

Index

ABSENCE FROM HEARING OR TRIAL

Hearsay, unavailability of declarant, **804.107**

ABSENCE OF MISTAKE OR ACCIDENT

Character evidence, other acts, **404.705, 404.716**

ABSENCE OF RECORD OR ENTRY

Hearsay (this index)

ABUSED CHILD

Physician-patient and related privileges, **504.406**

ACKNOWLEDGED DOCUMENTS

Self-authentication, **902.8**

ADJUDICATIVE FACTS

Judicial Notice (this index)

ADMISSIONS

Hearsay (this index)

ADOPTIVE ADMISSIONS

Hearsay, **801.502**

AFFIRMATION OR OATH

Witnesses, **906.03**

AGENTS

Hearsay, ordinary agents, servants or employees, prior statements of, **801.504**

AIDS TESTING

Admissibility of test results, **105.1**

ALCOHOLIC BEVERAGES

Physician-patient and related privileges, **504.407**

ALL TERRAIN VEHICLES

Protective headgear, admissibility of evidence relating to use of, **901.053**

ANCIENT DOCUMENTS

Authentication and identification, **9015.8**

Hearsay, **908.03(16)**

ANIMATIONS

Relevancy, **401.601**

“ANY TENDENCY”

Relevancy, **401.102**

APPLICABILITY OF RULES OF EVIDENCE

Generally, **911.01**

ATTORNEY-CLIENT PRIVILEGE

Lawyer-Client Privilege (this index)

AUDIOVISUAL RECORDINGS

Hearsay, statements of children, **908.08**

AUTHENTICATION AND IDENTIFICATION

Generally, **909.01-909.03**

Acknowledged and authenticated documents, self-authentication, **902.8**

Ancient documents, **9015.8**

Certified records

domestic records, regularly conducted activity, self-authentication, **902.12**

foreign records, regularly conducted activity, self-authentication, **902.13**

public records, self-authentication of copies, **902.4**

Chains of custody, **9015.102**

Commercial paper and related documents, self-authentication, **902.9**

Comparison of handwriting by trier of fact or expert witness, **9015.3**

Compilations of data, **9015.8**

Distinctive characteristics and the like, **9015.4**

**AUTHENTICATION AND
IDENTIFICATION—Cont'd**

Electronic evidence, **901.2**
 Foreign countries
 certified records, regularly
 conducted activity, self-
 authentication, **902.13**
 public documents, self-authen-
 tication, **902.3**
 Handwriting
 comparison by trier of fact or
 expert witness, **9015.3**
 nonexpert opinion, **9015.2**
 Health care provider records, self-
 authentication, **902.11**
 Knowledge of witness, **9015.101**
 Newspapers, self-authentication,
 902.6
 Nonexpert opinion, handwriting,
 9015.2
 Official publications, self-authen-
 tication, **902.5**
 Periodicals, self-authentication, **902.6**
 Principle of authentication, **901.1**
 Process or system, **9015.9**
 Public records or reports, **9015.7**
 Regularly conducted activity. Self-
 authentication, below
 Seal, public documents under or not
 under, self-authentication, **902.1,**
 902.2
 Self-authentication
 generally, **909.02**
 acknowledged and authenticated
 documents, **902.8**
 certified copies of public records,
 902.4
 certified domestic records,
 regularly conducted activity,
 902.12
 certified foreign records, regularly
 conducted activity, **902.13**
 commercial paper and related
 documents, **902.9**
 definitions, **902.0**
 foreign countries, public docu-
 ments of, **902.3**
 health care provider records,
 902.11

**AUTHENTICATION AND
IDENTIFICATION—Cont'd**

Self-authentication—Cont'd
 newspapers and periodicals, **902.6**
 official publications, **902.5**
 regularly conducted activity
 certified domestic records,
 902.12
 certified foreign records, **902.13**
 seal, public documents under or
 not under, **902.1, 902.2**
 statutory rules, **902.10**
 trade inscriptions and the like,
 902.7
 Social media evidence, **901.2**
 Statute or rule, methods provided by,
 9015.10
 Subscribing witness, testimony of,
 909.03
 Telephone conversations, **9015.6**
 Trade inscriptions and the like, self-
 authentication, **902.7**
 Voice identification, **9015.5**

**AVAILABILITY OF DECLARANT
Hearsay (this index)**

BAD FAITH

Impeachment of witnesses, persons
 who may impeach, **607.1**

BALANCING TEST

Relevancy, exclusion on grounds of
 prejudice, confusion or waste of
 time, **403.1**

**BAPTISMAL AND SIMILAR
CERTIFICATES**

Hearsay, **908.03(12)**

BASES OF TESTIMONY

Expert testimony, **907.03**

BELIEF OF DECLARANT

Hearsay, **801.305**

BEST EVIDENCE

**Writings, Recordings and
Photographs (this index)**

BIAS OR PREJUDICE

Impeachment of witnesses, persons
 who may impeach, **607.5**

INDEX

BIAS OR PREJUDICE—Cont'd

Juror as witness, **606.4**

Relevancy (this index)

BOLSTERING

Impeachment of witnesses, persons
who may impeach, **607.1**

BOUNDARIES

Hearsay (this index)

BRIBERY

Relevancy, **401.8**

BURDEN OF PROOF

Presumptions, **301.1**

BURN INJURIES

Physician-patient and related privileges, reports, **504.409**

CAPACITY OF WITNESS

Impeachment of witnesses, persons
who may impeach, **607.4**

CASE-SPECIFIC INFORMATION

Expert and opinion testimony,
702.604

CERTIFICATES AND CERTIFICATION

Authentication and Identification
(this index)

Hearsay (this index)

CHAINS OF CUSTODY

Authentication and identification,
9015.102

CHARACTER EVIDENCE

Generally, **904.04**

Absence of accidents, other acts,
404.705

Absence of mistake or accident, other
acts, **404.716**

Civil cases

generally, **404.2, 404.3**

truthfulness of witness, **404.2**

Context, other acts, **404.708**

Criminal cases

generally, **404.4**

“election” of defendant to use
character to prove propensity,
404.401

CHARACTER EVIDENCE—Cont'd

Criminal cases—Cont'd

issue, character at, **404.404**

“other” uses, **404.403**

sex crimes and domestic abuse
cases, “greater latitude” rule,
404.402

sex crimes and domestic abuse
cases, “greater latitude” rule,
below

truthfulness of witness, **404.2**

Custom, other acts, **404.703**

Definitions

generally, **404.1**

other acts, **404.602**

“Doctrine of chances,” other acts,
404.702

Domestic abuse cases. Sex crimes
and domestic abuse cases,
“greater latitude” rule, below

“Election” of criminal defendant to
use character to prove
propensity, **404.401**

Element of crime, other acts, **404.709**

“Greater latitude” rule. Sex crimes
and domestic abuse cases,
“greater latitude” rule, below

Habit, relevancy, **406.1**

Hearsay, **908.03(21)**

Identity, other acts, **404.718**

Impeachment of Witnesses (this
index)

Intent, other acts, **404.712**

Issue, character at

criminal cases, **404.404**

victims, third parties and places,
404.503

Knowledge, other acts, **404.713**

McMorris evidence

other acts, **404.714**

self-defense cases, victims, third
parties and places, **404.502**

Methods of proof

generally, **904.05**

opinion evidence, **405.2, 405.202**

other acts, **404.602**

reputation, **405.2, 405.201**

restrictions on character witnesses,
405.3

CHARACTER EVIDENCE—Cont’d

Methods of proof—Cont’d
 sequencing proof, **405.1**
 specific instances, **405.2, 405.203**
 Modus operandi, other acts, **404.717**
 Motive, other acts, **404.711**
 Opinion evidence, **405.2, 405.202**
 Opportunity, other acts, **404.715**
 Other accidents, **404.704**
 Other acts
 generally, **404.6**
 absence of accidents, **404.705**
 absence of mistake or accident, **404.716**
 context, **404.708**
 custom, usage or practice, **404.703**
 definition, **404.602**
 “doctrine of chances,” **404.702**
 element of crime, **404.709**
 identity, **404.718**
 illustrations of other act evidence, **404.7**
 intent, **404.712**
 knowledge, **404.713**
 McMorris evidence, **404.714**
 methods of proof, **404.602**
 modus operandi, **404.717**
 motive, **404.711**
 opportunity, **404.715**
 other accidents, **404.704**
 other sales, **404.706**
 plan or scheme, **404.710**
 pretrial notice, making record and judge’s power to control timing and form, **404.604**
 procedural incidents, **404.603**
 purpose and policy, **404.601**
 sex crimes and domestic abuse cases, “greater latitude” rule, **404.720**
 state of mind in civil cases, **404.707**
 Sullivan standard of admissibility, **404.605**
 “third party” defense in criminal cases, **404.719**
 Other sales, **404.706**

CHARACTER EVIDENCE—Cont’d

“Other” uses, criminal cases, **404.403**
 Places. Victims, third parties and places, below
 Plan or scheme, other acts, **404.710**
 Policy, other acts, **404.601**
 Practice, other acts, **404.703**
 Pretrial notice, making record and judge’s power to control timing and form of other acts evidence, **404.604**
 Procedural incidents, other acts, **404.603**
 Propensity, generally, **404.1**
 Purpose
 other acts, **404.601**
 use of evidence, **404.102**
 Reputation, **405.2, 405.201**
 Restrictions on character witnesses, **405.3**
 Routine practice, relevancy, **406.1**
 Scheme or plan, other acts, **404.710**
 Self-defense cases, victims, third parties and places, McMorris evidence, **404.502**
 Sequencing proof, **405.1**
 Sex crimes and domestic abuse cases, “greater latitude” rule
 generally, **404.402**
 other acts, **404.720**
 Specific instances, **405.2, 405.203**
 State of mind in civil cases, other acts, **404.707**
 Sullivan standard of admissibility of other acts evidence, **404.605**
 Third parties. Victims, third parties and places, below
 Truthfulness of witness, **404.2**
 Usage, other acts, **404.703**
 Victims, third parties and places
 generally, **404.5**
 issue, character at, **404.503**
 McMorris evidence and self-defense cases, **404.502**
 other acts, “third party” defense in criminal cases, **404.719**

INDEX

CHARTS

Relevancy, **401.5**

CHILDREN AND MINORS

Hearsay, audiovisual recordings of statements of children, **908.08**

Physician-patient and related privileges, abused, neglected or injured child, **504.406**

CHIROPRACTORS

Physician-Patient and Related Privileges (this index)

CHOICE OR ELECTION

Character evidence, “election” of criminal defendant to use character to prove propensity, **404.401**

CLERGY COMMUNICATIONS

Privileges, **905.6**

CO-CONSPIRATORS

Hearsay, prior statements, **801.505**

COLLATERAL SOURCE RULE

Relevancy, **401.10**

COMMERCIAL PAPER AND RELATED DOCUMENTS

Self-authentication, **902.9**

COMMERCIAL PUBLICATIONS

Hearsay, **908.03(17)**

COMMITMENT PROCEEDINGS

Physician-patient and related privileges, **504.401**

COMMON KNOWLEDGE

Judicial notice, adjudicative facts, **201.2**

COMPELLED DISCLOSURE

Privileges, **905.12**

COMPETENCY

Witnesses (this index)

COMPILATIONS OF DATA

Authentication and identification, **9015.8**

COMPLETENESS, RULE OF

Remainder of or related writings or recorded statements, **107.1**

COMPROMISE

Relevancy (this index)

COMPULSORY PROCESS

Hearsay, constitutional law, **802.307**

CONCEALMENT OF EVIDENCE

Relevancy, **401.8**

CONDITIONAL RELEVANCY

Preliminary questions, **104.2**

CONFIDENTIALITY

Privileges (this index)

CONFRONTATION

Hearsay, constitutional law, **802.301**

CONFUSION

Relevancy (this index)

CONSEQUENTIAL PROPOSITIONS

Relevancy, **401.101**

CONSTITUTIONAL LAW

Expert and opinion testimony, **702.2**

Hearsay (this index)

Rape shield law, constitutionally compelled exceptions, **420.5**

Relevancy, right to present defense, **402.2**

CONSTRUCTION OF RULES

Generally, **901.02**

CONTEXT

Character evidence, other acts, **404.708**

CONTINUITY OF MENTAL STATES

Hearsay, **801.306**

CONTRADICTION

Impeachment of witnesses, **607.6**

CONVICTIONS

Hearsay, previous convictions, **908.03(22)**

CONVICTIONS—Cont’d
Impeachment of Witnesses (this index)

CORPORATIONS
 Lawyer-client privilege, **503.202**

COUNSELORS
Physician-Patient and Related Privileges (this index)

COUNTING RULE
 Impeachment of witnesses, conviction of crime or adjudication of delinquency, **609.1**

COUNTY ORDINANCES
 Judicial notice, **902.03**

COURT-APPOINTED EXPERTS
 Generally, **702.9, 907.06**

COURTROOM DEMONSTRATIONS
Relevancy (this index)

CRAWFORD RULE
 Hearsay, constitutional law, **802.303-802.305**

CREDIBILITY
 Hearsay declarants, **908.06**
 Impeachment of witnesses, persons who may impeach, **607.1**

CRIME, FURTHERANCE OF
 Lawyer-client privilege, **503.401**

CRIME VICTIM COMPENSATION PROCEEDINGS
 Privileges, **905.14**

CROSS-EXAMINATION
 Expert and opinion testimony, **702.7**
Impeachment of Witnesses (this index)
 Scope, **611.2**

CURATIVE ADMISSIBILITY
 Rulings on evidence, effects of evidentiary errors, **103.602**

CUSTOM
 Character evidence, other acts, **404.703**

DEAD MAN’S STATUTES
 Witnesses, **601.3**

DEATH
Hearsay (this index)
 Lawyer-client privilege, claimants through same deceased, **503.402**

DELIBERATIONS OF JURY
 Exhibits, **611.4**

DELINQUENCY
Impeachment of Witnesses (this index)

DEMONSTRATIONS
Relevancy (this index)

DEMONSTRATIVE EVIDENCE
Relevancy (this index)

DEPOSITIONS
Hearsay (this index)
 Rulings on evidence, objections at depositions later used at trial, **103.205**

DESTRUCTION OF EVIDENCE
 Relevancy, **401.8**

DIAGRAMS
 Relevancy, **401.5**

DIRECT EXAMINATION
 Expert and opinion testimony, **702.6**

DISCLOSURES
 Expert testimony, disclosure of underlying facts or data, **907.05**
Privileges (this index)

DOCTORS
Physician-Patient and Related Privileges (this index)

“DOCTRINE OF CHANCES”
 Character evidence, other acts, **404.702**

DOMESTIC PARTNERS
Privileges (this index)

DOMESTIC VIOLENCE
Character Evidence (this index)

INDEX

DOMESTIC VIOLENCE—Cont'd

Domestic violence-victim privilege,
905.045

“DOOR OPENING”

Rulings on evidence, effect of evidentiary error, **103.602**

DUPLICATES

Writings, Recordings and
Photographs (this index)

DYING DECLARATIONS

Hearsay (this index)

ELECTION OR CHOICE

Character evidence, “election” of
criminal defendant to use
character to prove propensity,
404.401

ELECTRONIC EVIDENCE

Authentication and identification,
901.2

ELEMENTS OF CRIME

Character evidence, other acts,
404.709

EMOTIONAL CONDITION

Hearsay (this index)

EMPLOYMENT

Hearsay, ordinary agents, servants or
employees, prior statements of,
801.504

ENGLISH PROFICIENCY

Privileges, interpreters, **905.015**

EXCITED UTTERANCES

Hearsay, **908.03(2)**

EXCLUSION OF WITNESSES

Generally, **906.15**

EXHIBITION OF INJURIES

Relevancy, **401.3**

EXHIBITS

Witnesses, **611.4**

EXISTING MENTAL, EMOTIONAL OR PHYSICAL CONDITION

Hearsay (this index)

EXPERIENCE

Expert and Opinion Testimony
(this index)

EXPERT AND OPINION TESTIMONY

Generally, **907.01-907.07**

Admissibility and weight of expert
testimony, **702.4037**

Bases of opinion testimony by
experts, **907.03**

Case-specific information, **702.604**

Character evidence, **405.2, 405.202**

Constitutional considerations, **702.2**

Court-appointed experts, **702.9,**
907.06

Cross-examination, **702.7**

Direct examination, **702.6**

Disclosure of facts or data underlying
expert opinion, **907.05**

Dual fact and expert testimony, **701.3**

Elements of expert testimony,
702.403

Elicitation of expert's methods, rea-
soning and factual bases,
702.6041, 702.6042

Experience

lay witnesses, **701.2**

specialized knowledge, **702.4035**

Expert witnesses, generally, **907.02-**
907.07

Expository testimony, **702.602,**
702.4032

Foundation, **702.401, 702.402**

Frye “general acceptance” standard,
702.5

Hearsay, **702.6042**

Helpfulness, **702.4031**

Hypothetical questions, **702.6042**

Impeachment

generally, **702.7**

expert testimony on credibility of
witness, **608.3**

lay testimony on truthfulness,
character and conduct of wit-
ness, **608.1**

Ipsedixit challenges, **702.4035**

Lay witnesses

generally, **907.01**

EXPERT AND OPINION

TESTIMONY—Cont'd

Lay witnesses—Cont'd
 authentication and identification, handwriting, **9015.2**
 dual fact and expert testimony, **701.3**
 experience, **701.2**
 expert testimony, distinguished, **701.2**
 police officers, **701.3**
 property values, **701.4**
 skilled lay observers, **701.2**
 Mandatory use of expert testimony, **702.3**
 Personal knowledge, **702.6042**
 Police officers, lay witnesses, **701.3**
 Presentation of expert testimony
 generally, **702.6**
 case-specific information, **702.604**
 direct examination, **702.6**
 elicitation of expert's methods, reasoning and factual bases, **702.6041, 702.6042**
 expository testimony and witness's specialized knowledge, **702.602**
 opinion testimony, **702.603**
 personal knowledge, hypothetical questions and hearsay, **702.6042**
 qualifications, **702.601**
 Privilege, **702.8**
 Property values, lay witnesses, **701.4**
 Qualifications, **702.601, 702.4031**
 Reading of report by expert, **907.07**
 Relevance, **702.5, 702.4031**
 Reliability
 application of otherwise reliable methodology, **702.4036**
 principles and methods, **702.4034**
 Skilled lay observers, **701.2**
 Specialized knowledge
 experience, **702.4035**
 expository testimony, **702.602**
 Sufficiency of facts and data, **702.4033**
 Threshold admissibility, **702.4**
 Ultimate issue, **907.04**

EXPOSITORY TESTIMONY

Expert and opinion testimony, **702.602, 702.4032**

EXTRINSIC EVIDENCE

Impeachment of Witnesses (this index)

FAMILY HISTORY

Hearsay (this index)

FAMILY RECORDS

Hearsay, **908.03(13)**

FARMER ASSISTANCE

PROGRAM

COMMUNICATIONS

Relevancy, **904.15**

FEDERAL AGENCY

ADMINISTRATIVE RULES

Judicial notice, **902.03**

FEDERAL PRACTICE

Impeachment of Witnesses (this index)

FEDERAL TAX RETURNS

Privileges, **905.15**

FLIGHT

Relevancy, **401.8**

FOREIGN COUNTRIES

Authentication and Identification (this index)

Uniform Judicial Notice of Foreign Law Act, **902.02**

FORFEITURE

Hearsay, forfeiture by wrongdoing, constitutional law, **802.305**

Lawyer-client privilege, **503.36**

FOUNDATION

Expert and opinion testimony, **702.401, 702.402**

FOUNDATIONS

Hearsay, records of regularly conducted activity, **803.603**

FRAUD

Lawyer-client privilege, furtherance of fraud, **503.401**

INDEX

FRYE

Expert testimony, “general acceptance” standard, **702.5**

GENERAL HISTORY

Hearsay (this index)

GOOD FAITH

Impeachment of witnesses, persons who may impeach, **607.1**

“GREATER LATITUDE” RULE

Character Evidence (this index)

GUARDIANSHIP

Physician-patient and related privileges, **504.402**

GUILTY PLEA

Relevancy (this index)

HABIT

Relevancy (this index)

HANDWRITING

Authentication and Identification (this index)

HARMLESS ERROR

Rulings on evidence, **103.601**

“HASELTINE” RULE

Impeachment of witnesses, character and conduct of witness, **608.101**

HEALTH CARE PROVIDERS

Hearsay, records, **908.03(6m)**

Medical Care and Treatment (this index)

Physician-Patient and Related Privileges (this index)

Relevancy, apologies or condolences of, **904.14**

Self-authentication or records, **902.11**

HEARING IMPAIRMENTS

Privileges, interpreters, **905.015**

HEARSAY

Generally, **908.01-908.08**

Absence from hearing or trial, unavailability of declarant, **804.107**

HEARSAY—Cont’d

Absence of record or entry
public record or entry, **908.03(10)**
regularly conducted activity, records of, **908.03(7)**

Admissions by opposing party. Prior statements by witnesses and admissions by opposing party, below

Adoptive admissions by opposing party, **801.502**

Ancient documents, **908.03(16)**

Assertive conduct, defined, **801.203**

Audiovisual recordings of statements of children, **908.08**

Availability of declarant, **908.03 et seq.**, **908.04 et seq.**

Baptismal and similar certificates, **908.03(12)**

Belief of declarant, **801.305**

Boundaries

judgments, **908.03(23)**

reputation, **908.03(20)**

Certificates

marriage, baptismal and similar certificates, **908.03(12)**

records of regularly conducted activity, **803.603**

Character, reputation concerning, **908.03(21)**

Children, audiovisual recordings of statements of, **908.08**

Co-conspirators, prior statements of, **801.505**

Commercial publications, **908.03(17)**

Competency of hearsay declarants, **601.2**

Compulsory process, constitutional law, **802.307**

Confrontation, constitutional law, **802.301**

Constitutional law

generally, **802.3**

compulsory process, **802.307**

confrontation, **802.301**

Crawford rule, **802.303-802.305**

dying declarations and forfeiture by wrongdoing, **802.305**

nontestimonial hearsay, **802.306**

HEARSAY—Cont'd

Constitutional law—Cont'd
 “primary purpose” of declarant
 and prosecution’s use of evi-
 dence, **802.302**
 testimonial hearsay, defined,
802.302
 waiver and objections, **802.304**
 Continuity of mental states, **801.306**
 Crawford rule, constitutional law,
802.303-802.305
 Credibility of hearsay declarants,
908.06
 Death
 dying declarations, below
 unavailability of declarant,
804.105
 Declarant, defined, **801.201**
 Definitions
 generally, **801.2**
 assertive conduct, **801.203**
 declarant, **801.201**
 out-of-court, **801.205**
 statement, **801.202**
 testimonial hearsay, **802.302**
 unavailability of declarant,
804.101
 Depositions
 civil cases, **802.4**
 criminal cases, **802.5**
 Dying declarations
 generally, **908.045(3)**
 constitutional law, **802.305**
 Effect on listener, **801.304**
 Emotional condition. Existing
 mental, emotional or physical
 condition, below
 Exceptions, **908.3 et seq.**
 Excited utterance, **908.03(2)**
 Existing mental, emotional or physi-
 cal condition
 generally, **908.03(3)**
 Hillmon doctrine, **803.302**
 statements of intent to prove later
 conduct in conformity,
803.302
 Expert and opinion testimony,
702.6042

HEARSAY—Cont'd

Explicit and implicit assertions,
801.302
 Family history
 judgments, **908.03(23)**
 reputation, **908.03(19)**
 statements, **908.045(5),**
908.045(5m)
 Family records, **908.03(13)**
 Forfeiture by wrongdoing,
 constitutional law, **802.305**
 Former testimony, **908.045(1)**
 Foundations, records of regularly
 conducted activity, **803.603**
 General history
 judgments, **908.03(23)**
 reputation, **908.03(20)**
 Health care provider records,
908.03(6m)
 Hearsay within hearsay, **908.05**
 Hillmon doctrine, then existing
 mental, emotional or physical
 condition, **803.302**
 History
 family history, above
 general history, above
 personal history, below
 Identification, prior statements by
 witnesses and admissions by
 opposing party, **801.404**
 Illness, unavailability of declarant,
804.105
 Impeachment of hearsay declarants,
908.06
 Implicit and explicit assertions,
801.302
 Infirmary, unavailability of declarant,
804.105
 Interest, statement against,
908.045(4)
 Knowledge of declarant, **801.305,**
803.0
 Learned treatises, **908.03(18)**
 Market reports, **908.03(17)**
 Marriage and similar certificates,
908.03(12)
 Medical diagnosis or treatment, state-
 ments for purpose of, **908.03(4)**

INDEX

HEARSAY—Cont'd

- Memory, unavailability of declarant based on lack of, **804.104**
- Mental condition. Existing mental, emotional or physical condition, above
- Multiple hearsay, **908.05**
- Nonassertive conduct, defined, **801.204**
- Nontestimonial hearsay, constitutional law, **802.306**
- Objections
 - generally, **802.2**
 - constitutional law, **802.304**
 - failure to object, **802.2**
- Ordinary agents, servants or employees, prior statements of, **801.504**
- Out-of-court, defined, **801.205**
- Personal admissions by opposing party, **801.501**
- Personal history
 - judgments, **908.03(23)**
 - reputation, **908.03(19)**
 - statements, **908.045(5)**, **908.045(5m)**
- Physical condition. Existing mental, emotional or physical condition, above
- Preliminary examinations, **802.6**
- Present sense impression, **908.03(1)**
- Previous convictions, **908.03(22)**
- “Primary purpose” of declarant and prosecution’s use of evidence, constitutional law, **802.302**
- Prior conduct, inferences of, **801.306**
- Prior consistent statements by witnesses, **801.403**
- Prior inconsistent statements by witnesses, **801.402**
- Prior statements by witnesses and admissions by opposing party
 - generally, **801.4**, **801.5**
 - adoptive admissions, **801.502**
 - co-conspirators, **801.505**
 - identification, statement of, **801.404**
 - ordinary agent, servant or employee, **801.504**
 - personal admissions, **801.501**

HEARSAY—Cont'd

- Prior statements by witnesses and admissions by opposing party—Cont'd
 - prior consistent statements, **801.403**
 - prior inconsistent statements, **801.402**
 - representative capacity, admissions made in, **801.501**
 - speaking agent admissions, **801.503**
- Privilege, unavailability of declarant based on claim of, **804.102**
- Property interests, records affecting
 - generally, **908.03(14)**
 - statements and documents, **908.03(15)**
- “Psychological scarring,” unavailability of declarant, **804.106**
- Public records and reports
 - generally, **908.03(8)**, **908.03(10)**
 - absence of record or entry, **908.03(10)**
- Recent perception, statement of, **908.045(2)**
- Recorded recollection, **908.03(5)**
- Records of regularly conducted activity
 - generally, **908.03(6)**, **908.03(7)**
 - absence of entry, **908.03(7)**
 - certificates and witnesses, **803.603**
 - foundations, **803.603**
 - third-party records, **803.602**
- Refusal to testify, unavailability of declarant, **804.103**
- Regularly conducted activity.
 - Records of regularly conducted activity, above
- Religious organizations, records of, **908.03(11)**
- Representative capacity, admissions made by opposing party in, **801.501**
- Residual exception, **908.03(24)**
- Speaking agent admissions, **801.503**
- State of mind of declarant, **801.305**
- Statement, defined, **801.202**

HEARSAY—Cont'd

- Statements of intent to prove later conduct in conformity with then existing mental, emotional or physical condition, **803.302**
- Stealth hearsay, lack of personal knowledge, **602.2**
- Subsequent conduct, inferences of, **801.306**
- Then existing mental, emotional or physical condition. Existing mental, emotional or physical condition, above
- Third-party records of regularly conducted activity, **803.602**
- Trace theory, **801.307**
- Truth of matter asserted, statements offered for, **801.301**
- Unavailability of declarant
 - generally, **908.04**
 - absence from hearing or trial, **804.107**
 - death, illness or infirmity, **804.105**
 - definition, **804.101**
 - memory, lack of, **804.104**
 - privilege, claim of, **804.102**
 - “psychological scarring,” **804.106**
 - refusal to testify, **804.103**
 - wrongdoing, unavailability resulting from, **804.108**
- Verbal acts or verbal parts of acts, **801.303**
- Vital statistics, **908.03(9)**
- Waiver, constitutional law, **802.304**
- Witnesses, records of regularly conducted activity, **803.603**
- Wrongdoing
 - forfeiture by wrongdoing, constitutional law, **802.305**
 - unavailability of declarant resulting from wrongdoing, **804.108**

HELPFULNESS

- Expert and opinion testimony, **702.4031**

HILLMON DOCTRINE

- Hearsay, then existing mental, emotional or physical condition, **803.302**

HISTORY

- Hearsay** (this index)

HIV TESTING

- Admissibility of test results, **105.1**

HOMICIDE

- Physician-patient and related privileges, **504.405**

HUSBAND AND WIFE

- Privileges** (this index)

HYPNOSIS

- Refreshing memory, **612.5**

HYPOTHETICAL QUESTIONS

- Expert and opinion testimony, **702.6042**

IDENTITY AND IDENTIFICATION

- Authentication and Identification** (this index)
- Character evidence, other acts, **404.718**
- Hearsay, prior statements by witnesses and admissions by opposing party, **801.404**

ILLNESS

- Hearsay, unavailability of declarant, **804.105**

IMPEACHMENT OF WITNESSES

- Generally, **906.07-906.10**
- Bias, persons who may impeach, **607.5**
- Bolstering, persons who may impeach, **607.1**
- Character and conduct of witness
 - generally, **906.08**
 - expert testimony on credibility, **608.3**
 - “Haseltine” rule and “were they lying” questions, **608.101**
- Jensen evidence and Maday evidence, **608.3**
- lay testimony on truthfulness, **608.1**
- polygraph evidence, below reputation, opinion and cross-examination, **608.1**

INDEX

IMPEACHMENT OF WITNESSES

—Cont'd

- Character and conduct of witness
 - Cont'd
 - specific instances of conduct bearing untruthfulness, **608.2**
- Conduct of witness. Character and conduct of witness, above
- Contradiction, impeachment by, **607.6**
- Conviction of crime or adjudication of delinquency
 - generally, **906.09**
 - counting rule, **609.1**
 - federal practice, **609.2**
- Counting rule, conviction of crime or adjudication of delinquency, **609.1**
- Credibility, persons who may impeach, **607.1**
- Cross-examination
 - character and conduct of witness, **608.1**
 - persons who may impeach, **607.3**
 - prior statements of witnesses, **613.3**
- Delinquency. Conviction of crime or adjudication of delinquency, above
- Expert and Opinion Testimony**
(this index)
- Extrinsic evidence
 - persons who may impeach, **607.3**
 - prior statements of witnesses, **613.3**
- Federal practice
 - conviction of crime or adjudication of delinquency, **609.2**
 - polygraph evidence, **608.402**
- Good faith, persons who may impeach, **607.1**
- “Haseltine” rule, character and conduct of witness, **608.101**
- Hearsay declarants, **908.06**
- Interest, persons who may impeach, **607.5**
- Jensen evidence, character and conduct of witness, **608.3**

IMPEACHMENT OF WITNESSES

—Cont'd

- Lay testimony on truthfulness, character and conduct of witness, **608.1**
- Lie detectors. Polygraph evidence, below
- Limits on impeachment, **607.3**
- Maday evidence, character and conduct of witness, **608.3**
- Opinion, character and conduct of witness, **608.1**
- Party's own witness, impeachment of, **607.2**
- Persons who may impeach
 - generally, **906.07**
 - bias and interest, **607.5**
 - contradiction, impeachment by, **607.6**
 - credibility, bolstering, methods of attack, good-faith and rehabilitation, **607.1**
 - cross-examination and extrinsic evidence, **607.3**
 - limits on impeachment, **607.3**
 - party's own witness, impeachment of, **607.2**
 - testimonial capacity of witness, **607.4**
- Polygraph evidence
 - generally, **608.4**
 - federal practice, **608.402**
 - Wisconsin practice, **608.401**
- Prior statements of witnesses
 - generally, **906.13**
 - consistent statements, use for rehabilitation, **613.4**
 - cross-examination and extrinsic evidence, inconsistent statements, **613.3**
 - inconsistent statements, **613.2**, **613.3**
 - substantive and impeachment use of inconsistent statements, **613.2**
- Rehabilitation, persons who may impeach, **607.1**
- Religious beliefs or opinions, **906.10**

IMPEACHMENT OF WITNESSES

—Cont’d

Reputation, character and conduct of witness, **608.1**

Specific instances of conduct bearing untruthfulness, **608.2**

Substantive and impeachment use of inconsistent statements, **613.2**

Testimonial capacity of witness, persons who may impeach, **607.4**

“Were they lying” questions, character and conduct of witness, **608.101**

IMPLIED WAIVER

Lawyer-client privilege, **503.35**

IN LIMINE MOTIONS

Rape shield law, **971.31**

Rulings on evidence, admission or exclusion of evidence, **103.206**

INADVERTENT DISCLOSURES

Lawyer-client privilege, **503.36**

INDICTMENTS

Juror as witness, **606.2**

INDISPUTABLE FACTS

Judicial notice, **201.3**

INEFFECTIVE ASSISTANCE OF COUNSEL

Rulings on evidence, **103.8**

INFANTS

Children and Minors (this index)

INFERENCES

Privileges, claim of, **905.13**

INFIRMITY

Hearsay, unavailability of declarant, **804.105**

INFORMERS

Privileges (this index)

INSPECTION OF OBJECT

Refreshing memory, **612.4**

INSTRUMENTALITIES OF CRIME OR WRONG

Relevancy, **401.3**

INSURANCE

Relevancy, liability insurance, **904.11**

INTENT

Character evidence, other acts, **404.712**

INTEREST

Hearsay, statement against interest, **908.045(4)**

Impeachment of witnesses, persons who may impeach, **607.5**

INTERPRETERS

Privileges, **905.015**

Witnesses, **906.04**

INTOXICATION

Physician-patient and related privileges, **504.407**

IPSE DIXIT CHALLENGES

Expert and opinion testimony, **702.4035**

JENSEN EVIDENCE

Impeachment of witnesses, character and conduct of witness, **608.3**

JOINT REPRESENTATION

Lawyer-Client Privilege (this index)

JUDGES

Witnesses (this index)

Writings, recordings and photographs, functions of judge and jury, **910.08**

JUDICIAL NOTICE

Generally, **902.01-902.03**

Adjudicative facts

generally, **902.01**

indisputable facts and their sources, **201.3**

legislative facts and common knowledge, distinguished, **201.2**

procedure for taking judicial notice, **201.4**

Common knowledge and adjudicative facts, distinguished, **201.2**

County and municipal ordinances, **902.03**

INDEX

JUDICIAL NOTICE—Cont'd

- Indisputable facts and their sources, **201.3**
- Legislative facts and adjudicative facts, distinguished, **201.2**
- Procedure for taking judicial notice, **201.4**
- State and federal agency administrative rules, **902.03**
- Uniform Judicial Notice of Foreign Law Act, **902.02**

JURY

- Preliminary questions, hearing of jury, **104.3**
- Rulings on evidence, hearing of jury, **103.5**
- Witnesses** (this index)
- Writings, recordings and photographs, functions of judge and jury, **910.08**

JUVENILE MATTERS

- Physician-patient and related privileges, **504.410**

KNOWLEDGE

- Authentication and identification, **9015.101**
- Character evidence, other acts, **404.713**
- Expert and opinion testimony, **702.6042**
- Hearsay, **801.305, 803.0**
- Witnesses** (this index)

LANGUAGE

- Privileges, interpreters, **905.015**
- Writings, recordings and photographs, **901.09**

LAW ENFORCEMENT

- Lay opinion testimony, **701.3**
- Privileges, **905.9**
- Relevancy, statement of injured person taken by law enforcement personnel, **412.3**

LAWYER-CLIENT PRIVILEGE

- Generally, **905.03**
- Breach of duty by lawyer or client, **503.403**

LAWYER-CLIENT PRIVILEGE

—Cont'd

- “Client,” **503.202**
- “Communication” within privilege, **503.203**
- “Confidentiality” requirement, **503.204**
- Consultation with “lawyer” acting in professional capacity, **503.201**
- Corporate clients, **503.202**
- Crime, furtherance of, **503.401**
- Deceased person, claimants through same, **503.402**
- Document attested by lawyer, **503.404**
- Exceptions
 - generally, **503.4**
 - breach of duty by lawyer or client, **503.403**
 - claimants through same deceased, **503.402**
 - crime or fraud, furtherance of, **503.401**
 - document attested by lawyer, **503.404**
 - joint clients, **503.405**
- Express waiver of privilege, **503.35**
- Forfeiture of privilege, **503.36**
- Fraud, furtherance of, **503.401**
- Implied waiver of privilege, **503.35**
- Inadvertent disclosures, **503.36**
- Joint representation
 - generally, **503.405**
 - “confidentiality” requirement, **503.204**
- Persons who may claim privilege, **503.3**
- Policy and purpose, **503.1**
- Representatives, “confidentiality” requirement, **503.204**
- Scope of privilege
 - generally, **503.2**
 - “client,” **503.202**
 - “communication” within privilege, **503.203**
 - “confidentiality” requirement, **503.204**

LAWYER-CLIENT PRIVILEGE

—Cont'd

Scope of privilege—Cont'd
consultation with “lawyer” acting
in professional capacity,
503.201

corporate clients, **503.202**

third persons, representatives and
joint representation, **503.204**

Third persons, “confidentiality”
requirement, **503.204**

Waiver of privilege, **503.5**

Work product, **503.5**

LAY WITNESSES

Expert and Opinion Testimony
(this index)

LEAD

Admissibility of results of dust test-
ing for presence of lead, **901.055**

LEADING QUESTIONS

Witnesses, **611.3**

LEARNED TREATISES

Hearsay, **908.03(18)**

LEGISLATIVE FACTS

Judicial notice, adjudicative facts,
201.2

LIABILITY INSURANCE

Relevancy, **904.11**

LIE DETECTORS

Polygraph Tests (this index)

LIMITED ADMISSIBILITY

Generally, **901.06**

Doctrine of limited admissibility,
106.1

Procedure, **106.2**

MADAY EVIDENCE

Impeachment of witnesses, character
and conduct of witness, **608.3**

MANUFACTURED PRODUCTS

Relevancy, subsequent remedial
measures, **407.3**

MAPS

Relevancy, **401.5**

MARKET REPORTS

Hearsay, **908.03(17)**

**MARRIAGE AND FAMILY
THERAPISTS**

**Physician-Patient and Related
Privileges** (this index)

**MARRIAGE AND SIMILAR
CERTIFICATES**

Hearsay, **908.03(12)**

MATHEMATICAL EVIDENCE

Relevancy, **401.9**

MCMORRIS EVIDENCE

Character Evidence (this index)

MEDIATION

Relevancy, **904.085**

**MEDICAL CARE AND
TREATMENT**

Hearsay, medical diagnosis or treat-
ment, **908.03(4)**

Records and reports. **Medical
Records and Reports** (this
index)

Relevancy, payment of expenses,
904.09

**MEDICAL RECORDS AND
REPORTS**

Privileges, waiver by voluntary
disclosure, **511.2**

Relevancy, **904.16**

MEMORY

Hearsay, unavailability of declarant
based on lack of memory,
804.104

Refreshing Memory (this index)

MENTAL CONDITION

Hearsay (this index)

MINORS

Children and Minors (this index)

“MISSING WITNESSES”

Relevancy, **401.11**

MODELS

Relevancy, **401.5**

INDEX

MODUS OPERANDI

Character evidence, other acts,
404.717

MORGAN'S THEORY

Presumptions, **301.4**

MOTIVE

Character evidence, other acts,
404.711

MOTOR VEHICLES

Admissibility of evidence relating to
use of protective headgear,
901.053

MOTORCYCLES

Protective headgear, admissibility of
evidence relating to use of,
901.053

MOVIES

Relevancy, **401.4**

MULTIPLE HEARSAY

Generally, **908.05**

MUNICIPAL ORDINANCES

Judicial notice, **902.03**

MURDER

Physician-patient and related privi-
leges, **504.405**

NEGLECTED CHILD

Physician-patient and related privi-
leges, **504.406**

NEGOTIABLE INSTRUMENTS AND RELATED DOCUMENTS

Self-authentication, **902.9**

NEWSPAPERS

Self-authentication, **902.6**

NO CONTEST PLEA OFFER

Relevancy, **904.10**

NURSES

**Physician-Patient and Related
Privileges** (this index)

OATH OR AFFIRMATION

Witnesses, **906.03**

OBJECTIONS

Hearsay (this index)

Rulings on Evidence (this index)
Witnesses, calling of witnesses by
judge, **614.3**

OFFERS OF PROOF

Rulings on Evidence (this index)

OFFERS TO COMPROMISE

Relevancy (this index)

OFFERS TO PLEAD GUILTY

Relevancy, **904.10**

OFFICIAL PUBLICATIONS

Self-authentication, **902.5**

OPINION TESTIMONY

Expert and Opinion Testimony
(this index)

OPPORTUNITY

Character evidence, other acts,
404.715

ORGANIZATIONS

Relevancy, habit and routine practice,
406.3

OTHER ACCIDENTS

Character evidence, **404.704**

OTHER ACTS

Character Evidence (this index)

OTHER SALES

Character evidence, **404.706**

“OTHER” USES

Character evidence, criminal cases,
404.403

PATERNITY

Physician-patient and related privi-
leges, **504.408**

PERIODICALS

Self-authentication, **902.6**

PERJURY

Relevancy, subornation of perjury,
401.8

PERSONAL HISTORY

Hearsay (this index)

PERSONAL KNOWLEDGE

Knowledge (this index)

PHOTOGRAPHS

Writings, Recordings and
Photographs (this index)

PHYSICAL CONDITION

Hearsay (this index)

**PHYSICIAN-PATIENT AND
RELATED PRIVILEGES**

Generally, **905.04**

Abused, neglected or injured child,
504.406

Commitment proceedings, **504.401**

Condition as element of claim or
defense, **504.404**

Definitions, **504.1**

Examination by order of judge,
504.403

Exceptions, generally, **504.4**

Guardianship proceedings, **504.402**

Homicide trials, **504.405**

Intoxication, tests for, **504.407**

Juvenile matters, **504.410**

Paternity proceedings, **504.408**

Persons who may claim privilege,
504.3

Scope of privilege, **504.2**

Waiver, **504.3**

Wounds and burn injuries, reporting
of, **504.409**

PLACES

Character Evidence (this index)

PLAIN ERROR

Rulings on evidence, **103.7**

PLAN OR SCHEME

Character evidence, other acts,
404.710

PODIATRISTS

Physician-Patient and Related
Privileges (this index)

POLICE

Law Enforcement (this index)

POLICY

Character evidence, other acts,
404.601

POLITICAL VOTES

Privileges, **905.7**

POLYGRAPH TESTS

Impeachment of Witnesses (this
index)

Privileges, **905.65**

PRACTICE

Character evidence, other acts,
404.703

PREGNANCY

Rape shield law, showing of origin or
source of pregnancy, **420.402**

PREJUDICE

Bias or Prejudice (this index)

PRELIMINARY EXAMINATIONS

Hearsay, **802.6**

PRELIMINARY QUESTIONS

Generally, **901.04**

Accused, testimony by, **104.4**

Admissibility, questions of, **104.1**

Conditional relevancy determina-
tions, **104.2**

Hearing of jury, **104.3**

Weight and credibility, **104.5**

PRESENT SENSE IMPRESSION

Hearsay, **908.03(1)**

PRESUMPTIONS

Generally, **903.01-903.03**

Burdens of proof, **301.1**

Criminal cases, **903.03**

Morgan's theory of presumptions,
301.4

Thayer's theory of presumptions,
301.3

PRETRIAL NOTICE

Character evidence, making record
and judge's power to control
timing and form of other acts
evidence, **404.604**

INDEX

PRIOR STATEMENTS

- Hearsay** (this index)
- Impeachment of Witnesses** (this index)

PRIVILEGES

- Generally, **905.01-905.16**
- Clergy communications, **905.6**
- Comment upon claim of privilege, **905.13**
- Compelled disclosure, **905.12**
- Crime victim compensation proceedings, **905.14**
- Domestic partner privilege. Husband-wife and domestic partner privilege, below
- Domestic violence-victim privilege, **905.045**
- Expert and opinion testimony, **702.8**
- Federal tax return information, **905.15**
- Health care records of witness, waiver by voluntary disclosure, **511.2**
- Hearing impairments, interpreters, **905.015**
- Hearsay, unavailability of declarant based on claim of privilege, **804.102**
- Honesty testing devices, **905.65**
- Husband-wife and domestic partner privilege
 - generally, **905.05**
 - exceptions, **505.2**
 - scope of privilege, **505.1**
- Identity of inform. Informer identity, below
- Inference from claim of privilege, **905.13**
- Informer identity
 - generally, **905.10**
 - exceptions, **510.2**
 - legality of obtaining evidence, **510.202**
 - merits, testimony on, **510.201**
 - scope and purpose, **510.1**
 - voluntary disclosure, **510.2**
 - witness, informer as, **510.2**
- Interpreters, **905.015**

PRIVILEGES—Cont'd

- Language difficulties, interpreters, **905.015**
- Law enforcement records, **905.9**
- Lawyer-Client Privilege** (this index)
- Legality of obtaining evidence, informer identity, **510.202**
- Limited English proficiency, interpreters, **905.015**
- Opportunity to assert privilege, **905.12**
- Physician-Patient and Related Privileges** (this index)
- Political votes, **905.7**
- Reports required, **905.02**
- Sexual assault advocate-victim privilege, **905.045**
- Shiffra/Green procedures, waiver by voluntary disclosure, **511.2**
- Speaking impairments, interpreters, **905.015**
- Spousal privilege. Husband-wife and domestic partner privilege, above
- Trade secrets, **905.8**
- Veteran mentors, **905.16**
- Voluntary disclosure, Waiver by voluntary disclosure, below
- Waiver by voluntary disclosure
 - generally, **905.11**
 - health care records of witness, production of, **511.2**
 - informer identity, **510.2**
 - Shiffra/Green procedures, **511.2**
 - Witness, informer as, **510.2**

PROCEDURAL INCIDENTS

- Character evidence, other acts, **404.603**

PRODUCTION OF OBJECT

- Refreshing memory, **612.4**

PROFESSIONAL COUNSELORS

- Physician-Patient and Related Privileges** (this index)

PROPENSITY

- Character Evidence** (this index)

PROPERTY INTERESTS

Hearsay (this index)

PROPERTY VALUES

Lay opinion testimony, **701.4**

“PSYCHOLOGICAL SCARRING”

Hearsay, unavailability of declarant, **804.106**

PSYCHOLOGISTS

Physician-Patient and Related Privileges (this index)

PUBLIC RECORDS AND REPORTS

Authentication and identification, **9015.7**

Hearsay (this index)

Writings, recordings and photographs, **910.05**

PURPOSE OF RULES

Generally, **901.02**

QUALIFICATIONS

Expert and opinion testimony, **702.601, 702.4031**

Witnesses, **601.1**

RAPE SHIELD LAW

Generally, **901.08, 971.31, 972.11**

Civil actions, **901.08**

Constitutionally compelled exceptions, **420.5**

Defendant, prior sexual conduct with, **420.401**

Exceptions

generally, **420.4**

constitutionally compelled exceptions, **420.5**

defendant, prior sexual conduct with, **420.401**

origin or source of semen, pregnancy or injury, showing of, **420.402**

prior untruthful claims of sexual assault, **420.403**

Exclusionary rule, **420.3**

Injury, showing of origin or source of, **420.402**

Motions before trial, **971.31**

RAPE SHIELD LAW—Cont’d

Pregnancy, showing of origin or source of, **420.402**

Prior untruthful claims of sexual assault, **420.403**

Semen, showing of origin or source of, **420.402**

Sexual conduct, defined, **420.2**

Therapist-patient shield law, **420.6**

READING OF REPORT

Expert testimony, **907.07**

REAL EVIDENCE

Relevancy (this index)

RECORDED RECOLLECTION

Hearsay, **908.03(5)**

RECORDS

Authentication and Identification (this index)

Hearsay (this index)

Public Records and Reports (this index)

Rulings on Evidence (this index)

Writings, Recordings and Photographs (this index)

REFRESHING MEMORY

Generally, **906.12**

Hypnosis, **612.5**

Items that may be used to refresh recollection, **612.2**

Production, inspection and introduction of object, **612.4**

Time recollection may be refreshed, **612.3**

REGULARLY CONDUCTED ACTIVITY

Authentication and Identification (this index)

Hearsay (this index)

REHABILITATION

Impeachment of witnesses, persons who may impeach, **607.1**

RELATED WRITINGS OR

RECORDED STATEMENTS

Remainder of or Related Writings or Recorded Statements (this index)

INDEX

RELEVANCY

Generally, **904.01-904.16**
Admissibility of relevant evidence,
generally
generally, **904.02**
constitutional right to present
defense, **402.2**
irrelevant evidence, **904.02**
Animations, **401.601**
“Any tendency,” **401.102**
Balancing test, exclusion on grounds
of prejudice, confusion or waste
of time, **403.1**
Bribery, **401.8**
Character Evidence (this index)
Charts, **401.5**
Civil settlement talk in criminal
prosecutions, **408.2**
Collateral source rule, **401.10**
Compromise and offers to compro-
mise
generally, **904.08**
civil settlement talk in criminal
prosecutions, **408.2**
Concealment of evidence, **401.8**
Concept of relevancy. Definition of
“relevant evidence,” below
Confusion. Prejudice, confusion or
waste of time, exclusion on
grounds of, below
Consequential propositions, **401.101**
Constitutional right to present
defense, **402.2**
Copies of statement of injured
person, **412.2**
Courtroom demonstrations. Defini-
tion of “relevant evidence,”
below
Crime victim information, **904.13**
Definition of “relevant evidence”
generally, **904.01**
animations and simulations,
401.601
“any tendency,” **401.102**
collateral source rule, **401.10**
concept of relevancy
generally, **401.1**
“any tendency,” **401.102**

RELEVANCY—Cont’d

Definition of “relevant evidence”
—Cont’d
concept of relevancy—Cont’d
consequential propositions,
401.101
consequential propositions,
401.101
courtroom demonstrations
generally, **401.6**
animations and simulations,
401.601
demonstrative and real evidence,
generally, **401.2**
exhibition of injuries, **401.3**
maps, models, charts or diagrams,
401.5
mathematical and statistical evi-
dence, **401.9**
“missing witnesses,” **401.11**
objects and instrumentalities of
crime or wrong, **401.3**
photographs, movies, videos and
“silent witnesses,” **401.4**
spoliation; flight; destroying,
concealing or withholding
evidence; bribery; suborna-
tion of perjury, **401.8**
views, **401.7**
Demonstrative evidence. Definition
of “relevant evidence,” above
Destruction of evidence, **401.8**
Diagrams, **401.5**
Exhibition of injuries, **401.3**
Expert and opinion testimony, **702.5,**
702.4031
Farmer assistance program com-
munications, **904.15**
Flight, **401.8**
Guilty plea
offer to plead, **904.10**
withdrawal, **904.10**
Habit and routine practice
generally, **904.06**
character, **406.1**
organizations, **406.3**
proof of habit, **406.2**
Health care providers, apologies or
condolences of, **904.14**

RELEVANCY—Cont'd

Health care reports, **904.16**
 Injuries, exhibition of, **401.3**
 Instrumentalities of crime or wrong, **401.3**
 Irrelevant evidence, **904.02**
 Law enforcement personnel, statement of injured person taken by, **412.3**
 Liability insurance, **904.11**
 Manufactured products, subsequent remedial measures, **407.3**
 Maps, **401.5**
 Mathematical evidence, **401.9**
 Mediation, communications in, **904.085**
 Medical and similar expenses, payment of, **904.09**
 “Missing witnesses,” **401.11**
 Models, **401.5**
 Movies, **401.4**
 No contest plea offer, **904.10**
 Objects of crime or wrong, **401.3**
 Offer to plead guilty, **904.10**
 Offers to compromise. Compromise and offers to compromise, above
 Organizations, habit and routine practice, **406.3**
 Perjury, subornation of, **401.8**
 Photographs, **401.4**
 Prejudice, confusion or waste of time, exclusion on grounds of generally, **904.03**
 balancing test, **403.1**
 Real evidence. Definition of “relevant evidence,” above
 Routine practice. Habit and routine practice, above
 72 hours, statement of injured person made within, **412.1**
 “Silent witnesses,” **401.4**
 Simulations, **401.601**
 Spoliation, **401.8**
 Statement of injured person generally, **904.12**
 copies of statements, **412.2**
 law enforcement personnel, statements taken by, **412.3**

RELEVANCY—Cont'd

Statement of injured person—Cont'd statements made within 72 hours, **412.1**
 Statistical evidence, **401.9**
 Subornation of perjury, **401.8**
 Subsequent remedial measures generally, **904.07**
 manufactured products, **407.3**
 Videos, **401.4**
 Views, **401.7**
 Waste of time. Prejudice, confusion or waste of time, exclusion on grounds of, above
 Withdrawal of guilty plea, **904.10**
 Withholding of evidence, **401.8**

RELIABILITY

Expert and Opinion Testimony
 (this index)

RELIGIOUS BELIEFS OR OPINIONS

Impeachment of witnesses, **906.10**

RELIGIOUS ORGANIZATIONS

Hearsay, records, **908.03(11)**

REMAINDER OF OR RELATED WRITINGS OR RECORDED STATEMENTS

Generally, **901.07**
 Evidentiary status of additional evidence, **107.2**
 Rule of completeness, **107.1**
 Written, recorded and oral statements, **107.1**

REPORTS

Physician-patient and related privileges, reporting of wounds and burn injuries, **504.409**
 Privileges, **905.02**
Public Records and Reports (this index)

REPRESENTATIVES

Hearsay, admissions made by opposing party, **801.501**
 Lawyer-client privilege, “confidentiality” requirement, **503.204**

INDEX

REPUTATION

Character Evidence (this index)
Impeachment of witnesses, character and conduct of witness, **608.1**

RESIDUAL EXCEPTION

Hearsay, **908.03(24)**

ROUTINE PRACTICE

Relevancy (this index)

RULE OF COMPLETENESS

Remainder of or related writings or recorded statements, **107.1**

RULINGS ON EVIDENCE

Generally, **901.03**
Curative admissibility, effects of evidentiary errors, **103.602**
Depositions later used at trial, objections at, **103.205**
“Door opening,” effect of evidentiary error, **103.602**
Effects of evidentiary errors generally, **103.6**
“door opening,” **103.602**
harmless error, **103.601**
plain error, **103.7**
strategic waiver and curative admissibility, **103.602**
Harmless error, **103.601**
Hearing of jury, **103.5**
Ineffective assistance of counsel and evidence law, **103.8**
In limine motions seeking to admit or exclude evidence, **103.206**
Objections at trial generally, **103.2**
counsel must object or move to strike, **103.201**
depositions later used at trial, objections at, **103.205**
motions in limine seeking to admit or exclude evidence, **103.206**
record, objection or motion to strike must be on, **103.202**
specific ground for objection, **103.204**
timeliness of objection, **103.203**
Offers of proof generally, **103.3**

RULINGS ON EVIDENCE—Cont’d

Offers of proof—Cont’d
record of offer and ruling, **103.4**
Plain error, **103.7**
Records
objection or motion to strike must be on record, **103.202**
offer of proof, **103.4**
Specific ground for objection, **103.204**
Strategic waiver, effects of evidentiary errors, **103.602**
Timeliness of objection, **103.203**
Waiver, effects of evidentiary errors, **103.602**

SCHEME OR PLAN

Character evidence, other acts, **404.710**

SCOPE OF RULES

Generally, **901.01**

SEAL

Self-authentication, public documents under or not under seal, **902.1, 902.2**

SECONDARY EVIDENCE

Writings, recordings and photographs, **910.04**

SELF-AUTHENTICATION

Authentication and Identification (this index)

SELF-DEFENSE

Character evidence, McMorris evidence, victims, third parties and places, **404.502**

SEMEN

Rape shield law, showing of origin or source of semen, **420.402**

SEQUENCING PROOF

Character evidence, **405.1**

SEQUESTRATION OF WITNESSES

Generally, **615.1**

SEX OFFENSES

Character Evidence (this index)
Rape Shield Law (this index)

SEX OFFENSES—Cont’d

Sexual assault advocate-victim privilege, **905.045**

SEXUALLY TRANSMITTED DISEASE TESTING

Admissibility of test results, **105.1**

SHIFFRA/GREEN PROCEDURES

Privileges, waiver by voluntary disclosure, **511.2**

SICKNESS

Hearsay, unavailability of declarant, **804.105**

“SILENT WITNESSES”

Relevancy, **401.4**

SIMULATIONS

Relevancy, **401.601**

SKILLED LAY OBSERVERS

Opinion testimony, **701.2**

SNOWMOBILES

Protective headgear, admissibility of evidence relating to use of, **901.053**

SOCIAL MEDIA

Authentication and identification, **901.2**

SOCIAL WORKERS

Physician-Patient and Related Privileges (this index)

SPEAKING AGENT ADMISSIONS

Hearsay, **801.503**

SPEAKING IMPAIRMENTS

Privileges, interpreters, **905.015**

SPECIALIZED KNOWLEDGE

Expert and Opinion Testimony (this index)

SPECIFIC INSTANCES

Character evidence, **405.2, 405.203**

SPOILIATION

Relevancy, **401.8**

STATE AGENCY

ADMINISTRATIVE RULES

Judicial notice, **902.03**

STATE OF MIND

Character evidence, other acts, **404.707**

Hearsay, **801.305**

STATISTICAL EVIDENCE

Relevancy, **401.9**

STEALTH HEARSAY

Witnesses, lack of personal knowledge, **602.2**

STRATEGIC WAIVER

Rulings on evidence, effects of evidentiary errors, **103.602**

SUBORNATION OF PERJURY

Relevancy, **401.8**

SUBSCRIBING WITNESS

Authentication and identification, testimony, **909.03**

SUBSEQUENT CONDUCT

Hearsay, inferences, **801.306**

SUBSEQUENT REMEDIAL MEASURES

Relevancy (this index)

SULLIVAN STANDARD

Character evidence, admissibility of other acts evidence, **404.605**

SUMMARIES

Writings, recordings and photographs, **910.06**

TELEPHONE CONVERSATIONS

Authentication and identification, **9015.6**

TEST RESULTS

Admissibility of evidence, **901.05**

THAYER’S THEORY

Presumptions, **301.3**

THERAPIST-PATIENT SHIELD LAW

Generally, **420.6**

INDEX

THIRD PARTIES

Character Evidence (this index)
Hearsay, third-party records of
regularly conducted activity,
803.602

THIRD PERSONS

Lawyer-client privilege,
“confidentiality” requirement,
503.204

TIME

Refreshing memory, time recollection
may be refreshed, **612.3**
Rulings on evidence, timeliness of
objection, **103.203**

TITLE

Generally, **911.02**

TRACE THEORY

Hearsay, **801.307**

TRADE INSCRIPTIONS AND THE LIKE

Self-authentication, **902.7**

TRADE SECRETS

Privileges, **905.8**

TRUTH AND TRUTHFULNESS

Character evidence, **404.2**
Hearsay, statements offered for truth
of matter asserted, **801.301**

ULTIMATE ISSUE

Expert and opinion testimony, **907.04**

UNIFORM JUDICIAL NOTICE OF FOREIGN LAW ACT

Generally, **902.02**

USAGE

Character evidence, other acts,
404.703

VERBAL ACTS OR VERBAL PARTS OF ACTS

Hearsay, **801.303**

VERDICT

Juror as witness, **606.2**

VETERAN MENTORS

Privileges, **905.16**

VICTIMS

Character Evidence (this index)
Relevancy, crime victim information,
904.13

VIDEOS

Relevancy, **401.4**

VIEWS

Relevancy, **401.7**

VITAL STATISTICS

Hearsay, **908.03(9)**

VOICE IDENTIFICATION

Authentication and identification,
9015.5

VOLUNTARY DISCLOSURE

Privileges (this index)

WAIVER

Hearsay, constitutional law, **802.304**
Lawyer-client privilege, **503.5**
Physician-patient and related privi-
leges, **504.3**
Privileges (this index)
Rulings on evidence, effects of evi-
dentiary errors, **103.602**

WASTE OF TIME

Relevancy (this index)

“WERE THEY LYING” QUESTIONS

Impeachment of witnesses, character
and conduct of witness, **608.101**

WITHDRAWAL OF GUILTY PLEA

Relevancy, **904.10**

WITHHOLDING OF EVIDENCE

Relevancy, **401.8**

WITNESSES

Generally, **906.01-906.15**
Bias, juror as witness, **606.4**
Competency
generally, **906.01**
dead man’s statutes, **601.3**
hearsay declarants, **601.2**
qualifications of witnesses, **601.1**
Cross-examination, scope of, **611.2**
Dead man’s statutes, **601.3**

WITNESSES—Cont'd

- Deliberations of jury, exhibits, **611.4**
- Exclusion of witnesses, **906.15**
- Exhibits, **611.4**
- Hearsay declarants, competency, **601.2**
- Impeachment of Witnesses** (this index)
- Indictment, inquiries into, juror as witness, **606.2**
- Interpreters, **906.04**
- Judge
 - calling of witnesses. Judge, calling of witnesses by, below
 - control of interrogation and presentation, **611.1**
 - witness, judge as, **906.05**
- Judge, calling of witnesses by
 - generally, **906.14**
 - interrogation by judge, **614.2**
 - objections, **614.3**
 - power of judge to call witnesses, **614.1**
- Juror as witness
 - generally, **906.06**
 - exceptions, **606.3**
 - juror bias test, **606.4**
 - validity of verdict or indictment, inquiries into, **606.2**
- Leading questions, **611.3**
- Mode and order of interrogation and presentation
 - generally, **906.11**
 - cross-examination, scope of, **611.2**
 - deliberations of jury, exhibits, **611.4**
 - exhibits, **611.4**
 - judge, control by, **611.1**
 - leading questions, **611.3**
- Oath or affirmation, **906.03**
- Objections, calling of witnesses by judge, **614.3**
- Order of interrogation and presentations. Mode and order of interrogation and presentation, above
- Personal knowledge, lack of
 - generally, **906.02**
 - stealth hearsay, **602.2**

WITNESSES—Cont'd

- Power of judge to call witnesses, **614.1**
- Qualifications of witnesses, **601.1**
- Refreshing Memory** (this index)
- Sequestration of witnesses, **615.1**
- Stealth hearsay, lack of personal knowledge, **602.2**
- Verdict, inquiries into, juror as witness, **606.2**

WORK PRODUCT

- Lawyer-client privilege, **503.5**

WOUNDS

- Physician-patient and related privileges, reports, **504.409**

WRITINGS, RECORDINGS AND PHOTOGRAPHS

- Generally, **910.01-910.08**
- Best evidence, generally, **1001.1**
- Definitions
 - generally, **910.01**
 - original, **1001.4**
 - photographs, **1001.3**
 - writings and recordings, **1001.2**
- Duplicates
 - admissibility, **910.03**
 - definition, **1001.5**
- Judge and jury, functions of, **910.08**
- Languages other than English, **901.09**
- Original, defined, **1001.4**
- Original, requirement of
 - generally, **910.02**
 - photographs, **1002.2**
 - writings and recordings, **1002.1**
- Party, testimony or written admission of, **910.07**
- Photographs, defined, **1001.3**
- Public records, copies of, **910.05**
- Relevancy, **401.4**
- Secondary evidence in lieu of original, admissibility of, **910.04**
- Submission of writings, **901.09**
- Summaries, **910.06**
- Writings and recordings, defined, **1001.2**

INDEX

WRONGDOING

Hearsay (this index)

