:40**
- Fingerprints, expert testimony on, **25:28**
- Handwriting, expert testimony on, **25:26**
- How incident occurred, expert testimony on, **25:23**
- Hypothetical questions, **25:35-25:37**
- Impeachment of witnesses, expert testimony as to credibility of witness, **13:6**
- Intoxication, tests for, **25:32**
- Matters as to which expert witness may or must testify, **25:18**
- Miscellaneous scientific tests, **25:34**
- Occurrence of incident, expert testimony on, **25:23**
- Operating models, use of, **25:30**
- Physicians or surgeons, **25:36, 25:42**
- Qualifications required of expert witness, **25:19**
- Questioned documents, expert testimony on, **25:27**
- Real property value, expert testimony on, **25:25**
- Scientific tests, **25:34**
- Services' value, expert testimony on, **25:24**
- Skilled witness and expert witness distinguished, **25:21**
- Surgeons and physicians, **25:36, 25:42**
- Tests, **25:32, 25:34**
- Treating physician, weight to be given testimony of, **25:42**
- Use of operating models, **25:30**
- Value
 - real property, **25:25**
 - services, **25:24**
- Weight to be given testimony of treating physician, **25:42**
- Your witness, calling opponent's expert as, **25:4**

EXPLANATIONS

- Redirect and recross-examination of witnesses, **18:4, 18:6**

EXTENT OF PRIVILEGE AGAINST SELF-INCRIMINATION

- Examination of witnesses, **16:16**

EXTRINSIC MATTERS

- Verdict impeached by, **33:8**

FACTS

- Before trial, excusal of proof of facts, **11:1**
- Blood test results, proof of facts, **11:12**
- Circumstantial evidence, proof of facts, **11:10**
- Comment on facts by judge, **2:28, 28:8**
- Conduct of trial. See index heading CONDUCT OF TRIAL
- Construction of stipulations used to excuse proof of facts, **11:9**

FACTS—Cont'd

During trial, excusal of proof of facts, **11:2**
Enforcement of stipulations used to excuse proof of facts, **11:9**
Excusal of proof of facts, **11:1, 11:2, 11:8, 11:9**
Expenses payment, proof of facts, **11:5**
Judge's comment on facts, **2:28, 28:8**
Judicial notice, **20:1, 20:2, 20:4-20:7**
Medical expenses payment, proof of facts, **11:5**
Methods of proving facts, **11:3**
Mistrial, facts commented on by judge, **28:8**
Opinion evidence, **25:1-25:42**
Payment of medical and similar expenses, proof of facts, **11:5**
Place of trial, proof of facts, **11:11**
Prior accidents, proof of facts, **11:4**
Proof of facts, **11:1-11:12**
Results of blood test, proof of facts, **11:12**
Selection of jury, facts normally not grounds for challenge, **7:20**
Settlement, proof of facts, **11:6**
Stipulations used to excuse proof of facts, **11:8, 11:9**
Use of stipulations to excuse proof of facts, **11:8, 11:9**
Workers' compensation benefits, proof of facts, **11:7**

FAIR JURY RIGHT

Selection of jury, **7:1**

FAMILY BIBLES

Documentary evidence, authentication, **24:26**
Hearsay evidence, **26:25**

FEES

Attorneys, **1:12**
Expert witnesses, **25:40**

FELON

Competency of witness to testify, **14:3**

FILMS

Motion pictures. See index heading **MOTION PICTURES**
Real and demonstrative evidence, admissibility, **22:6, 22:7**

FINGERPRINTS

Expert testimony on, **25:28**

FIRSTHAND KNOWLEDGE

Examination of witnesses, **16:26**

FIVE YEARS' ABSENCE

Presumption of death after, **21:7**

FORCE

Criminal trials, use of justifiable force, **4:8**

INDEX

FORMAL EXCEPTION

Objections to evidence, **27:7**

FORMER MATTERS

See index heading **PRIOR MATTERS**

FORM OR FORMAT

Questions. See index heading **WITNESSES**

Verdict, objections, **33:2**

FORUM STATE

Dead Man's Act, controlling law, **15:7**

FRAUD

Burden of proof, **10:7**

FURTHER OR ADDITIONAL MATTERS

Cross-examination of witnesses, **17:4, 17:15**

GENERAL RULES GOVERNING CLOSING ARGUMENTS

Generally, **30:4**

GENERAL VERDICTS

Generally, **33:5**

GIFTS

Presumption about, **21:17**

GOODS

Presumption arising from possession of stolen goods, **21:9**

GOVERNING RULES

See index heading **RULES**

GOVERNMENT

Judicial notice of facts concerning, **20:5**

GRAND JURY TESTIMONY

Impeachment of witness, **17:10**

HABEAS CORPUS AD TESTIFICANDUM

Witnesses, **12:2**

HANDWRITING

Opinion evidence, **25:14, 25:26**

HARASSING WITNESSES

Generally, **12:5**

HEALTH CARE PROVIDER-PATIENT PRIVILEGE

Generally, **19:12**

HEARSAY EVIDENCE

Generally, **26:1-26:33**

Admissibility, **26:1-26:33**

Against interest declarations, **26:32**

HEARSAY EVIDENCE—Cont'd

- Ancient documents, **26:26**
- Annuity tables, **26:24**
- Birth certificates, **26:21**
- Business records, **26:13, 26:14**
- Certificates of birth and death, **26:21**
- Church records, **26:25**
- Co-conspirator statements, **26:11**
- Death certificates, **26:21**
- Declarations
 - against interest, **26:32**
 - dying declarations, **26:6**
 - spontaneous declarations, **26:30**
- Definition of hearsay evidence, **26:2**
- Doctors' reports, **26:18**
- Dying declarations, **26:6**
- Establishing right to use testimony from former trial, **26:8**
- Exceptions to hearsay rule, **26:4-26:33**
- Excited utterances, **26:28**
- Family bibles, **26:25**
- Former trial, testimony at, **26:7-26:9**
- Hospital records, **26:17**
- Inapplicability of hearsay rule to certain situations, **26:3**
- Intention, statements of, **26:31**
- Manner of proving testimony from former trial, **26:9**
- Medical bills, **26:19**
- Mortality tables, **26:24**
- Objective and subjective symptoms, **26:22**
- Official records, **26:15**
- Past recollection recorded, **26:10, 26:12**
- Pedigree, **26:23**
- Police reports, **26:16**
- Present sense impressions, **26:29**
- Records
 - business records, **26:13, 26:14**
 - church records, **26:25**
 - hospital records, **26:17**
 - official records, **26:15**
 - scientific records, **26:18**
- Reports
 - doctors' reports, **26:18**
 - police reports, **26:16**
 - weather reports, **26:20**
- Requirements for admission of business records, **26:14**
- Res gestae, **26:27**
- Residual exception, **26:33**
- Right to use testimony from former trial, establishing, **26:8**
- Scientific records, **26:18**

INDEX

HEARSAY EVIDENCE—Cont'd

- Spontaneous declarations, **26:30**
- Statements
 - co-conspirator statements, **26:11**
 - declarations. See “Declarations” in this heading
 - intention, **26:31**
- Subjective and objective symptoms, **26:22**
- Threats, **26:5**
- Weather reports, **26:20**
- Writing for past recollection, admission of, **26:12**

HOSPITAL RECORDS

- Hearsay evidence, **26:17**

HUSBAND AND WIFE

- See index heading SPOUSES

HYPNOTICALLY INDUCED TESTIMONY

- Examination of witnesses, **16:11**

HYPOTHETICAL QUESTIONS

- Expert witnesses, **25:35-25:37**
- Selection of jury, **7:10**

IDENTITY OF ACCUSED

- Burden of proof, **10:13**

IMMUNITY

- Examination of witnesses, **16:21**

IMPARTIAL JURY RIGHT

- Selection of jury, **7:1**

IMPEACHMENT

- Verdict, **33:7, 33:8**
- Witnesses
 - generally, **13:1-13:7**
 - for detailed treatment see index heading WITNESSES

IMPOSITION OF SANCTIONS

- Contempt of court, **6:7**

IMPRESSIONS

- Hearsay evidence, present sense impressions, **26:29**

INABILITY OF JURY TO ARRIVE AT VERDICT

- Mistrial, discharge, **28:6**

INADEQUACY

- See index heading SUFFICIENCY OR INSUFFICIENCY

INAPPLICABILITY

- See index heading APPLICABILITY OR INAPPLICABILITY

INCLUSION OF INTEREST

Judgment, **34:5**

INCOMPETENT PERSON

Competency of witness to testify, **14:7**

INCONSISTENT STATEMENTS

Cross-examination of witnesses, prior inconsistent statements, **17:8, 17:11**

INCRIMINATION

Examination of witnesses, privilege against self-incrimination, **16:13-16:20**

INDICTMENT

Competency to testify of witnesses omitted from, **14:9**

INDIRECT CONTEMPT OF COURT

Generally, **6:3**

INDUCED TESTIMONY

Examination of witnesses, use of hypnotically induced testimony, **16:11**

INFERENCES

Presumptions, **21:4**

INFLUENCING WITNESSES

Generally, **12:5**

INJURIES

Cross-examination of witnesses, prior injuries, **17:9**

Real and demonstrative evidence, displaying personal injuries to jury, **22:13**

INNOCENCE

Presumption of, **21:5**

INSANITY AS DEFENSE

Criminal trials, **4:5**

INSPECTION OF PERSON

Examination of witnesses, privilege against self-incrimination, **16:18**

INSTRUCTIONS TO JURY

Generally, **31:1-31:17**

Argumentative instructions, **31:13**

Cautionary instructions, **31:10**

Closing arguments, comments on court's instructions, **30:5**

Correcting erroneous instructions, **31:16**

Criminal cases, **31:15**

Disposition of instructions, **31:17**

Duty of court, **31:3**

Erroneous instructions, correcting, **31:16**

General requirements of jury instructions, **31:2**

Given instructions, requests covered by, **31:6**

Issues, instructions on, **31:11**

Modification of requests, **31:7**

INDEX

INSTRUCTIONS TO JURY—Cont'd

- Number of instructions, **31:9**
- Objections to instructions, **31:8**
- Other rules applicable to instructions, **31:14**
- Peremptory instructions, **31:12**
- Power of court, **31:3**
- Purpose, **31:1**
- Requests for instructions, **31:4-31:7**
- Rules, **31:14, 31:15**
- Slanted instructions, **31:13**
- Special rules relating to instructions in criminal cases, **31:15**
- Time for tendering instructions, **31:5**
- Writing out requests for instructions, **31:4**

INSUFFICIENCY

- See index heading SUFFICIENCY OR INSUFFICIENCY

INSURANCE

- Liability insurance. See index heading LIABILITY INSURANCE
- Selection of jury, questioning jurors regarding insurance, **7:12**

INTENTION

- Hearsay evidence, statements of intention, **26:31**

INTEREST

- Judgment, inclusion of interest, **34:5**

INTERPRETATION

- See index heading CONSTRUCTION AND INTERPRETATION

INTERPRETERS

- Witnesses, **12:11**

INTERROGATORIES

- Competency to testify of witnesses omitted from answers to, **14:10**

INTOXICATION

- Criminal trials, intoxication as defense, **4:7**
- Opinion evidence, **25:17, 25:32**
- Presumptions of intoxication from alcoholic content of blood, **21:15**

INVESTIGATOR

- Competency of private investigator to testify in criminal action, **14:11**

INVOKING PRIVILEGE AGAINST SELF-INCRIMINATION

- Examination of witnesses, **16:17**

INVOLUNTARY DISMISSAL

- Motions during trial, **3:5**

IRREBUTTABLE PRESUMPTIONS

- Generally, **21:2**

ISSUES

- Impeachment of witnesses, collateral issues, **13:2**
- Instructions to jury, **31:11**
- Opinion evidence, ultimate issue, **25:5-25:8**

JUDGES

- Comment on facts by judge, **2:28, 28:8**
- Competency of judge-witness to testify, **14:6**
- Conduct of trial
 - generally, **2:4-2:20**
 - for detailed treatment see index heading CONDUCT OF TRIAL
- Mistrial, judge commenting on facts, **28:8**

JUDGMENTS

- Generally, **34:1-34:7**
- Allowance of court costs, **34:6**
- Amount of judgment, **34:4**
- Arrest of judgment, **34:7**
- Clerk, duty to enter judgment, **34:2**
- Contempt judgment, review of, **6:8**
- Default judgment, motions during trial, **3:6**
- Duty of clerk to enter judgment, **34:2**
- Effect of entry of judgment, **34:3**
- Entry of judgment, **34:1-34:3**
- Inclusion of interest in judgment, **34:5**
- Notwithstanding verdict, **34:7**

JUDICIAL NOTICE

- Generally, **20:1-20:8**
- Confession, judicial, **20:8**
- Court, judicial notice of facts concerning, **20:4**
- Excusal of proof if fact judicially noticed, **20:1**
- Facts, **20:1, 20:2, 20:4-20:7**
- Government, judicial notice of facts concerning, **20:5**
- Laws, **20:3**
- Making record of facts judicially noticed, **20:2**
- Officers, judicial notice of facts concerning, **20:5**
- Other facts judicially noticed, **20:6**
- Political subdivisions, judicial notice of facts concerning, **20:5**

JURISDICTIONAL AMOUNT

- Right to jury trial based on, **7:3**

JURY AND JURY TRIAL

- Competency of juror-witness to testify, **14:6**
- Conduct of jury
 - generally, **32:1-32:13**
 - for detailed treatment see index heading CONDUCT OF JURY
- Conduct of trial. See index heading CONDUCT OF TRIAL

INDEX

JURY AND JURY TRIAL—Cont'd

- Instructions to jury
 - generally, **31:1-31:17**
 - for detailed treatment see index heading INSTRUCTIONS TO JURY
- Mistrial, discharge for inability of jury to arrive at verdict, **28:6**
- Real and demonstrative evidence, displaying personal injuries to jury, **22:13**
- Selection of jury
 - generally, **7:1-7:22**
 - for detailed treatment see index heading SELECTION OF JURY
- Verdicts
 - generally, **33:1-33:11**
 - for detailed treatment see index heading VERDICTS
- View
 - generally, **23:1-23:4**
 - for detailed treatment see index heading VIEW

JUSTIFIABLE FORCE

- Criminal trials, **4:8**

KNOWLEDGE

- See index heading WITNESSES

LAWYERS

- See index heading ATTORNEYS

LAYING FOUNDATION

- See index heading WITNESSES

LEADING QUESTIONS

- Examination of witnesses, **16:9**

LETTERS

- Documentary evidence, authentication, **24:24**
- Presumption of delivery, **21:12**

LIABILITY

- Insurance. See index heading LIABILITY INSURANCE
- Products liability cases, burden of proof, **10:17**

LIABILITY INSURANCE

- Closing arguments, remarks, **30:11**
- Mistrial, disclosure, **28:5**

LIE DETECTOR (POLYGRAPH) TESTS

- Examination of witnesses, **16:22**

LIMITATIONS

- Conduct of trial. See index heading CONDUCT OF TRIAL
- Dead Man's Act, statute of limitations, **15:9**
- Opinion evidence, **25:9**

LIST OF WITNESSES

- Competency to testify of witnesses omitted from, **14:9**

LOSS

- Primary evidence, proof of loss, **24:19**
- Privilege against self-incrimination, examination of witnesses, **16:20**

MANNER OR METHOD

- Conduct of jury, manner of conducting deliberations, **32:8**
- Hearsay evidence, manner of proving testimony from former trial, **26:9**
- Proof of facts, **11:3**
- Selection of jury, methods of summoning jurors, **7:5**
- Witnesses. See index heading WITNESSES

MAPS

- Real and demonstrative evidence, admissibility, **22:10**

MARKS

- Demonstrative evidence, **22:12**

MARRIAGE

- Presumption of validity of marriage, **21:8**
- Real and demonstrative evidence, remarriage of surviving spouse, **22:20**

MATERIALITY OF QUESTIONS

- Direct examination of witnesses, **16:2**

MEDICAL BILLS

- Hearsay evidence, **26:19**

MEDICAL EXPENSES

- Payment, evidence, **11:5, 22:18**

MEMORY REFRESHING

- Examination and redirect examination of witnesses, **16:10, 18:3**

METHOD

- See index heading MANNER OR METHOD

MINORS

- See index heading CHILDREN

MISTAKE

- See index heading ERROR OR MISTAKE

MISTRIAL

- Generally, **28:1-28:10**
- Admitted exhibits, effect of disappearance during trial, **28:4**
- Automatic stay following order of mistrial, **28:10**
- Comment on facts by judge, **28:8**
- Declaration of mistrial, **28:2, 28:3, 28:7**
- Disappearance of admitted exhibits during trial, effect of, **28:4**
- Discharge for inability of jury to arrive at verdict, **28:6**
- Disclosure of liability insurance, **28:5**
- During trial disappearance of admitted exhibits, effect, **28:4**
- Effect of disappearance of admitted exhibits during trial, **28:4**
- Facts commented on by judge, **28:8**

INDEX

MISTRIAL—Cont'd

- Grounds, **28:3, 28:7**
- Inability of jury to arrive at verdict, discharge for, **28:6**
- Insufficient grounds for declaring mistrial, **28:7**
- Judge commenting on facts, **28:8**
- Jury's inability to arrive at verdict, discharge for, **28:6**
- Liability insurance, disclosure of, **28:5**
- Motion for new trial, **28:9**
- Nature of mistrial, **28:1**
- New trial motion, **28:9**
- Opening statements, **8:3**
- Order of mistrial, automatic stay following, **28:10**
- Right to have mistrial declared, **28:2**
- Verdict, discharge for inability of jury to arrive at, **28:6**

MODELS

- Experts and expert witnesses, use of operating models, **25:30**
- Real and demonstrative evidence, admissibility of static models, **22:11**

MODIFICATION

- See index heading AMENDMENT OR MODIFICATION

MORTALITY TABLES

- Documentary evidence, authentication, **24:27**
- Hearsay evidence, **26:24**

MOTION PICTURES

- Real and demonstrative evidence, admissibility, **22:6**
- Witness giving testimony on, **12:12**

MOTIONS

- Continuances, **3:2**
- Default judgment, **3:6**
- Directed verdict, **29:2, 29:3**
- Dismissal, **3:3, 3:5**
- During trial, **3:1-3:6**
- Involuntary dismissal, **3:5**
- New trial, mistrial, **28:9**
- Nolle prosequi, **3:4**
- Objections to evidence, exclusion of inadmissible evidence, **27:6**
- Voluntary dismissal, **3:3**

MUNICIPALITIES' RECORDS

- Documentary evidence, authentication, **24:11**

NATURE

- Documentary evidence, secondary evidence to be used, **24:22**
- Mistrial, **28:1**
- Presumptions, **21:1**
- Privileged communications, **19:1, 19:8**
- View, **23:4**

NEED OR NECESSITY

- Admission of counsel to practice law, **1:4**
- Court to warn witness of privilege against self-incrimination, **16:14, 16:15**
- Objections to evidence. See index heading **OBJECTIONS TO EVIDENCE**

NEGATIVE AVERMENT

- Burden of proof, **10:18**

NEGATIVE EVIDENCE ADMISSIBILITY

- Examination of witnesses, **16:4**

NEGLIGENCE CASES

- Opinion evidence, ultimate issue, **25:6**

NEGOTIATIONS

- Real and demonstrative evidence, plea bargaining negotiations, **22:17**

NEW PROMISE TO PAY

- Dead Man's Act, consideration, **15:5**

NEWSPAPERS

- Conduct of jury, reading of newspaper accounts of trial by jurors, **32:4**

NEW TRIAL MOTION

- Mistrial, **28:9**

NOLLE PROSEQUI

- Motions during trial, **3:4**

NONEXPERT OPINION EVIDENCE

- Generally, **25:10, 25:11, 25:14-25:16**

NOTATIONS ON DEMONSTRATIVE EVIDENCE

- Generally, **22:12**

NOTE TAKING

- Conduct of trial, **2:26**

NOTICE, JUDICIAL

- Generally, **20:1-20:8**
- For detailed treatment see index heading **JUDICIAL NOTICE**

NOTWITHSTANDING VERDICT JUDGMENT

- Generally, **34:7**

NUMBER OR QUANTITY

- See index heading **AMOUNT OR NUMBER**

NUMEROSITY

- Class actions, **5:6**

OATH OR AFFIRMATION

- Jury, **7:22**
- Witnesses, **12:10**

INDEX

OBJECTIONS

- Closing arguments, **30:14**
- Evidence
 - generally, **27:1-27:8**
 - for detailed treatment see index heading OBJECTIONS TO EVIDENCE
- Instructions to jury, **31:8**
- Opening statements, **8:4**
- Verdict form, **33:2**

OBJECTIONS TO EVIDENCE

- Generally, **27:1-27:8**
- Exclusion of inadmissible evidence, motion, **27:6**
- Formal exception, need for, **27:7**
- Improper evidence, **27:1, 27:2**
- Motion to exclude inadmissible evidence, **27:6**
- Need for
 - formal exception, **27:7**
 - objection to improper evidence, **27:2**
- Offer of proof, **27:8**
- Right to object to improper testimony, **27:1**
- Ruling on objection, **27:5**
- Stating grounds for objection, **27:4**
- Timeliness of objection, **27:3**
- Witnesses. See index heading WITNESSES

OBJECTIVE AND SUBJECTIVE SYMPTOMS

- Hearsay evidence, **26:22**

OFFER OR OFFERS

- Documentary evidence, procedure in offering documents, **24:2**
- Objections to evidence, offer of proof, **27:8**
- Real and demonstrative evidence, offers of compromise, **22:17**

OFFICERS

- Judicial notice of facts concerning, **20:5**
- Privileged communications to public officers, **19:15**

OFFICIAL RECORDS

- Hearsay evidence, **26:15**

OMITTED WITNESSES

- Competency of witnesses to testify, **14:9, 14:10**

OPENING STATEMENTS

- Generally, **8:1-8:4**
- Comments made in opening statements, objections to, **8:4**
- Content of opening statement, **8:2**
- Mistrial, **8:3**
- Objections to comments made in opening statements, **8:4**
- Right to make opening statement, **8:1**

OPEN RIGHT

- Closing arguments, **30:3**
- Order of proof, **9:1**

OPERATING MODELS

- Expert witnesses, use, **25:30**

OPINION EVIDENCE

- Generally, **25:1-25:42**
- Admissibility
 - generally, **25:3**
 - expert testimony, **25:20**
 - ultimate issue opinions, **25:8**
- Distinctions between facts and opinions, **25:2**
- Experts and expert witnesses. See index heading EXPERTS AND EXPERT WITNESSES
- Facts, **25:1-25:42**
- Handwriting, **25:14, 25:26**
- Intoxication, **25:17, 25:32**
- Limitations on opinion evidence, **25:9**
- Negligence cases, ultimate issue, **25:6**
- Nonexpert opinion, **25:10, 25:11, 25:14-25:16**
- Personal property value, nonexpert opinion, **25:15**
- Property value, **25:15, 25:16, 25:25**
- Real property value, **25:16, 25:25**
- Sanity, nonexpert opinion, **25:11**
- Speed, **25:12, 25:33**
- Stopping distance, **25:13**
- Ultimate issue, **25:5-25:8**
- Value
 - experts and expert witnesses. See index heading EXPERTS AND EXPERT WITNESSES
 - personal property, nonexpert opinion, **25:15**
 - property value, **25:15, 25:16, 25:25**
 - real property, **25:16, 25:25**
- Will cases, **25:7**

ORAL EVIDENCE

- Documentary evidence, establishing contents of document, **24:23**

ORDER OF PROOF

- Generally, **9:1-9:5**
- Close, right to, **9:1**
- Introduce testimony at later stage, right to, **9:5**
- Later stage, right to introduce testimony at, **9:5**
- Open, right to, **9:1**
- Producing testimony, **9:2**
- Rebuttal testimony, **9:3**
- Right to
 - introduce testimony at later stage, **9:5**

INDEX

ORDER OF PROOF—Cont'd

- Right to—Cont'd
 - open and close, **9:1**
- Surrebuttal, **9:4**
- Testimony, **9:2, 9:3, 9:5**

ORDERS

- Conduct of trial, control of proceedings by pretrial order, **2:21**
- Mistrial order, automatic stay following, **28:10**

OTHER CRIMES COMMITTED BY DEFENDANT

- Cross-examination of witnesses, **17:14**

OUT OF STATE WITNESSES

- Generally, **12:3**

OWN MOTION OF COURT

- Conduct of trial, exclusion of improper evidence, **2:16**

OWN WITNESS IMPEACHMENT

- Examination of witnesses, **16:12**

PAPERS OF COURT

- Documentary evidence, authentication, **24:10**

PARISHES' RECORDS

- Documentary evidence, authentication, **24:11**

PARTIES

- Burden of proof, **10:14-10:16**
- Class actions
 - generally, **5:1-5:12**
 - for detailed treatment see index heading CLASS ACTIONS
- Conduct of parties
 - conduct of trial, **2:3**
 - examination of witnesses, relevance of conduct of party shortly before accident, **16:5**
 - presumption arising from conduct of party, **21:10**
- Conduct of trial. See index heading CONDUCT OF TRIAL
- Criminal trials, physical control of defendant during trial, **4:2**
- Witnesses. See index heading WITNESSES

PASSING UPON CHALLENGES FOR CAUSE

- Selection of jury, **7:21**

PAST RECOLLECTION RECORDED

- Hearsay evidence, **26:10, 26:12**

PATERNITY CASES

- Real and demonstrative evidence, **22:14, 22:15**

PATIENT-PHYSICIAN/HEALTH CARE PROVIDER PRIVILEGE

- Generally, **19:12**

PAYMENT OR PAYMENTS

Dead Man's Act, consideration for new promise to pay, **15:5**

Medical and similar expenses, evidence, **11:5, 22:18**

Real and demonstrative evidence. See index heading **REAL AND DEMONSTRATIVE EVIDENCE**

PEDIGREE

Hearsay evidence, **26:23**

PEREMPTORY CHALLENGES

Selection of jury, number of challenges, **7:14, 7:15**

PEREMPTORY JURY INSTRUCTIONS

Generally, **31:12**

PERSONAL INJURIES

Real and demonstrative evidence, displaying to jury, **22:13**

PERSONAL PROPERTY

Bailment cases, burden of proof, **10:8**

Nonexpert opinion evidence on value, **25:15**

PHOTOGRAPHS

Real and demonstrative evidence, admissibility, **22:5**

PHYSICIANS OR SURGEONS

Expert witnesses, **25:36, 25:42**

Hearsay evidence, doctors' reports, **26:18**

Patient-physician privilege, **19:12**

PLACE OF TRIAL

Proof of facts, **11:11**

PLEA BARGAINING NEGOTIATIONS

Real and demonstrative evidence, **22:17**

POLICE REPORTS

Hearsay evidence, **26:16**

POLITICAL SUBDIVISIONS

Judicial notice of facts concerning, **20:5**

POLLING JURORS

Verdict, **33:11**

POLYGRAPH (LIE DETECTOR) TESTS

Examination of witnesses, **16:22**

POSSESSION OF STOLEN GOODS

Presumption arising from, **21:9**

POST-ACCIDENT REMEDIAL MEASURES

Real and demonstrative evidence, **22:16**

POWER OF COURT

See index heading **COURTS**

INDEX

PRECLUSION OF CERTIFICATION

Class actions, **5:11**

PREMISES

View, **23:1-23:4**

PRESENCE

See index heading CONDUCT OF TRIAL

PRESENT SENSE IMPRESSIONS

Hearsay evidence, **26:29**

PRESERVE ORDER DUTY

Conduct of trial, **2:9**

PRESUMPTIONS

Generally, **21:1-21:19**

Alcoholic content of blood, presumption of intoxication from, **21:15**

Condition's continuance, **21:16**

Conduct of party, **21:10**

Continuance of condition, **21:16**

Death after five years' absence, **21:7**

Delivery of letter or telegram, **21:12, 21:13**

Destruction of evidence, **21:11**

Five years' absence, presumption of death after, **21:7**

Gifts, **21:17**

Individuals, **21:14**

Inferences, **21:4**

Innocence, **21:5**

Intoxication from alcoholic content of blood, **21:15**

Irrebuttable presumptions, **21:2**

Letter's delivery, **21:12**

Marriage's validity, **21:8**

Nature of presumptions, **21:1**

Other presumptions created by law, **21:19**

Party's conduct, **21:10**

Possession of stolen goods, **21:9**

Rebuttable presumptions, **21:3**

Res ipsa loquitur, **21:6**

Services, **21:17**

Spoilation of evidence, **21:11**

Stolen goods' possession, **21:9**

Telegram's delivery, **21:13**

Tort cases, **21:18**

Validity of marriage, **21:8**

PRETRIAL MATTERS

Communications with jurors before trial, **32:3**

Control of proceedings by pretrial order, **2:21**

Proof of facts excusal before trial, **11:1**

Publicity before trial, **2:11**

PREVIOUS MATTERS

See index heading **PRIOR MATTERS**

PRIMA FACIE CASE

Burden of proof, **10:2**

PRIMARY EVIDENCE

Documentary evidence, **24:16-24:22**

PRIOR MATTERS

Accidents. See index heading **ACCIDENTS**

Hearsay evidence, testimony at former trial, **26:7-26:9**

Witnesses. See index heading **WITNESSES**

PRIVATE DETECTIVE OR INVESTIGATOR

Competency to testify in criminal action, **14:11**

PRIVATE WRITINGS

Documentary evidence, **24:4, 24:7**

PRIVILEGES

Attorneys

client-attorney privilege, **19:6-19:8, 19:10, 19:11**

work product, **19:9**

Claiming privileges, **19:5, 19:10**

Clergymen, privileged communications to, **19:14**

Clients

attorney-client privilege, **19:6-19:8, 19:10, 19:11**

public accountant-client privilege, **19:13**

Communications privileged, **19:1-19:16**

Confidential communications privileged, **19:1-19:16**

Examination of witnesses, privilege against self-incrimination, **16:13-16:20**

Existence

attorney-client relationship, attorney-client privileged communications, **19:7**

examination of witnesses, existence of privilege against self-incrimination, **16:19**

marital relationship, spousal communications between husband and wife, **19:4**

physician/health care provider-patient privilege, **19:12**

requirements for confidential communication privilege to exist between husband and wife, spousal communications between husband and wife, **19:3**

Health care provider-patient privilege, **19:12**

Husband and wife, communications between, **19:2-19:5**

Nature of privileged communications, **19:1, 19:8**

Patient-physician/health care provider privilege, **19:12**

Physician-patient privilege, **19:12**

Public accountant-client privilege, **19:13**

Public officers, privileged communications to, **19:15**

Self-incrimination, privilege against, examination of witnesses, **16:13-16:20**

Spousal communications between husband and wife, **19:2-19:5**

Termination of attorney-client privilege, **19:11**

INDEX

PRIVILEGES—Cont'd

Waiving privileges, **19:5, 19:10**

Work product of attorney, **19:9**

PRODUCING TESTIMONY

Order of proof, **9:2**

PRODUCTS LIABILITY CASES

Burden of proof, **10:17**

PROHIBITION OR BAR

Conduct of trial, comment on facts by jury judge, **2:28**

Dead Man's Act, persons barred from testifying, **15:3**

PROMISE TO PAY

Dead Man's Act, consideration for new promise to pay, **15:5**

PROOF

See index heading EVIDENCE

PROPERTY

Opinion evidence, property value, **25:15, 25:16, 25:25**

Personal property. See index heading PERSONAL PROPERTY

PROSECUTION'S EVIDENCE USED BY DEFENSE

Cross-examination of witnesses, **17:7**

PROTECTION

Dead Man's Act, **15:2**

PUBLIC ACCOUNTANT-CLIENT PRIVILEGE

Generally, **19:13**

PUBLIC EXCLUDED

Conduct of trial, **2:10**

PUBLICITY BEFORE AND DURING TRIAL

Conduct of trial, **2:11**

PUBLIC OFFICERS

Privileged communications to, **19:15**

PUBLIC RECORDS

Documentary evidence, secondary evidence, **24:20**

PUNISHMENT

Contempt of court, **6:1, 6:6, 6:7**

QUALIFICATIONS

Expert witnesses, **25:19**

QUANTITY OR NUMBER

See index heading AMOUNT OR NUMBER

QUESTIONED DOCUMENTS

Expert testimony on, **25:27**

QUESTIONS AND QUESTIONING

Hypothetical questions. See index heading HYPOTHETICAL QUESTIONS

Jurors, selection of jury, **7:9-7:12**

Witnesses. See index heading WITNESSES

RACE DISCRIMINATION

Selection of jury, **7:8**

RADIO

Witness giving testimony on, **12:12**

READING OF NEWSPAPER

Jurors, **32:4**

REAL AND DEMONSTRATIVE EVIDENCE

Generally, **22:1-22:21**

Accidents

post-accident remedial measures, **22:16**

prior or subsequent accidents, **22:21**

Accused, connecting tangible articles to, **22:4**

Admissibility, **22:5-22:11**

Blood tests in paternity cases, **22:14**

Casts, admissibility, **22:11**

Child, exhibiting in paternity cases, **22:15**

Compromise offers, **22:17**

Connecting tangible articles to accused, **22:4**

Diagrams, admissibility, **22:10**

Displaying personal injuries to jury, **22:13**

Displays, admissibility, **22:10**

Distinctions between real and demonstrative evidence, **22:1-22:21**

Drawings, admissibility, **22:10**

Effect of marks or notations on demonstrative evidence, **22:12**

Exhibiting child in paternity cases, **22:15**

Expenses, payment, **22:18**

Expert witnesses, demonstrations, **25:31**

Films, admissibility, **22:6, 22:7**

Jury, displaying personal injuries to, **22:13**

Maps, admissibility, **22:10**

Marks on demonstrative evidence, **22:12**

Medical expenses, payment, **22:18**

Motion pictures, admissibility, **22:6**

Notations on demonstrative evidence, **22:12**

Offers of compromise, **22:17**

Paternity cases, **22:14, 22:15**

Payment or payments

medical and similar expenses, **22:18**

workers' compensation payments, **22:19**

Personal injuries, displaying to jury, **22:13**

Photographs, admissibility, **22:5**

Plea bargaining negotiations, **22:17**

INDEX

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd

- Post-accident remedial measures, **22:16**
- Prior accidents, **22:21**
- Remarriage of surviving spouse, **22:20**
- Remedial measures post-accident, **22:16**
- Same condition, tangible articles in, **22:3**
- Sound recordings, admissibility, **22:9**
- Static models, admissibility, **22:11**
- Subsequent accidents, **22:21**
- Surveillance films, admissibility, **22:7**
- Surviving spouse, remarriage of, **22:20**
- Tangible articles, **22:2-22:4**
- Videotapes, admissibility, **22:6**
- Workers' compensation payments, **22:19**
- X-rays, admissibility, **22:8**

REAL PROPERTY VALUE

- Opinion evidence, **25:16, 25:25**

REBUTTABLE PRESUMPTIONS

- Generally, **21:3**

REBUTTAL TESTIMONY

- Order of proof, **9:3**

RECALL WITNESS FOR FURTHER CROSS-EXAMINATION

- Right to, **17:15**

RECONSIDERATION OF DEFECTIVE VERDICT

- Power of court, **33:4**

RECORDED OR RECORDING

- Documentary evidence, authentication of recorded documents, **24:6**
- Hearsay evidence, past recollection recorded, **26:10, 26:12**
- Real and demonstrative evidence, admissibility of sound recordings, **22:9**

RECORDS

- Church records. See index heading **CHURCH RECORDS**
- Documentary evidence. See index heading **DOCUMENTARY EVIDENCE**
- Hearsay evidence. See index heading **HEARSAY EVIDENCE**
- Judicial notice, making record of facts judicially noticed, **20:2**

RE CROSS-EXAMINATION

- Witnesses, **18:1-18:7**

RECUSATION OF JUDGE

- Conduct of trial, **2:6**

REDIRECT EXAMINATION

- Witnesses, **18:1-18:7**

REFERENCE TO OTHER CRIMES COMMITTED BY DEFENDANT

- Cross-examination of witnesses, **17:14**

REFRESHING MEMORY

Examination and redirect examination of witnesses, **16:10, 18:3**

REHABILITATING WITNESS

Redirect examination of witnesses, **18:5**

RELEVANCE OR RELEVANCY

Examination of witnesses, **16:3, 16:5**

REMARKS

See index heading COMMENTS OR REMARKS

REMARRIAGE

Real and demonstrative evidence, **22:20**

REMEDIAL MEASURES POST-ACCIDENT

Real and demonstrative evidence, **22:16**

REPORTS

See index heading HEARSAY EVIDENCE

REPRESENTATION

Class actions, adequacy of representation, **5:9**

REPRESENTATIVES

Class representative, class actions, **5:3**

REQUESTS

Directed verdict, time for requesting motion, **29:3**

Instructions to jury, **31:4-31:7**

Jury trial, **7:2**

View, **23:2**

RES GESTAE

Hearsay evidence, **26:27**

RESIDUAL EXCEPTION

Hearsay evidence, **26:33**

RES IPSA LOQUITUR

Presumptions, **21:6**

RESTRICTIONS

See index heading LIMITATIONS

RESULTING TRUSTS CASES

Burden of proof, **10:6**

RESULTS OF BLOOD TEST

Proof of facts, **11:12**

REVIEW

Contempt of court judgment, **6:8**

REVISING VERDICT

Generally, **33:3**

INDEX

RIGHTS

- Attorneys. See index heading ATTORNEYS
- Close right. See index heading CLOSE RIGHT
- Closing arguments. See index heading CLOSING ARGUMENTS
- Directed verdict, right of court, **29:1**
- Hearsay evidence, establishing right to use testimony from former trial, **26:8**
- Mistrial, **28:2**
- Objection to improper testimony, **27:1**
- Opening statements, **8:1**
- Open right. See index heading OPEN RIGHT
- Order of proof. See index heading ORDER OF PROOF
- Selection of jury. See index heading SELECTION OF JURY
- View of premises, **23:1**
- Waiver. See index heading WAIVER
- Witnesses. See index heading WITNESSES

RULES

- Closing arguments, general rules governing, **30:4**
- Conduct of jury, rules governing arrival at verdict, **32:9**
- Documentary evidence, rules relating to use of private writings, **24:7**
- Governing rules
 - closing arguments, **30:4**
 - conduct of jury, arrival at verdict, **32:9**
- Instructions to jury, **31:14, 31:15**

RULINGS

- Admissibility of evidence, conduct of trial, **2:14**
- Examination of witnesses, existence of privilege against self-incrimination, **16:19**
- Objections to evidence, **27:5**

SAME CONDITION

- Real and demonstrative evidence, tangible articles, **22:3**

SANCTIONS

- Contempt of court, imposition, **6:7**

SANITY

- Nonexpert opinion evidence, **25:11**

SCIENTIFIC MATTERS

- Records, hearsay evidence, **26:18**
- Tests, expert witnesses, **25:34**

SEALED VERDICTS

- Generally, **33:10**

SECONDARY EVIDENCE

- Documentary evidence, **24:16-24:22**

SELECTION OF JURY

- Generally, **7:1-7:22**

SELECTION OF JURY—Cont'd

- Alternate jurors selection, **7:13**
- Amount or number
 - peremptory challenges, **7:14, 7:15**
 - right to jury trial based on jurisdictional amount, **7:3**
- Array, grounds for challenging, **7:7**
- Cases, grounds for challenge for cause, **7:18**
- Cause challenges, **7:17, 7:18, 7:21**
- Challenges
 - array, **7:7**
 - cause challenges, **7:17, 7:18, 7:21**
 - conditional grounds for challenge, **7:19**
 - facts normally not grounds for challenge, **7:20**
 - grounds for challenges, **7:7, 7:17-7:20**
 - number of peremptory challenges, **7:14, 7:15**
 - passing upon challenges for cause, **7:21**
- Civil cases, number of peremptory challenges, **7:14**
- Conditional grounds for challenge, **7:19**
- Conduct of voir dire examination, **7:9**
- Criminal cases, number of peremptory challenges, **7:15**
- Discrimination because of sex or race, **7:8**
- Exemptions from jury service, **7:16**
- Facts normally not grounds for challenge, **7:20**
- Fair jury, right to, **7:1**
- Grounds for challenges, **7:7, 7:17-7:20**
- Hypothetical questions, **7:10**
- Impartial jury, right to, **7:1**
- Insurance, questioning jurors regarding, **7:12**
- Jurisdictional amount, right to jury trial based on, **7:3**
- Methods of summoning jurors, **7:5**
- Number. See “Amount or number” in this heading
- Passing upon challenges for cause, **7:21**
- Peremptory challenges, number of, **7:14, 7:15**
- Questioning jurors, **7:9-7:12**
- Race discrimination, **7:8**
- Request for jury trial, **7:2**
- Right to
 - fair and impartial jury, **7:1**
 - jury trial. See “Right to jury trial” in this heading
- Right to jury trial
 - based on jurisdictional amount, **7:3**
 - waiver of right, **7:4**
- Sex discrimination, **7:8**
- Statutes, grounds for challenge for cause, **7:17**
- Summoning jurors, **7:5, 7:6**
- Swearing of jury, **7:22**
- Tales-jurors, summoning, **7:6**
- Voir dire examination, conduct of, **7:9**

INDEX

SELECTION OF JURY—Cont'd

Waiver of right to jury trial, **7:4**

SELF-INCRIMINATION, PRIVILEGE AGAINST

Examination of witnesses, **16:13-16:20**

SEPARATION OF JURY DURING TRIAL

Conduct of jury, **32:5**

SERVICES

Expert testimony on value, **25:24**

Jury service exemptions, **7:16**

Presumption about, **21:17**

SETTLEMENT

See index heading COMPROMISE OR SETTLEMENT

SEX DISCRIMINATION

Selection of jury, **7:8**

SHIFTING OF BURDEN OF PROOF

Generally, **10:5**

SKILLED WITNESS

Expert witness distinguished, **25:21**

SLANTED JURY INSTRUCTIONS

Generally, **31:13**

SOUND RECORDINGS

Real and demonstrative evidence, admissibility, **22:9**

SPECIAL RULES

Instructions to jury in criminal cases, **31:15**

SPECIAL VERDICTS

Generally, **33:6**

SPEED

Opinion evidence, **25:12, 25:33**

SPOLIATION OF EVIDENCE

Presumptions, **21:11**

SPONTANEOUS DECLARATIONS

Hearsay evidence, **26:30**

SPOUSES

Competency of spouse-witness to testify, **14:5**

Marriage. See index heading MARRIAGE

Privileged communications between husband and wife, **19:2-19:5**

Real and demonstrative evidence, remarriage of surviving spouse, **22:20**

STATEMENTS

Closing arguments, objections to statements made in, **30:14**

Cross-examination of witnesses, prior inconsistent statements, **17:8, 17:11**

STATEMENTS—Cont'd

- Hearsay evidence. See index heading HEARSAY EVIDENCE
- Objections to evidence, stating grounds for objection, **27:4**
- Opening statements
 - generally, **8:1-8:4**
 - for detailed treatment see index heading OPENING STATEMENTS

STATIC MODELS

- Real and demonstrative evidence, admissibility, **22:11**

STATUTE OF LIMITATIONS

- Dead Man's Act, **15:9**

STATUTES

- Conduct of trial, exclusion of evidence pursuant to statute, **2:17**
- Dead Man's Act, **15:1-15:9**
- Documentary evidence, authentication, **24:8**
- Judicial notice of laws, **20:3**
- Selection of jury, grounds for challenge for cause, **7:17**

STAY

- Mistrial, automatic stay following order, **28:10**

STIPULATIONS

- Conduct of trial, control of proceedings, **2:22**
- Proof of facts, use to excuse, **11:8, 11:9**

STOLEN GOODS' POSSESSION

- Presumption arising from, **21:9**

STOPPING DISTANCE

- Opinion evidence, **25:13**

SUBJECTIVE AND OBJECTIVE SYMPTOMS

- Hearsay evidence, **26:22**

SUBPOENA DUCES TECUM

- Witnesses, **12:4**

SUBSEQUENT ACCIDENTS

- Real and demonstrative evidence, **22:21**

SUBSTITUTION OF JUDGES

- Conduct of trial, **2:5**

SUFFICIENCY OR INSUFFICIENCY

- Class actions, adequacy of representation, **5:9**
- Evidence. See index heading EVIDENCE
- Mistrial, insufficient grounds for declaring, **28:7**

SUMMONING JURORS

- Selection of jury, **7:5, 7:6**

SURGEONS

- See index heading PHYSICIANS OR SURGEONS

INDEX

SURREBUTTAL

Order of proof, **9:4**

SURVEILLANCE FILMS

Real and demonstrative evidence, admissibility, **22:7**

SURVIVING SPOUSE'S REMARRIAGE

Real and demonstrative evidence, **22:20**

SWEARING OF

See index heading OATH OR AFFIRMATION

SYMPTOMS

Hearsay evidence, subjective and objective symptoms, **26:22**

TABLES

Annuity tables. See index heading ANNUITY TABLES

Mortality tables. See index heading MORTALITY TABLES

TALES-JURORS

Selection of jury, summoning, **7:6**

TELEGRAMS

Documentary evidence, authentication, **24:25**

Presumption of delivery, **21:13**

TELEPHONE CONVERSATIONS

Witness testimony concerning, **16:27**

TELEVISION

Witness giving testimony on, **12:12**

TENDERING INSTRUCTIONS TO JURY

Time, **31:5**

TERMINATION

Attorney-client privilege, **19:11**

TESTIMONY

Generally, **12:1-12:13**

For detailed treatment see index heading WITNESSES

TESTS AND TESTING

Blood tests. See index heading BLOOD AND BLOOD TESTS

Witnesses. See index heading WITNESSES

THREATS

Hearsay evidence, **26:5**

TIME

Directed verdict, requesting motion, **29:3**

Instructions to jury, time for tendering, **31:5**

Objections to evidence, **27:3**

Presumption of death after five years' absence, **21:7**

Witnesses. See index heading WITNESSES

TORTS

Dead Man's Act, tort claims inapplicability, **15:6**
Presumption of tort cases, **21:18**

TRANSCRIBING TESTIMONY

Conduct of trial, **2:24**

TRIER OF FACTS

Judge, **2:25**

TRUSTS

Burden of proof, constructive and resulting trusts cases, **10:6**

TYPICALITY

Class actions, **5:5**

ULTIMATE ISSUE

Opinion evidence, **25:5-25:8**

USE

Closing arguments, blackboards and charts, **30:12**
Conduct of trial, limiting use of admitted evidence, **2:15**
Criminal trials, justifiable force, **4:8**
Documentary evidence. See index heading DOCUMENTARY EVIDENCE
Expert witnesses, operating models, **25:30**
Hearsay evidence, establishing right to use testimony from former trial, **26:8**
Stipulations to excuse proof of facts, **11:8, 11:9**
Witnesses. See index heading WITNESSES

VALIDITY OF MARRIAGE

Presumption, **21:8**

VALUE

See index heading OPINION EVIDENCE

VERDICTS

Generally, **33:1-33:11**
Amending verdict, **33:3**
Clerical error in verdict, **33:9**
Conduct of jury, rules governing arrival at verdict, **32:9**
Construction of general verdicts, **33:5**
Court's power to have jury reconsider defective verdict, **33:4**
Defective verdict, power of court to have jury reconsider, **33:4**
Directed verdict
 generally, **29:1-29:4**
 for detailed treatment see index heading DIRECTED VERDICT
Error or mistake in verdict, **33:9**
Extrinsic matters, impeachment of verdict by, **33:8**
Form of verdict, objections to, **33:2**
General verdicts, **33:5**
Impeachment of verdict, **33:7, 33:8**
Judgment notwithstanding verdict, **34:7**

INDEX

VERDICTS—Cont'd

- Mistake or error in verdict, **33:9**
- Mistrial, discharge for inability of jury to arrive at verdict, **28:6**
- Objections to form of verdict, **33:2**
- Polling jurors, **33:11**
- Power of court to have jury reconsider defective verdict, **33:4**
- Reconsideration of defective verdict, power of court, **33:4**
- Revising verdict, **33:3**
- Sealed verdicts, **33:10**
- Special verdicts, **33:6**

VIDEOTAPES

- Real and demonstrative evidence, admissibility, **22:6**

VIEW

- Generally, **23:1-23:4**
- Conduct of view, **23:3**
- Nature of view, **23:4**
- Premises, **23:1-23:4**
- Request for view, **23:2**
- Right to view premises, **23:1**

VOIR DIRE EXAMINATION

- Selection of jury, **7:9**

VOLUNTARY DISMISSAL

- Motions during trial, **3:3**

WAIVER

- Dead Man's Act, objections to proof, **15:4**
- Privileges, **19:5, 19:10**
- Right to
 - counsel, **1:5**
 - jury trial, **7:4**

WARNING WITNESS OF PRIVILEGE AGAINST SELF-INCRIMINATION

- Examination of witnesses, **16:14, 16:15**

WEATHER REPORTS

- Hearsay evidence, **26:20**

WEIGHT OF EVIDENCE

- Dead Man's Act, **15:8**
- Treating physician's testimony, **25:42**

WIFE AND HUSBAND

- See index heading SPOUSES

WILL CASES

- Opinion evidence, **25:7**

WITHDRAWAL OF ATTORNEY

- Generally, **1:10**

WITNESSES

Generally, **12:1-12:13**

Accomplice, competency of witness to testify, **14:8**

Accuracy of witness, testing on cross-examination, **17:6**

Accused's inspection, privilege against self-incrimination and examination of witnesses, **16:18**

Additional or further matters, cross-examination of witnesses, **17:4, 17:15**

Admissibility of negative evidence, examination of witnesses, **16:4**

Adverse party as witness, examination of witnesses, **16:23, 16:24**

Aiding witness by refreshing his memory, examination of witnesses, **16:10**

Answers

competency of witnesses omitted from answers to interrogatories, **14:10**

expert witnesses, hypothetical questions, **25:37**

explaining impeaching answers, redirect and recross-examination of witnesses, **18:6**

requirements of answer by witness, examination of witnesses, **16:25**

Arrest of witnesses, **12:13**

Atheist, competency of witness to testify, **14:7**

Attendance of witness, compelling, **12:1**

Attorneys

competency of attorney-witness to testify, **14:6**

improper conduct of counsel in examining witness, **16:8**

Barred from testifying, Dead Man's Act, **15:3**

Calling witnesses

adverse party called as witness, examination of witnesses, **16:23**

opponent's expert called as your witness, **25:4**

Child, competency of witness to testify, **14:4**

Collateral issues, impeachment of witnesses, **13:2**

Compelling attendance of witness, **12:1**

Compensation of witnesses, **12:8**

Competency of questions on direct examination of witnesses, **16:6**

Competency of witness to testify, **14:1-14:11**

Conducting cross-examination of witnesses, **17:5**

Conduct of persons

improper conduct of counsel in examining witness, **16:8**

relevance of conduct of party shortly before accident, examination of witnesses, **16:5**

Conduct of trial. See index heading CONDUCT OF TRIAL

Confer with witnesses on stand, right to, **12:7**

Confront witnesses right, examination of witnesses, **16:28**

Consideration for new promise to pay, Dead Man's Act, **15:5**

Content of questions

direct examination, **16:7**

redirect examination, **18:2**

Controlling law of forum state, Dead Man's Act, **15:7**

Correcting testimony on redirect examination of witnesses, **18:4**

Counsel. See "Attorneys" in this heading

INDEX

WITNESSES—Cont'd

- Court to warn witness of privilege against self-incrimination, examination of witnesses, **16:14, 16:15**
- Credibility of witnesses, impeachment of witnesses, **13:4-13:6**
- Cross-examination
 - generally, **17:1-17:16**
 - expert witness, **25:39**
 - recross-examination, **18:1-18:7**
- Dead Man's Act, **15:1-15:9**
- Deaf mute, competency of witness to testify, **14:7**
- Denial of right to cross-examination of witnesses, **17:16**
- Direct examination
 - generally, **16:1-16:28**
 - redirect examination, **18:1-18:7**
- Disqualifications, Dead Man's Act, **15:1**
- Duces tecum subpoena, **12:4**
- Effect of denial of right to cross-examination of witnesses, **17:16**
- Entitlement to protection, Dead Man's Act, **15:2**
- Examination of witnesses
 - generally, **16:1-16:28**
 - conduct of trial, control of examination by judge, **2:12**
 - cross-examination. See "Cross-examination" in this heading
 - direct examination. See "Direct examination" in this heading
- Exclusion of witnesses, **12:9**
- Existence of privilege against self-incrimination, examination of witnesses, **16:19**
- Expert witnesses. See index heading EXPERTS AND EXPERT WITNESSES
- Explanations, redirect and recross-examination of witnesses, **18:4, 18:6**
- Extent of privilege against self-incrimination, examination of witnesses, **16:16**
- Felon, competency of witness to testify, **14:3**
- Firsthand knowledge of witness, examination of witnesses, **16:26**
- Former matters. See "Prior matters" in this heading
- Form of questions
 - cross-examination, **17:3**
 - direct examination, **16:7**
 - redirect examination, **18:2**
- Further or additional matters, cross-examination of witnesses, **17:4, 17:15**
- Giving testimony on television, radio or motion picture, **12:12**
- Grand jury testimony used to impeach witness, cross-examination of witnesses, **17:10**
- Habeas corpus ad testificandum, **12:2**
- Harassing witnesses, **12:5**
- Hearsay evidence, testimony at former trial, **26:7-26:9**
- Hypnotically induced testimony, examination of witnesses, **16:11**
- Immunity, examination of witnesses, **16:21**
- Impeachment of witnesses
 - generally, **13:1-13:7**

WITNESSES—Cont'd

Impeachment of witnesses—Cont'd

- explaining impeaching answers, redirect and recross-examination of witnesses, **18:6**
- prior conviction, cross-examination of witnesses, **17:12, 17:13**
- questions that impeach one's own witness, examination of witnesses, **16:12**
- use of testimony before grand jury to impeach witness, cross-examination of witnesses, **17:10**

Improper conduct of counsel in examining witness, **16:8**

Inapplicable to tort claims, Dead Man's Act, **15:6**

Incompetent person, competency of witness to testify, **14:7**

Indictment, competency to testify of witnesses omitted from, **14:9**

Influencing witnesses, **12:5**

Inspection of person accused or witness, privilege against self-incrimination and examination of witnesses, **16:18**

Interpreter use, **12:11**

Interrogatories, competency to testify of witnesses omitted from answers to, **14:10**

Interview witnesses, right to, **12:6**

Invoking privilege against self-incrimination, examination of witnesses, **16:17**

Judge, competency of witness to testify, **14:6**

Juror, competency of witness to testify, **14:6**

Knowledge

- firsthand knowledge of witness, examination of witnesses, **16:26**

- testing knowledge of witness, cross-examination of witnesses, **17:6**

Lawyers. See "Attorneys" in this heading

Laying foundation for

- impeaching witnesses, **13:3**

- prior inconsistent statements, cross-examination of witnesses, **17:11**

Leading questions, examination of witnesses, **16:9**

Lie detector (polygraph) tests, examination of witnesses, **16:22**

List of witnesses, competency to testify of witnesses omitted from, **14:9**

Loss of privilege against self-incrimination, examination of witnesses, **16:20**

Manner

- conducting cross-examination of witnesses, **17:5**

- examining adverse party as witness, **16:24**

- proving prior conviction, cross-examination of witnesses, **17:13**

Materiality of questions asked on direct examination, **16:2**

Memory refreshing, examination and redirect examination of witnesses, **16:10, 18:3**

Motion picture, giving testimony on, **12:12**

Necessity for court to warn witness of privilege against self-incrimination, examination of witnesses, **16:14, 16:15**

Negative evidence admissibility, examination of witnesses, **16:4**

Objections

- right to object to improper testimony, **27:1**

- time for objecting to competency of witness to testify, **14:2**

- waiver of objections to proof, Dead Man's Act, **15:4**

INDEX

WITNESSES—Cont'd

- Omitted witnesses, competency of witnesses to testify, **14:9, 14:10**
- Opinion evidence
 - generally, **25:1-25:42**
 - for detailed treatment see index heading OPINION EVIDENCE
- Order of proof, **9:2, 9:3, 9:5**
- Other crimes committed by defendant, cross-examination of witnesses, **17:14**
- Out of state witnesses, **12:3**
- Own witness impeachment, examination of witnesses, **16:12**
- Particular matters affecting credibility of witnesses, impeachment of witnesses, **13:5**
- Parties
 - adverse party as witness, examination of witnesses, **16:23, 16:24**
 - impeachment of defendant in criminal case, **13:7**
 - relevance of conduct of party shortly before accident, examination of witnesses, **16:5**
- Polygraph (lie detector) tests, examination of witnesses, **16:22**
- Prior matters
 - conviction, cross-examination of witnesses, **17:12, 17:13**
 - hearsay evidence, testimony at former trial, **26:7-26:9**
 - inconsistent statements, cross-examination of witnesses, **17:8, 17:11**
 - injuries, cross-examination of witnesses, **17:9**
- Private detective or investigator, competency to testify in criminal action, **14:11**
- Privilege against self-incrimination, examination of witnesses, **16:13-16:20**
- Prosecution's evidence used by defense, cross-examination of witnesses, **17:7**
- Protection, Dead Man's Act, **15:2**
- Questions and questioning
 - answers. See "Answers" in this heading
 - content of questions. See "Content of questions" in this heading
 - examination of witnesses. See "Examination of witnesses" in this heading
 - form of questions. See "Form of questions" in this heading
 - judge questioning witnesses, conduct of trial, **2:18**
- Radio, giving testimony on, **12:12**
- Recall witness for further cross-examination, right to, **17:15**
- Recross-examination, **18:1-18:7**
- Redirect examination, **18:1-18:7**
- Reference to other crimes committed by defendant, cross-examination of witnesses, **17:14**
- Refreshing memory, examination and redirect examination of witnesses, **16:10, 18:3**
- Rehabilitating witness, redirect examination of witnesses, **18:5**
- Relevance or relevancy, examination of witnesses, **16:3, 16:5**
- Requirements of answer by witness, examination of witnesses, **16:25**
- Right to
 - confer with witnesses on stand, **12:7**
 - confront witnesses, examination of witnesses, **16:28**
 - cross-examine witnesses, **17:1, 17:16**
 - interview witnesses, **12:6**

WITNESSES—Cont'd

Right to—Cont'd

- object to improper testimony, **27:1**
- recall witness for further cross-examination, **17:15**
- recross-examination of witnesses, **18:7**

Ruling upon existence of privilege against self-incrimination, examination of witnesses, **16:19**

Scope

- cross-examination of witnesses, **17:2**
- redirect examination of witnesses, **18:1**

Self-incrimination, privilege against, examination of witnesses, **16:13-16:20**

Spouse, competency of witness to testify, **14:5**

Statute of limitations, Dead Man's Act, **15:9**

Subpoena duces tecum, **12:4**

Sufficiency of evidence, Dead Man's Act, **15:8**

Swearing of witnesses, **12:10**

Telephone conversations, testimony concerning, **16:27**

Television, giving testimony on, **12:12**

Tests and testing

- expert witnesses, **25:32, 25:34**
- knowledge and accuracy of witness, cross-examination of witnesses, **17:6**
- use of lie detector (polygraph) tests, examination of witnesses, **16:22**

Time

- objecting to competency of witness to testify, **14:2**
- relevance of conduct of party shortly before accident, examination of witnesses, **16:5**
- statute of limitations, Dead Man's Act, **15:9**

Tort claims inapplicability, Dead Man's Act, **15:6**

Use

- grand jury testimony used to impeach witness, cross-examination, **17:10**
- hypnotically induced testimony, examination of witnesses, **16:11**
- interpreter, **12:11**
- lie detector (polygraph) tests, examination of witnesses, **16:22**
- prosecution's evidence used by defense, cross-examination of witnesses, **17:7**

Waiver of objections to proof, Dead Man's Act, **15:4**

Warning witness of privilege against self-incrimination, examination of witnesses, **16:14, 16:15**

Weight of evidence, Dead Man's Act, **15:8**

WORKERS' COMPENSATION

Burden of proof, **10:19**

Proof of facts, benefits, **11:7**

Real and demonstrative evidence, payments, **22:19**

WORK PRODUCT OF ATTORNEY

Privileges, **19:9**

WRITINGS

Documentary evidence, private writings, **24:4, 24:7**

INDEX

WRITINGS—Cont'd

Hearsay evidence, admission of writing for past recollection, **26:12**

Instructions to jury, requests for, **31:4**

X-RAYS

Real and demonstrative evidence, admissibility, **22:8**