

Index

ABBREVIATIONS

Judicial notice, **27:14**

Parol evidence, **21:13**

ABSENCE OR PRESENCE

Conduct of trial. See index heading CONDUCT OF TRIAL

Confessions, absence of counsel, **30:14**

Continuances. See index heading CONTINUANCES

Criminal trials. See index heading CRIMINAL TRIALS

ABUSE OF DISCRETION

Continuances, **5:11**

ABUSIVE LANGUAGE

Arguments of counsel, **3:14**

ACCIDENT

Criminal trials, defense of accident, **39:18**

ACCIDENT REPORTS

Hearsay evidence, **25:25**

Privileged communications, **28:17**

ACCOMPLICES

Competency of witness to testify, **13:8**

Cross-examination, **15:11**

ACCOUNTS AND ACCOUNTING

Opinion evidence, **24:17**

Privileged communications, **28:14**

ACCURACY

Demonstrative evidence, **22:9**

ACQUIESCENCE

See index heading CONSENT OR APPROVAL

ACTUAL DAMAGES

Generally, **36:2**

ADMISSIBILITY AND RELEVANCY OF EVIDENCE

Generally, **18:1 to 18:41**

Blood tests, **18:36**

Character and reputation, evidence of, **18:21 to 18:23**

Circumstantial evidence, admissibility of, **18:6, 18:7**

Codes and standards, **18:16**

Collateral issues, admissibility of evidence on, **18:13**

ADMISSIBILITY AND RELEVANCY OF EVIDENCE—Cont'd

Color, **18:30**
Common scheme, evidence of, **18:28**
Competency and admissibility, generally, **18:8**
Confessions, admissibility of, **30:2, 30:6**
Continuing offenses, evidence of, **18:28**
Criminal matters, generally, **18:7 et seq**
Cross-examination, **15:6**
Fingerprints, **18:35**
Footprints, **18:35**
Guilty plea, evidence of, **18:26**
Habits, proof of, **18:15**
Highly prejudicial evidence, **18:38**
Identity and identification, **18:27, 18:33**
Impeachment of witnesses, **17:11**
Insurance, evidence of, **18:31**
Intention, **18:20**
Intoxication, proof of, **18:19**
Liability insurance, evidence of, **18:31**
“Mary Carter” agreements, **18:32**
Mental examination, **18:36**
Motive, **18:20**
Negative evidence, **18:9, 18:23**
New scientific test, **18:11**
Other crimes, evidence of, **18:25, 18:29**
Other evidence, dependence upon, **18:4**
Physical or mental examination, **18:36**
Place where proof must relate, **18:24**
Prejudicial evidence, **18:38**
Property, value of, **18:37**
Race, **18:30**
Relationship, **18:33**
Relevancy, generally, **18:1**
Religion, **18:30**
Reputation, evidence of, **18:21, 18:22**
Role of court, **18:40**
Scientific means, evidence obtained by, generally, **18:10**
Services, value of, **18:37**
Similar acts or facts, admissibility of evidence on, **18:14**
Standards and codes, **18:16**
Subsequent remedial measures, **18:3**
Sufficiency of evidence. See index heading WEIGHT AND SUFFICIENCY OF EVIDENCE
Suggestive facts, **18:17, 18:18**
Suppression of evidence, **18:41**
Tampering, **18:39**
Tests to determine truth, **18:12**

INDEX

ADMISSIBILITY AND RELEVANCY OF EVIDENCE—Cont'd

Time or date

place and time in which proof must relate, **18:24**

remoteness in point of time, **18:2**

Tire marks, **18:35**

Tracks and tracking, **18:35**

Value of property and services, **18:37**

Voice recognition, testimony of, **18:34**

Wealth, **18:30**

Weight of evidence. See index heading WEIGHT AND SUFFICIENCY OF EVIDENCE

ADMISSIONS AND DECLARATIONS

Confessions, **30:1**

Directed verdict, **35:6**

ADVERSE PARTY OR WITNESS

Examination of witnesses, **14:4**

ADVICE OF COUNSEL

Criminal trials, **39:22**

AFFIRMATION

See index heading OATH OR AFFIRMATION

AGE

Confessions, **30:16**

AGGRAVATING OR MITIGATING FACTORS

Instructions to jury, **41:39**

AGGRAVATION OF INJURY

Damages, **36:17**

AGGRESSOR

Criminal trials, **39:5**

AGREEMENTS

See index heading CONTRACTS AND AGREEMENTS

AGRICULTURE

Damages, **36:27**

ALCOHOLIC BEVERAGES

See index heading INTOXICATION AND INTOXICATING LIQUOR

ALIBI

Criminal trials, generally, **39:13**

ALLOCATION OF DAMAGES

Instructions to jury, **41:12**

ALTERCATIONS

Arguments of counsel, **3:2**

AMBIGUITIES IN CONTRACTS

Parol evidence, **21:8**

AMENDMENT

See index heading CHANGE OR MODIFICATION

AMOUNT

Exemplary or punitive damages, **36:9**

ANCIENT DOCUMENTS

Documentary evidence, **23:8**

Hearsay evidence, **25:20**

ANIMAL LIFE

Judicial notice, **27:17**

ANSWERS

Examination of witnesses, **14:9**

ANTICIPATED PROFITS

Damages, **36:39**

APPEAL AND REVIEW

See index heading REVIEW

APPEALS TO JURY

Arguments of counsel, **3:13**

APPEARANCE

Criminal trials, **37:16**

APPOINTMENT

Criminal trials, **37:13, 39:11**

APPROVAL

See index heading CONSENT OR APPROVAL

ARGUMENTS OF COUNSEL

Generally, **3:1 to 3:15**

Abusive language, use of, **3:14**

Altercations between counsel, **3:2**

Appeals to jury, **3:13**

Closing arguments, generally, **3:3, 3:4**

Conduct and argument, generally, **3:1**

Credibility and character of witnesses, remarks of counsel on, **3:6**

Criminal trials, opening and closing arguments in, **3:4**

Curing error, **3:15**

Discourtesies between counsel, **3:2**

Documents on record, **3:11**

Duties and responsibilities of jury, comments on, **3:7**

Evidence

production of evidence, comments on failure as to, **3:8**

restriction of argument to, **3:10**

Failure to testify, comments on, **3:8**

INDEX

ARGUMENTS OF COUNSEL—Cont'd

- Graphic aids, **3:11**
- Impermissible arguments, **3:13**
- Inflammatory arguments, **3:13**
- Issues, restriction of argument to, **3:9**
- Law applicable to case, **3:12**
- Limitations and restrictions on, **3:9, 3:10**
- Objections, **3:15**
- Opening and closing arguments, generally, **3:3, 3:4**
- Production of evidence, comments on failure as to, **3:8**
- Remarks of counsel during trial, generally, **3:5**
- Restrictions on, **3:9, 3:10**
- Witnesses
 - credibility and character of witnesses, remarks of counsel on, **3:6**
 - failure to testify, comments on, **3:8**

ARRAY

- Selection of jury, **8:1**

ARREST

- Confessions, **30:13**
- Criminal trials, **39:6**
- Illegally obtained evidence, **31:5**

ARTIFICE OR DECEPTION

- See index heading **FRAUD OR DECEIT**

ATHEISTS

- Competency of witness to testify, **13:7**

ATTENDANCE OF WITNESSES

- Witnesses, **12:1**

ATTORNEYS

- Arguments
 - generally, **3:1 to 3:15**
 - for detailed treatment see index heading **ARGUMENTS OF COUNSEL**
- Competency of witness to testify, **13:6**
- Conduct of trial. See index heading **CONDUCT OF TRIAL**
- Continuances. See index heading **CONTINUANCES**
- Criminal trials, **37:6**
- Privileged communications, **28:5, 28:6**
- Role of
 - generally, **1:1 to 1:10**
 - for detailed treatment see index heading **ROLE OF ATTORNEY**

ATTORNEYS' FEES

- Damages, **36:37**

ATTORNEY WORK PRODUCT

- Privileged communications, **28:7**

AUTHENTICITY AND AUTHENTICATION

Demonstrative evidence, **22:9**

Documentary evidence, **23:2**

Opinion evidence, **24:15**

AVOIDABLE CONSEQUENCES DOCTRINE

Damages, **36:16**

BAILIFFS

Competency of witness to testify, **13:11**

Jury and jury trial, **42:10**

BALLISTICS

Opinion evidence, **24:19**

BANK ACCOUNTS

Presumptions about joint bank accounts, **29:23**

BARGAINING.

Criminal trials. See index heading CRIMINAL TRIALS

BATTERED SPOUSE SYNDROME

Criminal trials, **39:9**

BENEFIT OF BARGAIN RULE

Damages, **36:24**

BEST AND SECONDARY EVIDENCE

Generally, **20:1 to 20:9**

Business records, **20:8**

Copies and originals, generally, **20:5**

Grounds for introducing, **20:4**

Judicial records, **20:7**

Public records, **20:6**

Quality of secondary evidence, **20:4**

Statutory formulation of rule, **20:3**

Voluminous records, **20:9**

What constitutes best evidence, **20:2**

BIAS OR PREJUDICE

Admissibility and relevancy of evidence, **18:38**

Continuances, prejudicial publicity, **5:8**

Credibility of witnesses, **16:4**

Demonstrative evidence, **22:6**

Impeachment of witnesses, **17:3**

Selection of jury, **8:18 to 8:20**

BIRTH RECORDS

Documentary evidence, **23:14**

Hearsay evidence, **25:17**

BLOOD AND BLOOD TESTS

Admissibility and relevancy of evidence, **18:36**

INDEX

BLOOD AND BLOOD TESTS—Cont'd

Opinion evidence, **24:29**

BOLSTERING CREDIBILITY

Credibility of witnesses, **16:8**

BONES

Demonstrative evidence, **22:15**

BOOKS

Documentary evidence, **23:19**

Jury and jury trial, **42:7**

BOUNDARIES

Parol evidence, **21:12**

BROADCASTING COURT PROCEEDINGS

Criminal trials, **37:19**

BURDEN OF PROOF

Generally, **9:1 to 9:10**

Burden of going forward, generally, **9:1**

Civil cases, generally, **9:3**

Contract actions, **9:4**

Criminal cases, generally, **9:8**

Defense matters, **9:9**

Fraud, burden of proving, **9:5**

Illegality, **9:6**

Invalidity of law, burden as to, **9:7**

Miscellaneous actions, **9:10**

Presumptions

generally, See index heading PRESUMPTIONS

effect of presumption on burden of proof, **9:2**

Prima facie case, effect on burden of proof, **9:2**

Undue influence, burden of proving, **9:5**

Unfairness, burden of proving, **9:5**

BUSINESS CUSTOMS AND PRACTICES

Judicial notice, **27:18**

BUSINESS RECORDS

Best and secondary evidence, **20:8**

Documentary evidence, **23:21**

Hearsay evidence, **25:11**

BUSINESS RELATIONSHIP

Selection of jury, **8:22**

CAPITAL PUNISHMENT

Hearsay evidence, **25:27**

Selection of jury, **8:20**

CAPS ON DAMAGES

Damages, **36:47**

CAUSE OR CAUSATION

Opinion evidence. See index heading **OPINION EVIDENCE**

CERTAINTY AND DEFINITENESS

Criminal trials, **40:8**

Damages, **36:13**

CERTIFICATES AND CERTIFICATION

Documentary evidence, **23:10**

CHALLENGES

Selection of jury, **8:1, 8:7, 8:9, 8:11, 8:25**

CHANGE OR MODIFICATION

Continuances, amendment of pleadings, **5:4**

Correction. See index heading **CORRECTIONS AND CORRECTING**

Demonstrative evidence, **22:10**

CHARACTER AND REPUTATION

Admissibility and relevancy of evidence, **18:21 to 18:23**

Credibility of witnesses, **16:5**

Cross-examination of character witnesses, **15:12**

Hearsay evidence, **25:10**

Impeachment of witnesses, **17:4**

CHARTS

Demonstrative evidence, **22:12**

CHILD ABUSE

Privileged communications, **28:11**

CHILDREN AND INFANTS

Competency of witness to testify, **13:4**

Criminal trials, defense of infancy, **39:20**

Damages, **36:22**

Demonstrative evidence, **22:16**

Hearsay evidence, **25:29**

Statements against interest, **26:10**

CHURCH RECORDS

Hearsay evidence, **25:19**

CIRCUMSTANTIAL EVIDENCE

Admissibility and relevancy of evidence, **18:6, 18:7**

Criminal trials, **41:36**

Selection of jury, **8:19**

Weight and sufficiency of evidence, **19:5**

CITIES

Judicial notice, **27:8**

INDEX

CIVIL CONTENT

See index heading CONTEMPT

CLARIFICATION

Judgment, **44:6**

CLERGYMEN

Privileged communications, **28:12**

CLERK

Jury and jury trial, **42:10**

CLIMATE

Judicial notice, **27:15**

CLOSING ARGUMENTS

See index heading ARGUMENTS OF COUNSEL

CODES AND STANDARDS

Admissibility and relevancy of evidence, **18:16**

COERCION OR DURESS

Criminal trials, **39:14**

COLLATERAL ISSUES

Admissibility and relevancy of evidence, **18:13**

Impeachment of witnesses, **17:12**

COLLATERAL SOURCE RULE

Damages, **36:18**

Instructions to jury, **41:15**

COLOR

Admissibility and relevancy of evidence, **18:30**

COMMERCIAL PUBLICATIONS

Hearsay evidence, **25:12**

COMMON SCHEME

Admissibility and relevancy of evidence, **18:28**

COMMUNICATIONS

Jury and jury trial, **42:9, 42:10**

COMPARISON OF WRITINGS

Demonstrative evidence, **22:13**

COMPELLING ATTENDANCE OF WITNESSES

Witnesses, **12:1**

COMPENSATION

Witnesses, **12:12**

COMPENSATORY DAMAGES

Damages, **36:2**

COMPETENCY

Admissibility and relevancy of evidence, **18:8**

COMPETENCY OF WITNESS TO TESTIFY

Generally, **13:1 to 13:13**

Accomplices as witnesses, **13:8**

Atheists, competency to testify, **13:7**

Attorney, competency to testify, **13:6**

Bailiffs, competency of, **13:11**

Children, competency of, **13:4**

Convicted persons, competency of, **13:3**

Defendant, competency to testify, **13:12**

Determination of competency, **13:2**

Expert, competency to testify, **13:13**

Husband or wife, competency of, **13:5**

Immoral persons, competency to testify, **13:7**

Interest in suit, **13:1**

Interpreters, competency to testify, **13:11**

Judge, competency to testify, **13:6**

Juror, competency to testify, **13:6**

Knowledge of other testimony by witness as affecting competency, **13:10**

Mental incompetents, competency to testify, **13:7**

Objection to competency, **13:2**

Participation in suit, **13:1**

Spouse, competency of, **13:5**

Unknown witnesses, competency of, **13:9**

COMPROMISE AND SETTLEMENT

Instructions to jury, **41:4**

Role of attorney, **1:9**

Statements against interest, **26:6**

CONCLUSIVENESS

Proof of facts, **11:8**

CONCURRENT CAUSE

Instructions to jury, **41:20**

CONCURRENT SENTENCES

Criminal trials, **40:8**

CONDITIONAL ADMISSION OF EVIDENCE

Order of proof, **10:2**

CONDUCT OF TRIAL

Generally, **2:1 to 2:15**

Absence. See “Presence or absence” in this heading

Attorney or counsel

judge’s remarks to or concerning, **2:10**

presence of, **2:3**

Determination of motion for disqualification of judge, **2:12**

INDEX

CONDUCT OF TRIAL—Cont'd

- Discretion of court, **2:2**
- Disqualification of judge, **2:11**
- General conduct of judge, **2:6**
- Immunity of judge, **2:14**
- Judge, generally, **2:5 et seq**
- Jury, presence of, **2:5**
- Motion for disqualification of judge, **2:11**
- Parties
 - judge's conduct towards, **2:8**
 - presence of, **2:3**
- Pleadings, **2:4**
- Presence or absence
 - judge and jury, presence of, **2:5**
 - parties and counsel, presence of, **2:3**
- Publicity before and during trial, **2:13**
- Remarks of judge, generally, **2:7**
- Successor judge, **2:15**
- Witnesses, judge's conduct towards, **2:9**

CONFESSIONS

- Generally, **30:1 to 30:17**
- Absence of counsel, **30:14**
- Admissibility of confessions, **30:2, 30:6**
- Admissions, distinguished from, **30:1**
- Age, **30:16**
- Arrest, confession while under, **30:13**
- Artifice or deception, **30:15**
- Custody, confession while in, **30:13**
- Deception, **30:15**
- Definitions, **30:1**
- Distinguished from admissions, **30:1**
- Force or fear, use of, **30:12**
- Former plea of guilty, **30:17**
- Fraud and deception, **30:15**
- Inducements, **30:9**
- Mental condition of confessor, **30:16**
- Miranda warnings, **30:3, 30:4**
- Physical condition of confessor, **30:16**
- Presumption and burden of proof as to voluntariness, **30:11**
- Questions of law and fact, **30:10**
- Several persons, confessions implicating, **30:7**
- Threats, **30:12**
- Voluntariness, generally, **30:8 to 30:11**
- Waiver of right under Miranda, **30:5**

CONFRONTATION OF WITNESSES

- Examination of witnesses, **14:20**

CONNECTING SEVERAL WRITINGS

Parol evidence, **21:9**

CONSECUTIVE SENTENCES

Criminal trials, **40:8**

CONSENT OR APPROVAL

Illegally obtained evidence, **31:10**

Objections to evidence, **32:4**

Role of attorney, **1:8**

Statements against interest, admission by acquiescence, **26:13, 26:14**

CONSEQUENCES RESULTING FROM ACTS

Presumptions, **29:14**

CONSIDERATION

Parol evidence, **21:6**

CONSOLIDATION OF RELATED OFFENSES

Criminal trials, **37:20**

CONSTRUCTION AND INTERPRETATION

Books of account, opinion evidence as to, **24:17**

Criminal trials, **41:35, 41:36**

Presumptions, **29:19**

Proof of facts, **11:3**

CONSTRUCTIVE CONTEMPT

Generally, **6:3**

CONSTRUCTIVE DEFECTS

Damages, **36:28**

CONTACT WITH WITNESSES

Role of attorney, **1:5**

CONTEMPT

Generally, **6:1 to 6:8**

Civil contempt, generally, **6:4, 6:5**

Constructive contempt, **6:3**

Courts role, **6:2**

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

Definitions, **6:1**

Direct contempt, **6:3**

Forms of punishment, **6:8**

Nature of contempt, **6:5, 6:6**

Punishment, **6:7, 6:8**

Role of court, **6:2**

Summary punishment, **6:7**

CONTINUANCE OF CONDITION

Presumptions, **29:22**

INDEX

CONTINUANCES

- Generally, **5:1 to 5:11**
- Absence or presence
 - counsel, **5:5**
 - necessary records or documents, absence of, **5:3**
 - party, **5:6**
 - witness or evidence, **5:10**
- Abuse of discretion by denial of continuance, **5:11**
- Amendment of pleadings, **5:4**
- Attorney or counsel
 - absence of, **5:5**
 - withdrawal of, **5:2**
- Criminal trials, **37:25**
- Denial of continuance, abuse of discretion by, **5:11**
- Discretion, abuse of, **5:11**
- Documents, absence of, **5:3**
- Evidence, absence of, **5:10**
- Hostile public atmosphere, **5:8**
- Other proceedings pending, **5:7**
- Party
 - absence of, **5:6**
 - unpreparedness of, **5:2**
- Pending proceedings, **5:7**
- Pleadings, amendment of, **5:4**
- Prejudicial publicity, **5:8**
- Presence. See “Absence or presence” under this heading
- Publicity, **5:8**
- Records or documents, absence of, **5:3**
- Surprise, **5:9**
- Unpreparedness of party, **5:2**
- Withdrawal of counsel, **5:2**
- Witness, absence of, **5:10**

CONTINUING OFFENSES

- Admissibility and relevancy of evidence, **18:28**

CONTRACTS AND AGREEMENTS

- Burden of proof, **9:4**
- Criminal trials. See index heading CRIMINAL TRIALS
- Damages, **36:36, 36:42**
- Parol evidence. See index heading PAROL EVIDENCE
- Presumptions, **29:19**
- Proof of facts, agreed case, **11:2**

CONTRADICTORY STATEMENTS

- Credibility of witnesses, **16:6**
- Impeachment of witnesses, **17:6**

CONTRIBUTORY NEGLIGENCE

Instructions to jury, **41:20**

CONVICTION OF CRIME

Competency of witness to testify, **13:3**

Credibility of witnesses, **16:5**

Impeachment of witnesses, **17:5**

COPIES AND DUPLICATES

Best and secondary evidence, **20:5**

Documentary evidence, **23:10**

CORPORATE OFFICERS AND AGENTS

Statements against interest, **26:9**

CORPUS DELICTI

Statements against interest, **26:14**

Weight and sufficiency of evidence, **19:7**

CORRECTIONS AND CORRECTING

Instructions to jury, **41:27**

Verdict, **43:15, 43:16**

CORROBORATION

Credibility of witnesses, **16:9**

Witnesses, **12:11**

COSTS AND EXPENSES

Damages, **36:35, 36:36**

Opinion evidence, **24:30**

COURTS AND COURT OFFICERS

Generally, **4:1, 4:2**

Evidence, reception of, **4:2**

Examination of witnesses, **14:3**

Function and duty of court, **4:1**

Jury and jury trial, **42:1**

Trial by court, generally, **4:1, 4:2**

CREDIBILITY OF WITNESSES

Generally, **16:1 to 16:9**

Arguments of counsel, **3:6**

Attacking credibility of witnesses, **16:2**

Bias or prejudice, **16:4**

Bolstering credibility, **16:8**

Character, **16:5**

Contradictory statements, **16:6**

Conviction of crime, **16:5**

Corroboration of credibility, **16:9**

Determining factors, **16:3**

False in part testimony, **16:7**

Instructions to jury, **41:25**

INDEX

CREDIBILITY OF WITNESSES—Cont'd

- Interest, **16:4**
- Manner of testifying, **16:6**
- Notice, **16:4**
- Partially false testimony, **16:7**
- Prejudice, **16:4**
- Province of court or jury, **16:1**
- Reputation, **16:5**
- Tests, **16:3**

CRIME REPORTING

- Privileged communications, **28:18**

CRIMINAL TRIALS

- Generally, **37:1 to 37:27**
- Absence. See “Presence or absence” in this heading
- Accident, defense of, **39:18**
- Admissibility of evidence. See index heading ADMISSIBILITY AND RELEVANCY OF EVIDENCE
- Advice of counsel, defense of, **39:22**
- Aggressor, use of force by, **39:5**
- Agreement. See “Pleas” in this heading
- Alibi defense, **39:13**
- Appearance of accused in court, **37:16**
- Appointment of experts, **37:13, 39:11**
- Arguments of counsel, **3:4**
- Arrest, use of force in making, **39:6**
- Attorney or counsel, right to, **37:6**
- Bargaining. See “Pleas” in this heading
- Battered spouse syndrome, **39:9**
- Broadcasting court proceedings, **37:19**
- Burden of proof. See index heading BURDEN OF PROOF
- Certainty in judgment and sentence, requirement of, **40:8**
- Circumstantial evidence, interpretation and effect of, **41:36**
- Coercion or duress, **39:14**
- Concurrent sentences, **40:8**
- Confessions
 - generally, **30:1 to 30:17**
 - for detailed treatment see index heading CONFESSIONS
- Consecutive sentences, **40:8**
- Consolidation of related offenses, **37:20**
- Contempt. See index heading CONTEMPT
- Continuance, **37:25**
- Contract or agreement. See “Pleas” in this heading
- Conviction, See index heading CONVICTION OF CRIME
- Counsel, right to, **37:6**
- Cross-examination, **15:10**
- Custody
 - generally, **37:27**

CRIMINAL TRIALS—Cont'd

Custody—Cont'd

confessions made while in custody, **30:13**

force, use of force during custody, **39:6**

Deadlocked juries, instructions in, **41:38**

Death of third person unintentionally, defense of, **39:3**

Defendants, severance of, **37:23**

Defense of others, use of force in, **39:4**

Defenses

generally, **39:1 to 39:24**

accident, **39:18**

advice of counsel, **39:22**

aggressor, use of force by, **39:5**

alibi, **39:13**

appointment of experts, **39:11**

arrest, use of force in making, **39:6**

battered spouse syndrome, **39:9**

coercion or duress, **39:14**

custody, use of force during, **39:6**

death of third person unintentionally, **39:3**

defense of others, use of force in, **39:4**

duress, **39:14**

entrapment, **39:15**

experts, notice and appointment of, **39:11**

force, use of, generally, **39:1 et seq**

guilt of another person, **39:16**

habitation of person, defense of, **39:8**

infancy, **39:20**

insanity, **39:10**

intent, lack of, **39:21**

intoxication, **39:17**

miscellaneous defenses, **39:23**

misfortune, **39:18**

necessity, **39:24**

notice and appointment of experts, **39:11**

resisting arrest, **39:7**

selective prosecution, **39:19**

self-defense, **39:1**

stand your ground, **39:2**

testimony, **39:12**

third person, unintentional death of, **39:3**

unintentional death of third person, **39:3**

voluntary intoxication, **39:17**

Degrees, guilty plea to offense divided into, **38:13**

Demonstrative evidence, **22:2**

Directed verdict, **35:9**

Discovery, **37:2**

INDEX

CRIMINAL TRIALS—Cont'd

- Dismissal and discontinuance, **7:9**
- Documentary evidence, **23:18**
- Duress, defense of, **39:14**
- Entrapment defense, **39:15**
- Entry of sentence, **40:2**
- Evidence. See index heading EVIDENCE
- Exceptions to separate sentencing, **40:6**
- Experts, **37:13, 39:11**
- Factual basis for plea, **38:16**
- Failure of defendant to testify or call witnesses, instruction as to, **41:31**
- Fair trial, right to, **37:18**
- Force, use of. See “Defenses” in this heading
- Guidelines for sentencing, **40:9**
- Guilt of another person, defense of, **39:16**
- Guilty plea, **38:10**
- Habitation of person, defense of, **39:8**
- Hearing on sentence, **40:3**
- Immunity, **37:26**
- Ineffective assistance of counsel, **37:7, 38:6**
- Infancy, defense of, **39:20**
- Insanity, defense of, **39:10**
- Instructions to jury
 - generally, **41:29 to 41:39**
 - aggravating or mitigating factors, **41:39**
 - circumstantial evidence, interpretation and effect of, **41:36**
 - deadlocked juries, instructions in, **41:38**
 - elements of offense, **41:30**
 - failure of defendant to testify or call witnesses, **41:31**
 - interpretation and effect of evidence, instruction as to, **41:35, 41:36**
 - lesser included offenses, **41:33**
 - punishment, instruction as to, **41:34**
 - reasonable doubt, instruction as to, **41:24**
 - reinstruction of jury, **41:37**
 - theory of defendant, instruction on, **41:32**
- Intent, lack of, **39:21**
- Interpretation and effect of evidence, instruction as to, **41:35, 41:36**
- Interpreter, right to, **37:12**
- Intoxication, defense of, **39:17**
- Judge’s presence at voir dire, **37:17**
- Judgment and sentence
 - generally, **40:1 to 40:10**
 - certainty, requirement of, **40:8**
 - concurrent sentences, **40:8**
 - consecutive sentences, **40:8**
 - determination of separate offenses, **40:5**
 - entry of sentence, **40:2**

CRIMINAL TRIALS—Cont'd

Judgment and sentence—Cont'd

- exceptions to separate sentencing, **40:6**
- guidelines for sentencing, **40:9**
- hearing on sentence, **40:3**
- lesser included offenses, **40:6**
- motions, **40:10**
- multiple offenses, single or separate sentencing for, **40:7**
- post-conviction motions, **40:10**
- pronouncement of sentence, **40:2**
- rendition of judgment, **40:1**
- separate sentencing for separate offenses, **40:4**

Jury and jury trial

- directed verdict, **35:9**
- instructions. See “Instructions to jury” in this heading
- number of jurors, **37:5**
- right to, generally, **37:3**
- separation of jury, **42:2**
- verdict, **35:9, 43:2, 43:16**
- waiver of right to jury trial, **37:4**

Lesser included offenses

- guilty plea to, **38:13**
- instructions to jury, **41:33**
- judgment and sentence, **40:6**

Limitation argument of counsel, **37:10**

Misfortune, defense of, **39:18**

Mistrial and discharge of jury, **34:4**

Motions

- judgment and sentence, **40:10**
- severance, motion for, **37:24**

Multiple offenses, single or separate sentencing for, **40:7**

Necessity, defense of, **39:24**

Nolo contendere, plea of, **38:14**

Not guilty plea, **38:9**

Notice and appointment of experts, **39:11**

Number of jurors, **37:5**

Pleas

- generally, **38:1 to 38:17**
- agreement, generally, **38:3**
- bargaining, generally, **38:3**
- contract or agreement, generally, **38:3**
- defense counsel's duty in plea bargaining, **38:5**
- degrees, guilty plea to offense divided into, **38:13**
- effect of guilty plea, **38:12**
- factual basis for plea, **38:16**
- guilty plea, **38:10**
- ineffective assistance of counsel, **38:6**

INDEX

CRIMINAL TRIALS—Cont'd

Pleas—Cont'd

- lesser included offense, guilty plea to, **38:13**
- nolo contendere, plea of, **38:14**
- not guilty plea, **38:9**
- other charges, pleading to, **38:15**
- presence of defendant, **38:2**
- prosecuting attorney's duty in plea bargaining, **38:4**
- trial court's duty in plea bargaining, **38:8**
- vacation of plea, **38:17**
- voluntariness of plea, **38:7**
- withdrawal of guilty plea, **38:11**

Post-conviction motions, **40:10**

Presence or absence

- judge's presence at voir dire, **37:17**
- plea, presence of defendant at, **38:2**
- trial, presence during, **37:14**

Pretrial publicity, **37:18**

Privileged communications, **28:2, 28:6**

Pronouncement of sentence, **40:2**

Prosecuting attorney's duty in plea bargaining, **38:4**

Publicity, **37:18**

Public trial, **37:19**

Punishment, instruction as to, **41:34**

Reasonable doubt, instruction as to, **41:24**

Reinstruction of jury, **41:37**

Rendition of judgment, **40:1**

Resisting arrest, **39:7**

Rights of accused, generally, **37:1**

Selective prosecution, defense of, **39:19**

Self-defense, **39:1**

Self-representation, right to, **37:9**

Sentence. See "Judgment and sentence" in this heading

Separate sentencing for separate offenses, **40:4**

Severance, **37:21 to 37:24**

State's argument, **37:11**

Theory of defendant, instruction on, **41:32**

Third person, unintentional death of, **39:3**

Timing of crimes, severance involving, **37:22**

Trial court's duty in plea bargaining, **38:8**

Unintentional death of third person, **39:3**

Vacation of plea, **38:17**

Verdict, **43:2, 43:16**

Voluntary acts and matters

- confessions, voluntariness of, **30:8 to 30:11**
- intoxication, **39:17**
- plea, voluntariness of, **38:7**

CRIMINAL TRIALS—Cont'd

Waiver

counsel, waiver of right to, **37:8**

jury trial, waiver of right to, **37:4**

presence during trial, waiver of right, **37:15**

Weight and sufficiency of evidence, **19:6**

Withdrawal

guilty plea, **38:11**

waiver of right to jury trial, **37:4**

CROSS-EXAMINATION

Generally, **15:1 to 15:13**

Accomplices, **15:11**

Character witnesses, **15:12**

Criminal cases, **15:10**

Direct examination, relation to, **15:7**

Error, effect of, **15:4**

Expert witnesses, **15:13**

Fraud, **15:8**

Manner of conducting, **15:3**

Parties to action, **15:9**

Persons subject to, **15:2**

Prior objection, waiver of, **15:4**

Relevancy, **15:6**

Right of cross-examination, **15:1**

Scope of, **15:5**

Waiver of prior objection, **15:4**

CURING ERROR

Arguments of counsel, **3:15**

CUSTODY

See index heading CRIMINAL TRIALS

DAMAGES

Generally, **36:1 to 36:48**

Actual or compensatory damages, **36:2**

Aggravation of injury, liability for, **36:17**

Agriculture, damage to, **36:27**

Anticipated profits, **36:39**

Attorneys' fees, **36:37**

Avoidable consequences, doctrine of, **36:16**

Benefit of bargain rule, **36:24**

Caps on damages, **36:47**

Certainty of damages, **36:13**

Child, parents' recovery for injury to, **36:22**

Collateral source rule, **36:18**

Compensatory damages, **36:2**

Constructive defects, damages for, **36:28**

Contract actions, **36:36, 36:42**

INDEX

DAMAGES—Cont'd

- Derivative damages, **36:12**
- Direct consequences, **36:14**
- Earnings loss, damages for, **36:21**
- Excessive damages, **36:43**
- Exemplary damages. See index heading **EXEMPLARY OR PUNITIVE DAMAGES**
- Expected profits, **36:39**
- Expenses incurred, **36:35, 36:36**
- Foreseeability of damages, **36:14**
- Future effect of injury, damages for, **36:19**
- General and special damages, **36:1**
- Inadequate damages, **36:43**
- Instructions to jury
 - generally, **41:11 to 41:16**
 - for detailed treatment see index heading **INSTRUCTIONS TO JURY**
- Interest, **36:40**
- Liquidated damages, **36:44**
- Loss of earnings, damages for, **36:21**
- Marital discord evidence in wrongful death actions, **36:34**
- Medical liability claims, damages in, **36:48**
- Mental anguish and suffering, **36:41**
- Mitigation of damages, **36:15**
- Nominal damages, **36:11**
- Opinion evidence, **24:30, 24:31**
- Parents' recovery for injury to child, **36:22**
- Penalties, **36:44**
- Personal injury cases, **36:20, 36:35**
- Personal property, damage to, **36:25**
- Prevention of damages, duty as to, **36:15**
- Profits, **36:38, 36:39**
- Proximate consequences, **36:14**
- Punitive damages. See index heading **EXEMPLARY OR PUNITIVE DAMAGES**
- Real property, damage to, **36:26**
- Remarriage in wrongful death actions, admissibility of evidence of, **36:33**
- Remote consequences, **36:14**
- Rental property, damages to, **36:29**
- Set off, **36:46**
- Special damages, **36:1**
- Spouse. recovery for injury to, **36:23**
- Survival statutes, damages recoverable under, **36:30**
- Survivors under Wrongful Death Act, **36:32**
- Trees, damage to, **36:27**
- Wrongful Death Act, **36:31 to 36:34**

DATA PROCESSED RECORDS

- Documentary evidence, **23:11**

DAUBERT

Examination of expert witnesses, **14:13**

DAYLIGHT HOURS

Judicial notice, **27:15**

DEADLOCKED JURIES

Criminal trials, **41:38**

DEATH AND DEATH ACTIONS

Criminal trials, **39:3**

Damages, **36:31 to 36:34**

Documentary evidence, **23:14**

Hearsay evidence, **25:17**

Opinion evidence, **24:20**

Presumptions, **29:16**

Statements against interest, **26:11**

DEATH PENALTY

See index heading CAPITAL PUNISHMENT

DECEPTION

See index heading FRAUD AND DECEIT

DECLARATIONS

See index heading ADMISSIONS AND DECLARATIONS

DECREE OF JUDGMENT

Generally, **44:1 to 44:9**

For detailed treatment see index heading JUDGMENT

DEEDS

Documentary evidence, **23:7**

DEFAULT JUDGMENTS

Generally, **44:7**

DEFENDANT

Competency of witness to testify, **13:12**

DEFENSES

Burden of proof. See index heading BURDEN OF PROOF

Criminal trials

generally, **39:1 to 39:24**

for detailed treatment see index heading CRIMINAL TRIALS

Instructions to jury, **41:18**

DEFINITENESS

See index heading CERTAINTY AND DEFINITENESS

DEFINITIONS

Confessions, **30:1**

Contempt, **6:1**

Dismissal and discontinuance, **7:1, 7:4**

INDEX

DEGREES

Criminal trials, **38:13**
Verdict, **43:12**

DELIBERATIONS

Jury and jury trial, **42:11**

DELIVERY

Presumptions, **29:18**

DEMAND

Jury trial, **8:26**

DEMONSTRATIVE EVIDENCE

Generally, **22:1 to 22:16**
Accuracy of photographs, motion pictures and tapes, **22:9**
Authentication of photographs, motion pictures and tapes, **22:9**
Bones exhibited to jury, **22:15**
Change in condition upon admissibility, effect of, **22:10**
Charts, **22:12**
Child in paternity case exhibited to jury, **22:16**
Comparison of writings, **22:13**
Criminal cases, tangible articles in, **22:2**
Diagrams, **22:12**
Digital video tapes, **22:4**
Drawings, **22:12**
Exhibits, **22:3, 22:15, 22:16**
Experiments, **22:14**
Introduction of object, **22:3**
Maps, **22:12**
Motion pictures, **22:4, 22:9**
Objects, photographs of, **22:7**
Persons or bodies, **22:6, 22:15**
Photographs, generally, **22:5 et seq**
Posed photographs, **22:8**
Prejudicial photographs of persons or bodies, **22:6**
Premises and objects, photographs of, **22:7**
Skeletons exhibited to jury, **22:15**
Sketches, **22:12**
Sound recordings, **22:11**
Speed recordings, **22:11**
Video tapes, **22:4, 22:9**
Writings, comparison of, **22:13**

DENIAL

Continuances, **5:11**

DEPOSITIONS

Witnesses, **12:15**

DERIVATIVE DAMAGES

Damages, **36:12**

DESCRIPTIONS

Parol evidence, **21:12**

DESIGNATING PARTIES

Verdict, **43:13**

DIAGRAMS

Demonstrative evidence, **22:12**

DIGITAL VIDEO TAPES

Demonstrative evidence, **22:4**

DIRECT CONSEQUENCES

Damages, **36:14**

DIRECT CONTEMPT

Generally, **6:3**

DIRECTED VERDICT

Generally, **35:1 to 35:10**

Admission and inference, **35:6**

Both parties, motion by, **35:5**

Consideration of evidence, **35:3**

Criminal cases, direction of verdict in, **35:9**

Evidence, consideration of, **35:3**

Granting direction of verdict, **35:7**

Inference, **35:6**

Motion for directed verdict, **35:2**

Precluding or denying direction of verdict, **35:8**

Renewal of motion, **35:10**

Right of court to direct verdict, **35:1**

Time of motion, **35:4**

DIRECT EXAMINATION

Cross-examination, **15:7**

DISCHARGE OF JURY

Generally, **34:1 to 34:6**

For detailed treatment see index heading MISTRIAL AND DISCHARGE OF JURY

DISCLOSURE

Jury and jury trial, **42:4**

Opinion evidence, **24:34**

Privileged communications, **28:21**

Witnesses, **12:9**

DISCONTINUANCE

See index heading DISMISSAL AND DISCONTINUANCE

DISCOURTESIES

Arguments of counsel, **3:2**

INDEX

DISCOVERY

- Criminal trials, **37:2**
- Documentary evidence, **23:24**
- Privileged communications, **28:7**

DISCRETION

- Conduct of trial, **2:2**
- Continuances, **5:11**

DISCRIMINATION

- Race discrimination. See index heading RACE AND RACE DISCRIMINATION
- Selection of jury, **8:3**

DISMISSAL AND DISCONTINUANCE

- Generally, **7:1 to 7:10**
- Criminal mattress, **7:9**
- Definitions and distinctions, **7:1, 7:4**
- Effect of dismissal, **7:2, 7:3, 7:7**
- Involuntary dismissal, **7:8, 7:9**
- Less than all defendants, dismissal as to, **7:10**
- Nolle prosequi, **7:3**
- Non prosequiter, **7:3**
- Nonsuit distinguished, **7:1**
- Notice of voluntary dismissal, timeliness of, **7:6**
- Retraxit, **7:3**
- Summary judgment, **7:4**
- Timeliness of notice of voluntary dismissal, **7:6**
- “Two dismissal” rule, **7:7**
- Voluntary dismissal in general, **7:5**

DISQUALIFICATION

- See index heading QUALIFICATION OR DISQUALIFICATION

DNA EVIDENCE

- Illegally obtained evidence, **31:8**

DOCUMENTARY EVIDENCE

- Generally, **23:1 to 23:24**
- Ancient documents, authentication of, **23:8**
- Arguments of counsel, **3:11**
- Authentication, generally, **23:2**
- Birth records, **23:14**
- Books, **23:19**
- Business records, **23:21**
- Certificates of state officers, **23:10**
- Continuances, **5:3**
- Copies, **23:10**
- Criminal cases, judgments in, **23:18**
- Data processed records, **23:11**
- Death records, **23:14**

DOCUMENTARY EVIDENCE—Cont'd

Deeds, **23:7**
Discovery material, use of, **23:24**
Judgments, **23:17, 23:18**
Judicial records, generally, **23:15**
Letters, authentication of, **23:5**
Maps, **23:6**
Medical records and reports, **23:13**
Meteorological records, **23:12**
Mortality tables, **23:20**
Mortgages, **23:7**
Periodicals, **23:23**
Plats, **23:6**
Pleadings, **23:16**
Private writings, authentication of, **23:4**
Probate records, **23:14**
Public records, authentication of, **23:9**
Self-authentication, **23:3**
Surveys, **23:6**
Texts, **23:23**
Time of making entry, **23:22**
Treaties, **23:23**

DRAWINGS

Demonstrative evidence, **22:12**

DUPLICATES

See index heading COPIES AND DUPLICATES

DURESS

Criminal trials, **39:14**

DYING DECLARATIONS

Hearsay evidence, **25:6**

EARNING CAPACITY

Damages, **36:21**
Instructions to jury, **41:13**
Opinion evidence, **24:33**

ECONOMIC FACTS

Judicial notice, **27:11**

EMOTIONAL CONDITION

Hearsay evidence, **25:23**

ENFORCEMENT OF STIPULATIONS

Proof of facts, **11:6**

ENTRAPMENT DEFENSE

Criminal trials, **39:15**

INDEX

ENTRY OF SENTENCE

Criminal trials, **40:2**

EVIDENCE

Admissibility and relevancy of evidence

generally, **18:1 to 18:41**

for detailed treatment see index heading ADMISSIBILITY AND RELEVANCE OF EVIDENCE

Arguments of counsel. See index heading ARGUMENTS OF COUNSEL

Best and secondary evidence

generally, **20:1 to 20:9**

for detailed treatment see index heading BEST AND SECONDARY EVIDENCE

Burden of proof

generally, **9:1 to 9:10**

for detailed treatment see index heading BURDEN OF PROOF

Circumstantial evidence. See index heading CIRCUMSTANTIAL EVIDENCE

Confessions. See index heading CONFESSIONS

Continuances, **5:10**

Court, trial by, **4:2**

Demonstrative evidence

generally, **22:1 to 22:16**

for detailed treatment see index heading DEMONSTRATIVE EVIDENCE

Directed verdict, **35:3**

Documentary evidence

generally, **23:1 to 23:24**

for detailed treatment see index heading DOCUMENTARY EVIDENCE

Hearsay evidence

Generally, **25:1 to 25:29**

for detailed treatment see index heading HEARSAY EVIDENCE

Illegally obtained evidence

generally, **31:1 to 31:10**

for detailed treatment see index heading ILLEGALLY OBTAINED EVIDENCE

Inadmissible evidence, impeachment of witnesses, **17:10**

Instructions to jury, **41:17, 41:18**

Judicial notice. See index heading JUDICIAL NOTICE

Jury room, evidence taken to, **42:12**

Negative evidence. See index heading NEGATIVE EVIDENCE OR TESTIMONY

Objections to evidence

generally, **32:1 to 32:8**

for detailed treatment see index heading OBJECTIONS TO EVIDENCE

Opinion evidence

generally, **24:1 to 24:36**

for detailed treatment see index heading OPINION EVIDENCE

Parol evidence

generally, **21:1 to 21:14**

for detailed treatment see index heading PAROL EVIDENCE

Presumptions

generally, **29:1 to 29:26**

EVIDENCE—Cont'd

Presumptions—Cont'd

for detailed treatment see index heading PRESUMPTIONS

Privileged communications

generally, **28:1 to 28:21**

for detailed treatment see index heading PRIVILEGED COMMUNICATIONS

Proof of facts

generally, **11:1 to 11:8**

for detailed treatment see index heading PROOF OF FACTS

Secondary evidence

generally, **20:1 to 20:9**

for detailed treatment see index heading BEST AND SECONDARY EVIDENCE

Statements against interest

generally, **26:1 to 26:15**

for detailed treatment see index heading STATEMENTS AGAINST INTEREST

Suppression of evidence. See index heading SUPPRESSION OF EVIDENCE

View by jury. See index heading VIEW

Weight and sufficiency of evidence

generally, **19:1 to 19:7**

for detailed treatment see index heading WEIGHT AND SUFFICIENCY OF EVIDENCE

Witnesses. See index heading WITNESSES

EXAMINATION

Selection of jury, **8:6**

Witnesses. See index heading EXAMINATION OF WITNESSES

EXAMINATION OF WITNESSES

Generally, **14:1 to 14:20**

Accused offering self as witness, effect of, **14:19**

Adverse party or witness, **14:4**

Aiding a witness by refreshing memory, **14:8**

Answers, generally, **14:9**

Confrontation of witnesses, right of, **14:20**

Court, examination by, **14:3**

Cross-examination

generally, **15:1 to 15:13**

for detailed treatment see index heading CROSS-EXAMINATION

Daubert adopted; Frye standard rejected, **14:13**

Expert witnesses, examination of, **14:13**

Frye standard rejected and Daubert adopted, **14:13**

Immunity, generally, **14:17**

Interpreters, **14:2**

Jury, examination by, **14:3**

Leading questions, **14:6**

Motion to strike, **14:10**

Oath, **14:1**

Objections, **14:7**

Privilege against self-incrimination, claim of, **14:15**

Questions to witnesses, generally, **14:5**

INDEX

EXAMINATION OF WITNESSES—Cont'd

- Recall of witness, **14:12**
- Reexamination, **14:11**
- Refreshing memory, **14:8**
- Rule, immunity provided by, **14:18**
- Self-incrimination, generally, **14:14**
- Statute, immunity provided by, **14:18**
- Strike motions, **14:10**
- Translators, **14:2**
- Waiver of privilege against self-incrimination, **14:16**

EXCEPTIONS

- Criminal trials, **40:6**
- Hearsay evidence, **25:26, 25:29**

EXCESSIVE DAMAGES

- Damages, **36:43**

EXCITED UTTERANCES

- Hearsay evidence, **25:21**

EXCLUSION

- Illegally obtained evidence, **31:9**
- Opinion evidence, **24:36**
- Selection of jury, **8:2**
- Witnesses, **12:13**

EXEMPLARY OR PUNITIVE DAMAGES

- Generally, **36:3 to 36:10**
- Allowance of, **36:4**
- Amount of, **36:9**
- Circumstances authorizing recovery, **36:6**
- Financial status of defendant, consideration of, **36:5**
- New trial, **36:9**
- Persons liable for, generally, **36:7**
- Procedural aspects, **36:8**
- Prohibition of punitive damages in certain cases, **36:10**
- Remittitur, **36:9**

EXERCISE OF CARE

- Presumptions, **29:24**

EXHIBITS

- Demonstrative evidence, **22:3, 22:15, 22:16**

EXPECTED PROFITS

- Damages, **36:39**

EXPENSES

- See index heading COSTS AND EXPENSES

EXPERIMENTS

- Demonstrative evidence, **22:14**

EXPERT WITNESSES

Opinion evidence. See index heading **OPINION EVIDENCE**

EXPLANATION OF CONTRACTS

Parol evidence, **21:8**

EXPRESS CONSENT

Objections to evidence, **32:4**

EXTRAJUDICIAL STATEMENTS

Role of attorney, **1:3**

FAILURE TO OBJECT

Objections to evidence, **32:3**

FAILURE TO TESTIFY

Arguments of counsel, **3:8**

FAIR TRIAL

Criminal trials, **37:18**

FALSE IN PART TESTIMONY

Credibility of witnesses, **16:7**

FAMILY AND RELATIVES

Hearsay evidence, **25:13, 25:18**

Husband and wife. See index heading **SPOUSES**

Selection of jury, **8:14**

FIGHTS AND ALTERCATIONS

Arguments of counsel, **3:2**

FIGURES

Parol evidence, **21:13**

FINANCIAL STATUS

Exemplary or punitive damages, **36:5**

FINGERPRINTS

Admissibility and relevancy of evidence, **18:35**

Opinion evidence, **24:28**

FLIGHT

Presumptions, **29:12**

FOOTPRINTS

Admissibility and relevancy of evidence, **18:35**

Opinion evidence, **24:28**

FORCE OR FEAR

Confessions, **30:12**

Criminal trials. See index heading **CRIMINAL TRIALS**

FOREIGN LAW

Judicial notice, **27:6**

Presumptions, **29:8**

INDEX

FOREPERSON OF JURY

Generally, **42:1**

Verdict, **43:7**

FORESEEABILITY

Damages, **36:14**

FORMER PLEA OF GUILTY

Confessions, **30:17**

FORM OR FORMS

Contempt, **6:8**

Judgment, **44:2**

Jury and jury trial, **42:13**

Proof of facts, **11:3**

Statements against interest, **26:4**

Verdict, **43:5**

FRAUD AND DECEIT

Burden of proof, **9:5**

Confessions, **30:15**

Cross-examination, **15:8**

Privileged communications, **28:6**

FURTHER INSTRUCTIONS

Jury and jury trial, **42:15**

FUTURE EFFECT OF INJURY

Damages, **36:19**

Opinion evidence, **24:21**

FUTURE EXPENSES

Instructions to jury, **41:13**

GIFTS

Presumptions, **29:23**

GOVERNMENTAL MATERS

Privileged communications, **28:4**

GRAPHIC AIDS

Arguments of counsel, **3:11**

GUILT

Presumptions, **29:12**

GUILTY PLEA

Admissibility and relevancy of evidence, **18:26**

Criminal trials, **38:10**

Statements against interest, **26:3**

HABITATION OF PERSON

Criminal trials, **39:8**

HABITS

Admissibility and relevancy of evidence, **18:15**

HANDWRITING

Opinion evidence, **24:16**

HEARING

Criminal trials, **40:3**

HEARSAY EVIDENCE

Generally, **25:1 to 25:29**

Accident reports, **25:25**

Admission of inadmissible hearsay, effect of, **25:28**

Ancient documents, **25:20**

Birth records, **25:17**

Business records, **25:11**

Capital murder trial, penalty phase of, **25:27**

Children's statements describing abuse or neglect, exceptions applicable to, **25:29**

Church records, **25:19**

Commercial publications, **25:12**

Death records, **25:17**

Dying declarations, **25:6**

Emotional condition, **25:23**

Establishing right to use testimony from former trial, **25:8**

Exceptions, generally, **25:26, 25:29**

Excited utterances, **25:21**

Family history, relationship and pedigree, **25:18**

Family relationship, form of declaration about, **25:13**

Formal trial or proceeding, testimony at, **25:7**

Form of declaration about family relationship, **25:13**

Hospital records, **25:15**

Interpreted statements, **25:5**

Market reports, **25:12**

Medical books, **25:16**

Mental condition, **25:23**

Mortality tables, **25:16**

Notoriety, **25:10**

Original evidence distinguished, **25:4**

Past recollection recorded, **25:9**

Pedigree, **25:18**

Penalty phase of capital murder trial, **25:27**

Person making statements, **25:24**

Physical condition, **25:23**

Police reports, **25:25**

Public or official records or reports, **25:14**

Reputation, **25:10**

Rumor, **25:10**

Scientific books and reports, **25:16**

INDEX

HEARSAY EVIDENCE—Cont'd

- Spontaneous statements, **25:21, 25:22**
- Time of statement, **25:22**
- What constitutes hearsay evidence, **25:2**
- Writings, generally, **25:3**

HIGHLY PREJUDICIAL EVIDENCE

- Admissibility and relevancy of evidence, **18:38**

HIGHWAYS

- Judicial notice, **27:20**

HISTORICAL FACTS

- Judicial notice, **27:11**

HOSPITAL RECORDS

- Hearsay evidence, **25:15**
- Privileged communications, **28:19**

HOSTILE PUBLIC ATMOSPHERE

- Continuances, **5:8**

HUMAN EMOTION AND APPEARANCES

- Opinion evidence, **24:14**

HUMAN HEALTH AND HABITS

- Judicial notice, **27:16**

HUSBAND AND WIFE

- See index heading SPOUSES

HYPOTHETICAL QUESTIONS

- Opinion evidence, **24:10**
- Selection of jury, **8:17**

IDENTITY AND IDENTIFICATION

- Admissibility and relevancy of evidence, **18:27, 18:33**
- Opinion evidence, **24:27**
- Parol evidence, **21:10**
- Presumptions, **29:9**

ILLEGALITY

- Burden of proof, **9:6**

ILLEGALLY OBTAINED EVIDENCE

- Generally, **31:1 to 31:10**
- Arrest, search and seizure on, **31:5**
- Consent, effect of, **31:10**
- DNA evidence, **31:8**
- Exclude motions, **31:9**
- Illegal search, seizure or arrest, **31:3, 31:7**
- Intercepted communication, evidence obtained by, **31:2**
- Motion to suppress or exclude, **31:9**
- Objections, **31:9**

ILLEGALLY OBTAINED EVIDENCE—Cont'd

- Other crimes, evidence found in connection with, **31:6**
- Search and seizure, generally, **31:3 to 31:5**
- Search warrant, search and seizure incident to, **31:4**
- Standing to object, **31:10**
- Suppress motions, **31:9**

IMMORAL PERSONS

- Competency of witness to testify, **13:7**

IMMUNITY

- Conduct of trial, **2:14**
- Criminal trials, **37:26**
- Examination of witnesses, **14:17**

IMPANELING THE JURY

- Selection of jury, **8:5**

IMPARTIALITY OF JURORS

- Selection of jury, **8:13**

IMPEACHMENT

- Verdict, **43:19**
- Witnesses. See index heading IMPEACHMENT OF WITNESSES

IMPEACHMENT OF WITNESSES

- Generally, **17:1 to 17:13**
- Admission of inadmissible evidence, effect of, **17:11**
- Bias, **17:3**
- Character, **17:4**
- Collateral issues, impeachment on, **17:12**
- Contradictory statements, **17:6**
- Conviction of crime, **17:5**
- Defendant's statements, **17:8**
- Grounds, **17:2**
- Inadmissible evidence for impeachment purposes, **17:10**
- Inconsistent statements, **17:6**
- Interest, **17:3**
- Motive, **17:3**
- Own witness, impeachment of, **17:7**
- Rehabilitation, **17:13**
- Religion, **17:9**
- Reputation, **17:4**

IMPERMISSIBLE ARGUMENTS

- Arguments of counsel, **3:13**

IMPLIED CONSENT

- Objections to evidence, **32:4**

INADEQUATE DAMAGES

- Damages, **36:43**

INDEX

INADMISSIBLE EVIDENCE

Impeachment of witnesses, **17:10**

INATTENTION OF JURORS

Jury and jury trial, **42:5**

INCOMPLETE CONTRACTS OR WRITINGS

Parol evidence, **21:5**

INCONSISTENCY AND INCONSISTENT MATTERS

Impeachment of witnesses, **17:6**

Verdict, **43:6, 43:12**

INDUCEMENT

Confessions, **30:9**

Parol evidence, **21:7**

INEFFECTIVE ASSISTANCE OF COUNSEL

Criminal trials, **37:7, 38:6**

INFANTS

See index heading CHILDREN AND INFANTS

INFERENCES

See index heading PRESUMPTIONS

INFLAMMATORY ARGUMENTS

Arguments of counsel, **3:13**

INJURY OR INJURIES

Opinion evidence, **24:20, 24:21**

INNOCENCE

Presumptions, **29:11**

INQUIRIES BY JURY

Jury and jury trial, **42:16**

INSANITY

Criminal trials, **39:10**

INSTRUCTIONS TO JURY

Generally, **41:1 to 41:39**

Aggravating or mitigating factors, **41:39**

Allocation of damages, **41:12**

Collateral source rule, **41:15**

Concurrent cause, **41:20**

Contributory negligence, **41:20**

Correcting erroneous instructions, **41:27**

Credibility of witnesses, **41:25**

Criminal trials

generally, **41:29 to 41:39**

for detailed treatment see index heading CRIMINAL TRIALS

INSTRUCTIONS TO JURY—Cont'd

Damages, instructions as to
 generally, **36:45, 41:11 to 41:16**
 allocation of damages, **41:12**
 collateral source rule, **41:15**
 earning capacity, **41:13**
 future expenses, **41:13**
 reduction to present value, **41:14**
 taxes, effect of, **41:16**
Defenses, instructions as to, **41:18**
Dispositions of requests for instructions, **41:5**
Earning capacity, **41:13**
Evidence, instructions as to, **41:17, 41:18**
Future expenses, **41:13**
Invading province of jury, **41:10**
Issues of case, applicability of instructions to, **41:9**
Jury room, instructions taken to, **42:13**
Limited purpose, evidence admissible for, **41:22**
Manner of giving instructions, **41:7**
Mitigating factors, **41:13**
Negligence, violation of statutory standard as evidence of, **41:19**
Objections to instructions, **41:26**
Phrasing of instructions, **41:6**
Preponderance of evidence, **41:23**
Presumptions and inferences, instructions as to, **41:17**
Reduction to present value, **41:14**
Reinstruction, request by jury for, **41:28**
Requests for instructions, generally, **41:3, 41:4**
Res ipsa loquitur, **41:21**
Settlement, requests for instructions, **41:4**
Standard jury instructions in civil case, **41:2**
Submission of case, instructions after, **42:15**
Sufficiency of instructions, **41:8**
Taxes, effect of, **41:16**
Time or date
 giving instructions, time for, **41:7**
 requests for instructions, **41:4**
Witnesses, credibility of, **41:25**

INSURANCE

Admissibility and relevancy of evidence, **18:31**

INTENT AND INTENTION

Admissibility and relevancy of evidence, **18:20**
Criminal trials, **39:21**
Parol evidence, **21:5**

INTERCEPTED COMMUNICATION

Illegally obtained evidence, **31:2**

INDEX

INTEREST IN SUIT

- Competency of witness to testify, **13:1**
- Credibility of witnesses, **16:4**
- Impeachment of witnesses, **17:3**
- Weight and sufficiency of evidence, **19:3**

INTEREST ON MONEY

- Damages, **36:40**

INTERPRETATION

- See index heading CONSTRUCTION AND INTERPRETATION

INTERPRETERS

- Competency of witness to testify, **13:11**
- Criminal trials, **37:12**
- Examination of witnesses, **14:2**
- Hearsay evidence, **25:5**
- Witnesses, **12:16**

INTERVIEWS AND INTERVIEWING

- Jurors, **43:18**
- Witnesses, **12:10**

INTOXICATION AND INTOXICATING LIQUOR

- Admissibility and relevancy of evidence, **18:19**
- Criminal trials, **39:17**
- Judicial notice, **27:12**
- Presumptions, **29:21**

INVADING PROVINCE OF JURY

- Instructions to jury, **41:10**
- Opinion evidence, **24:7**

INVALIDITY OF LAW

- Burden of proof, **9:7**

INVOLUNTARY DISMISSAL

- Dismissal and discontinuance, **7:8, 7:9**

IRREBUTTABLE PRESUMPTIONS

- Presumptions, **29:2**

ISSUES

- Instructions to jury, **41:9**
- Restriction of argument of counsel to, **3:9**

JNOV

- Generally, **44:9**

JOINT BANK ACCOUNTS

- Presumptions, **29:23**

JUDGES

- Competency of witness to testify, **13:6**

JUDGES—Cont'd

- Conduct of trial. See index heading CONDUCT OF TRIAL
- Jury's communication with, **42:9**
- Role of attorney, **1:6**

JUDGMENT

- Generally, **44:1 to 44:9**
- Clarification of judgment, **44:6**
- Contents, **44:2**
- Criminal trials
 - generally, **40:1 to 40:10**
 - for detailed treatment see index heading CRIMINAL TRIALS
- Default judgments, generally, **44:7**
- Documentary evidence, **23:17, 23:18**
- Form and contents, **44:2**
- JNOV, **44:9**
- Judgment notwithstanding the verdict, **44:9**
- Persons entitled and subject to judgments and decrees, **44:3**
- Records, **44:4**
- Rendition, **44:1**
- Vacation of judgment, **44:8**
- Void judgments, **44:5**

JUDGMENT NOTWITHSTANDING THE VERDICT

- Generally, **44:9**

JUDICIAL ACTS AND PROCEEDINGS

- Presumptions, **29:5**

JUDICIAL ADMISSIONS

- Statements against interest, **26:15**

JUDICIAL NOTICE

- Generally, **27:1 to 27:20**
- Abbreviations, **27:14**
- Admissibility of evidence affirming or disputing matter of common knowledge,
27:2
- Animal life, **27:17**
- Business customs and practices, **27:18**
- Cities, **27:8**
- Climate, **27:15**
- Common knowledge, admissible of evidence affirming or disputing matter of,
27:2
- Court, judicial notice of facts concerning, **27:4**
- Daylight hours, **27:15**
- Economic facts, **27:11**
- Foreign law, **27:6**
- Highways, **27:20**
- Historical facts, **27:11**
- Human health and habits, **27:16**

INDEX

JUDICIAL NOTICE—Cont'd

- Intoxicating liquors, **27:12**
- Language, **27:14**
- Laws, judicial notice of, **27:3**
- Location, **27:9**
- Other facts judicially noticed, generally, **27:7**
- Plant life, **27:17**
- Population, **27:10**
- Public records and officers, judicial notice of facts concerning, **27:5**
- Scientific facts, **27:13**
- Seasons, **27:15**
- Statistical facts, **27:13**
- Streets and highways, **27:20**
- Towns, **27:8**
- Transportation, **27:20**
- Values, **27:19**
- Villages, **27:8**

JUDICIAL RECORDS

- Best and secondary evidence, **20:7**
- Documentary evidence, **23:15**

JURY AND JURY TRIAL

- Generally, **42:1 to 42:17**
- Arguments of counsel. See index heading ARGUMENTS OF COUNSEL
- Bailiff, communications with, **42:10**
- Book reading, **42:7**
- Charge taken to jury room, **42:13**
- Clerk, communications with, **42:10**
- Communications between jurors and others, **42:9, 42:10**
- Competency of witness to testify, **13:6**
- Conduct of jury, generally, **42:1 to 42:17**
- Conduct of trial, **2:5**
- Court officers, duties of, **42:1**
- Criminal cases. See index heading CRIMINAL TRIALS
- Deliberations of jury, **42:11**
- Disclosure of information upon voir dire, jurors' failure as to, **42:4**
- Evidence taken to jury room, **42:12**
- Examination of witnesses, **14:3**
- Foreperson, selection of, **42:1**
- Forms of verdict taken to jury room, **42:13**
- Further instructions after submission of case, **42:15**
- Inattention of jurors to proceedings, **42:5**
- Independent research by jurors, **42:7**
- Inquiries by jury, **42:16**
- Instructions to jury
 - generally, **41:1 to 41:39**
 - for detailed treatment see index heading INSTRUCTIONS TO JURY

JURY AND JURY TRIAL—Cont'd

- Judge, communications with, **42:9**
- Jury room, taking articles to, **42:12, 42:13**
- Misconduct of jurors, **42:3**
- Newspaper reading, **42:7**
- Notes taken to jury room, **42:12**
- Out of court reception of evidence, **42:6**
- Premature discussion of case, **42:8**
- Prosecutor, communications with, **42:10**
- Reading books and newspapers, **42:7**
- Repeating testimony, **42:14**
- Role of attorney, **1:4**
- Selection of jury
 - generally, **8:1 to 8:26**
 - for detailed treatment see index heading SELECTION OF JURY
- Separation of jury in criminal cases, **42:2**
- Third parties, communications with, **42:10**
- Urging agreement, **42:17**
- Verdict
 - generally, **43:1 to 43:20**
 - for detailed treatment see index heading VERDICT
- View
 - generally, **33:1 to 33:4**
 - for detailed treatment see index heading VIEW

JURY ROOM

- Taking articles to, **42:12, 42:13**

KNOWLEDGE

- See index heading NOTICE OR KNOWLEDGE

LANGUAGE

- Judicial notice, **27:14**

LAWS

- Judicial notice, **27:3**

LEADING QUESTIONS

- Examination of witnesses, **14:6**

LEGAL MALPRACTICE

- Role of attorney, **1:10**

LEGISLATIVE ACTS

- Presumptions, **29:6**

LESSER INCLUDED OFFENSES

- See index heading CRIMINAL TRIALS

LESS THAN ALL DEFENDANTS

- Dismissal and discontinuance, **7:10**

INDEX

LETTERS

Documentary evidence, **23:5**
Presumptions, **29:18**

LIABILITY

Witnesses, **12:17**

LIABILITY INSURANCE

Admissibility and relevancy of evidence, **18:31**

LIMITATIONS AND RESTRICTIONS

Arguments of counsel, **3:9, 3:10**
Criminal trials, **37:10**
Instructions to jury, **41:22**
Witnesses, **12:2**

LIQUIDATED DAMAGES

Damages, **36:44**

LOCAL EXPRESSIONS

Parol evidence, **21:13**

LOCATION

See index heading PLACE OR LOCATION

LOSS OF EARNINGS

Damages, **36:21**

MALPRACTICE

Role of attorney, **1:10**

MAPS OR PLATS

Demonstrative evidence, **22:12**
Documentary evidence, **23:6**

MARITAL DISCORD

Damages, **36:34**

MARKET REPORTS

Hearsay evidence, **25:12**

MARRIAGE

Presumptions, **29:17**

“MARY CARTER” AGREEMENTS

Admissibility and relevancy of evidence, **18:32**

MEDICAL BOOKS

Hearsay evidence, **25:16**

MEDICAL LIABILITY CLAIMS

Damages, **36:48**

MEDICAL MALPRACTICE

Opinion evidence, **24:12**

MEDICAL RECORDS AND REPORTS

- Documentary evidence, **23:13**
- Privileged communications, **28:19, 28:20**

MENTAL CONDITION AND CAPACITY

- Competency of witness to testify, **13:7**
- Confessions, **30:16**
- Damages, **36:41**
- Hearsay evidence, **25:23**
- Opinion evidence, **24:25, 24:26**

MENTAL EXAMINATION

- Admissibility and relevancy of evidence, **18:36**

METEOROLOGICAL RECORDS

- Documentary evidence, **23:12**

MIRANDA WARNINGS

- Confessions, **30:3, 30:4**

MISCONDUCT OF JURORS

- Jury and jury trial, **42:3**

MISFORTUNE, DEFENSE OF

- Criminal trials, **39:18**

MISTRIAL AND DISCHARGE OF JURY

- Generally, **34:1 to 34:6**
- Criminal cases, discharge of jury in, **34:4**
- Grounds for declaring mistrial, **34:2**
- Inability of jury to arrive at verdict, discharge for, **34:3**
- Motion for mistrial, generally, **34:1**
- Nolle prosequi, **34:5**
- Result of mistrial declaration, **34:6**
- Selection of jury, **8:8**
- Verdict, discharged for inability of jury to arrive at, **34:3**

MITIGATING FACTORS

- Instructions to jury, **41:39**

MITIGATION OF DAMAGES

- Damages, **36:15**

MODIFICATION

- See index heading CHANGE OR MODIFICATION

MORTALITY TABLES

- Documentary evidence, **23:20**
- Hearsay evidence, **25:16**

MORTGAGES

- Documentary evidence, **23:7**

INDEX

MOTION PICTURES

Demonstrative evidence, **22:4, 22:9**

MOTIONS

Criminal trials. See index heading **CRIMINAL TRIALS**

Directed verdict, **35:2**

Disqualification of judge, **2:11**

Mistrial and discharge of jury, **34:1**

Strike motions, **14:10, 32:8**

Suppression or exclusion of evidence, **31:9**

MOTIVE

Admissibility and relevancy of evidence, **18:20**

Impeachment of witnesses, **17:3**

MULTIPLE OFFENSES

Criminal trials, **40:7**

Verdict, **43:12**

NAMES

Presumptions of identity of, **29:9**

NECESSITY, DEFENSE OF

Criminal trials, **39:24**

NEGATIVE EVIDENCE OR TESTIMONY

Admissibility and relevancy of evidence, **18:9, 18:23**

Weight and sufficiency of evidence, **19:4**

NEGLIGENCE

Instructions to jury, **41:19**

Presumptions, **29:24**

NEW SCIENTIFIC TEST

Admissibility and relevancy of evidence, **18:11**

NEWSPAPERS

Jury and jury trial, **42:7**

NEW TRIAL

Exemplary or punitive damages, **36:9**

Verdict, **43:20**

NOLLE PROSEQUI

Dismissal and discontinuance, **7:3**

Mistrial and discharge of jury, **34:5**

NOLO CONTENDERE

Criminal trials, **38:14**

NOMINAL DAMAGES

Damages, **36:11**

NONJURY TRIAL

See index heading **COURT, TRIAL BY**

NON PROSEQUITER

Dismissal and discontinuance, **7:3**

NONSUIT

Dismissal and discontinuance, **7:1**

NOTES

Jury and jury trial, **42:12**

NOT GUILTY PLEA

Criminal trials, **38:9**

NOTICE OR KNOWLEDGE

Competency of witness to testify, **13:10**

Credibility of witnesses, **16:4**

Criminal trials, **39:11**

Dismissal and discontinuance, **7:6**

Judicial notice. See index heading JUDICIAL NOTICE

Termination of representation, **1:8**

NOTORIETY

Hearsay evidence, **25:10**

NUMBER

Criminal trials, **37:5**

Selection of jury, **8:4**

OATH OR AFFIRMATION

Examination of witnesses, **14:1**

Jury, selection of, **8:10**

Witnesses, **12:14**

OBJECTIONS

Arguments of counsel, **3:15**

Competency of witness to testify, **13:2**

Evidence

generally, **32:1 to 32:8**

for detailed treatment see index heading OBJECTIONS TO EVIDENCE

Examination of witnesses, **14:7**

Instructions to jury, **41:26**

Verdict, **43:6**

OBJECTIONS TO EVIDENCE

Generally, **32:1 to 32:8**

Consent, **32:4**

Express consent, **32:4**

Failure to object, effect of, **32:3**

Illegally obtained evidence, **31:9**

Implied consent, **32:4**

Motion to strike inadmissible evidence, **32:8**

Necessity of, **32:1**

Proffer of excluded evidence, **32:6**

INDEX

OBJECTIONS TO EVIDENCE—Cont'd

- Strike motions, **32:8**
- Sufficiency of objection, **32:5**
- Timeliness of, **32:2**
- Waiver of objection, **32:7**

OBJECTS

- Demonstrative evidence, **22:7**

OFFERS TO COMPROMISE

- Statements against interest, **26:6**

OFFICIAL POWERS AND DUTIES

- Presumptions, **29:7**

OPENING AND CLOSING ARGUMENTS

- See index heading ARGUMENTS OF COUNSEL

OPINION EVIDENCE

- Generally, **24:1 to 24:36**
- Account books, interpretations of, **24:17**
- Authenticity in writing or signature, **24:15**
- Ballistics, **24:19**
- Blood and bloodstains, **24:29**
- Cause
 - accident or occurrence, **24:13**
 - injury or death, **24:20**
- Competency and qualification of witness as to values, **24:32**
- Competency of witness to testify, **13:13**
- Costs, generally, **24:30**
- Cross-examination of expert witnesses, **15:13**
- Damages, generally, **24:30, 24:31**
- Death, cause of, **24:20**
- Determination of qualifications of witness, **24:6**
- Disclosure of experts, **24:34**
- Distinction between facts and opinion, **24:2**
- Earning capacity, **24:33**
- Examination of expert witnesses, **14:13**
- Exclusion of expert testimony, **24:36**
- Expert opinion, generally, **24:4, 37:13, 39:11**
- Facts or factual basis, **24:1, 24:9**
- Fingerprints, **24:28**
- Footprints, **24:28**
- Form of opinion, **24:23**
- Future effects of injury, **24:21**
- Handwriting, non expert opinion on, **24:16**
- Human emotion and appearances, **24:14**
- Hypothetical questions, **24:10**
- Identification, **24:27**
- Injury or injuries, **24:20, 24:21**

OPINION EVIDENCE—Cont'd

- Interpretations of books of account, **24:17**
- Invasion of province of jury, **24:7**
- Medical malpractice, subjects of opinion evidence, **24:12**
- Mental condition and capacity, **24:25, 24:26**
- Physical conditions, **24:20, 24:24**
- Powder burns, **24:19**
- Property damage, **24:31**
- Proximate cause. See “Cause” in this heading
- Qualifications of witness, **24:5**
- Qualifying phrases in witness’ answer. use of, **24:3**
- Scientific evidence, opinion based on, **24:35**
- Services, value of, **24:33**
- Signature, authenticity in, **24:15**
- Skilled witness opinion, generally, **24:4**
- Speed of moving object, **24:18**
- Statements of party, opinion based on, **24:22**
- Subjects of opinion evidence, generally, **24:11, 24:12**
- Tracks, **24:28**
- Ultimate fact in issue, opinion on, **24:8**
- Values, generally, **24:30, 24:32, 24:33**
- Writing, authenticity in, **24:15**

ORDER OF PROOF

- Generally, **10:1 to 10:4**
- Conditional admission of evidence, **10:2**
- Rebuttal testimony, **10:3**
- Reopening case, **10:4**
- Surrebuttal testimony, **10:3**

ORIGINAL EVIDENCE

- Hearsay evidence, **25:4**

OTHER CRIMES

- Admissibility and relevancy of evidence, **18:25, 18:29**
- Weight and sufficiency of evidence, **18:29**

OTHER EVIDENCE

- Admissibility and relevancy of evidence, **18:4**

OUT OF COURT RECEPTION OF EVIDENCE

- Jury and jury trial, **42:6**

OUT-OF-STATE WITNESSES

- Generally, **12:5**

OWNERSHIP

- See index heading TITLE AND OWNERSHIP

OWN WITNESS

- Impeachment of witnesses, **17:7**

INDEX

PARENT AND CHILD

Damages, **36:22**

PAROL EVIDENCE

Generally, **21:1 to 21:14**

Abbreviations, **21:13**

Ambiguities in contracts, **21:8**

Boundaries, **21:12**

Connecting several writings, **21:9**

Consideration, **21:6**

Contracts, generally, **21:4 et seq**

Descriptions, **21:12**

Explanation of contracts, **21:8**

Figures, **21:13**

Formation or existence of contract, evidence of, **21:4**

Identity of parties, **21:10**

Incomplete contracts or writings, **21:5**

Inducement, **21:7**

Intent, **21:5**

Local expressions, **21:13**

Public records, **21:14**

Separate transactions, application to, **21:2**

Time for performance, **21:11**

Trade terms, **21:13**

Types of writings affected, **21:3**

PARTIALLY FALSE TESTIMONY

Credibility of witnesses, **16:7**

PARTICIPATION IN SUIT

Competency of witness to testify, **13:1**

PARTIES

Conduct of trial. See index heading **CONDUCT OF TRIAL**

Continuances. See index heading **CONTINUANCES**

Cross-examination, **15:9**

Proof of facts, **11:7**

PAST RECOLLECTION RECORDED

Hearsay evidence, **25:9**

PEDIGREE

Hearsay evidence, **25:18**

PEER REVIEW COMMITTEE

Privileged communications, **28:16**

PENALTIES

Damages, **36:44**

Hearsay evidence, **25:27**

PENDING PROCEEDINGS

Continuances, **5:7**

PEREMPTORY CHALLENGES

Selection of jury, **8:25**

PERIODICALS

Documentary evidence, **23:23**

PERSONAL INJURY CASES

Damages, **36:20, 36:35**

PERSONAL PROPERTY

Damages, **36:25**

PERSONS OR BODIES

Demonstrative evidence, **22:6, 22:15**

PHOTOGRAPHS

Demonstrative evidence, See index heading DEMONSTRATIVE EVIDENCE

PHRASING OF INSTRUCTIONS

Instructions to jury, **41:6**

PHYSICAL CONDITION

Confessions, **30:16**

Hearsay evidence, **25:23**

Opinion evidence, **24:20, 24:24**

PHYSICAL OR MENTAL EXAMINATION

Admissibility and relevancy of evidence, **18:36**

PHYSICIAN AND PATIENT

Privileged communications, **28:9, 28:10**

PLACE OR LOCATION

Admissibility and relevancy of evidence, **18:24**

Judicial notice, **27:9**

PLANT LIFE

Judicial notice, **27:17**

PLATS

See index heading MAPS OR PLATS

PLEADINGS

Conduct of trial, **2:4**

Continuances, **5:4**

Documentary evidence, **23:16**

Statements against interest, **26:5**

PLEAS

Criminal trials

generally, **38:1 to 38:17**

for detailed treatment see index heading CRIMINAL TRIALS

INDEX

POLICE REPORTS

Hearsay evidence, **25:25**

POLLING THE JURY

Verdict, **43:4**

POPULATION

Judicial notice, **27:10**

POSED PHOTOGRAPHS

Demonstrative evidence, **22:8**

POSSESSION

Presumptions, **29:13**

POST-CONVICTION MOTIONS

Criminal trials, **40:10**

POWDER BURNS

Opinion evidence, **24:19**

PRECONCEIVED OPINION

Selection of jury, **8:16**

PREJUDICE

See index heading **BIAS OR PREJUDICE**

PREMATURE DISCUSSION OF CASE

Jury and jury trial, **42:8**

PREMISES

Demonstrative evidence, **22:7**

PREPONDERANCE OF EVIDENCE

Instructions to jury, **41:23**

PRESENCE OR ABSENCE

See index heading **ABSENCE OR PRESENCE**

PRESUMPTION ON PRESUMPTION

Generally, **29:4**

PRESUMPTIONS

Generally, **29:1 to 29:26**

Burden of proof

generally, **9:1 to 9:10**

for detailed treatment see index heading **BURDEN OF PROOF**

Confessions, **30:11**

Consequences resulting from acts, intention as to, **29:14**

Construction and legality of contracts, **29:19**

Continuance of condition, presumption of, **29:22**

Contracts, construction and legality of, **29:19**

Death, presumption of, **29:16**

Delivery of letter, presumption of, **29:18**

Directed verdict, **35:6**

PRESUMPTIONS—Cont'd

Effect on burden of proof, **9:2**
Exercise of care, **29:24**
Flight, **29:12**
Foreign laws, **29:8**
Gifts, presumption about, **29:23**
Guilt, circumstances raising inference of, **29:12**
Identity of persons and names, **29:9**
Individuals, presumptions about, **29:20**
Inference on inference, **29:4**
Inferences, **29:3, 29:4**
Innocence, presumption of, **29:11**
Instructions to jury, **41:17**
Intoxicating liquor, presumptions about, **29:21**
Irrebuttable presumptions, **29:2**
Joint bank accounts, presumption about, **29:23**
Judicial acts and proceedings, **29:5**
Legislative acts, **29:6**
Letter, presumption of delivery of, **29:18**
Marriage, presumption of validity of, **29:17**
Names, identity of, **29:9**
Nature or presumptions and inferences, **29:1**
Negligence, **29:24**
Official powers and duties, **29:7**
Other presumptions created by law, **29:25**
Possession of stolen goods, **29:13**
Presumption on presumption, **29:4**
Range of human knowledge, **29:10**
Rebuttable presumptions, **29:2, 29:26**
Res ipsa loquitur, **29:15**
Stolen goods, possession of, **29:13**
Validity of marriage, presumption of, **29:17**

PRETRIAL PUBLICITY

Criminal trials, **37:18**

PREVENTION OF DAMAGES

Damages, **36:15**

PREVIOUS JURY SERVICE

Selection of jury, **8:21**

PRIMA FACIE CASE

Burden of proof, **9:2**

PRIOR OBJECTION

Cross-examination, **15:4**

PRISONERS

Witnesses, **12:4**

INDEX

PRIVATE WRITINGS

Documentary evidence, **23:4**

PRIVILEGE AGAINST SELF-INCRIMINATION

Examination of witnesses, **14:15**

PRIVILEGED COMMUNICATIONS

Generally, **28:1 to 28:21**
Accident report privilege, **28:17**
Accountant and client, **28:14**
Attorney and client, **28:5, 28:6**
Attorney work product, **28:7**
Child abuse, effect on psychotherapist patient privilege, **28:11**
Clergymen, **28:12**
Crime reporting privilege, **28:18**
Criminal cases, **28:2, 28:6**
Disclosure, disqualification due to, **28:21**
Discovery, **28:7**
Disqualification due to disclosure, **28:21**
Fraud exception, attorney and client, **28:6**
Governmental matters, **28:4**
Hospital records, **28:19**
Husband and wife, communications between, **28:3**
Medical records, **28:19, 28:20**
Nature of, **28:1**
Other medical records, **28:20**
Peer review committee member privilege, **28:16**
Physician and patient, **28:9, 28:10**
Psychotherapist patient privilege, **28:10**
Reporter and source, **28:15**
Spouses, communications between, **28:3**
Trade secrets, **28:13**
Waiver, **28:8**

PROBATE RECORDS

Documentary evidence, **23:14**

PROCEDURAL ASPECTS

Exemplary or punitive damages, **36:8**

PRODUCTION OF EVIDENCE

Arguments of counsel, **3:8**

PROFESSIONAL RELATIONSHIPS

Selection of jury, **8:23**

PROFFER OF EXCLUDED EVIDENCE

Objections to evidence, **32:6**

PROFITS

Damages, **36:38, 36:39**

PRONOUNCEMENT OF SENTENCE

Criminal trials, **40:2**

PROOF OF FACTS

Generally, **11:1 to 11:8**

Agreed case, **11:2**

Conclusiveness, **11:8**

Construction, **11:3**

Enforcement of stipulations, **11:6**

Form, **11:3**

Parties affected, **11:7**

Requisites, **11:3**

Stipulations, generally, **11:3 to 11:6**

Subject matter of stipulations, **11:4**

Use and effect of stipulations, **11:5**

PROPERTY DAMAGE

Opinion evidence, **24:31**

PROPERTY VALUE

Admissibility and relevancy of evidence, **18:37**

PROSECUTORS

Criminal trials, **38:4**

Jury and jury trial, **42:10**

PROVINCE OF COURT OR JURY

Credibility of witnesses, **16:1**

PROXIMATE CAUSE

Opinion evidence. See index heading **OPINION EVIDENCE**

PROXIMATE CONSEQUENCES

Damages, **36:14**

PSYCHOTHERAPIST PATIENT PRIVILEGE

Privileged communications, **28:10**

PUBLICITY

Conduct of trial, **2:13**

Continuances, **5:8**

Criminal trials, **37:18**

Role of attorney, **1:3**

PUBLIC RECORDS

Best and secondary evidence, **20:6**

Documentary evidence, **23:9**

Hearsay evidence, **25:14**

Judicial notice, **27:5**

Parol evidence, **21:14**

PUBLIC TRIAL

Criminal trials, **37:19**

INDEX

PUNISHMENT

- Contempt, **6:7, 6:8**
- Criminal trials, **41:34**
- Selection of jury, **8:20**

PUNITIVE DAMAGES

- See index heading EXEMPLARY OR PUNITIVE DAMAGES

QUALIFICATION OR DISQUALIFICATION

- Conduct of trial, **2:11**
- Opinion evidence, qualifications of witness, **24:5**
- Privileged communications, **28:21**
- Selection of jury, **8:11, 8:12**

QUALIFYING PHRASES

- Opinion evidence, **24:3**

QUALITY

- Best and secondary evidence, **20:4**

QUESTIONS OF LAW AND FACT

- Confessions, **30:10**

QUESTIONS TO WITNESSES

- Examination of witnesses, **14:5**

QUOTIENT VERDICTS

- Verdict, **43:10**

RACE AND RACE DISCRIMINATION

- Admissibility and relevancy of evidence, **18:30**
- Selection of jury, **8:3, 8:24**

RANGE OF HUMAN KNOWLEDGE

- Presumptions, **29:10**

READING BOOKS AND NEWSPAPERS

- Jury and jury trial, **42:7**

REAL PROPERTY

- Damages, **36:26**

REASONABLE DOUBT

- Criminal trials, **41:24**

REBUTTABLE PRESUMPTIONS

- Presumptions, **29:2**

REBUTTAL TESTIMONY

- Order of proof, **10:3**

RECALLING THE JURY

- Verdict, **43:17**

RECALL OF WITNESS

- Examination of witnesses, **14:12**

RECORDS AND RECORDING

Continuances, **5:3**

Judgment, **44:4**

Medical records. See index heading MEDICAL RECORDS AND REPORTS

Public records. See index heading PUBLIC RECORDS

REDUCTION TO PRESENT VALUE

Instructions to jury, **41:14**

REEXAMINATION

Examination of witnesses, **14:11**

REFRESHING MEMORY

Examination of witnesses, **14:8**

REHABILITATION

Impeachment of witnesses, **17:13**

REINSTRUCTION OF JURY

Generally, **41:28**

Criminal trials, **41:37**

RELATIONSHIP

Admissibility and relevancy of evidence, **18:33**

RELEVANCY OF EVIDENCE

Generally, **18:1 to 18:41**

For detailed treatment see index heading ADMISSIBILITY AND RELEVANCY OF EVIDENCE

RELIGION

Admissibility and relevancy of evidence, **18:30**

Impeachment of witnesses, **17:9**

REMARKS OF JUDGE

Conduct of trial, **2:7**

REMARRIAGE

Damages, **36:33**

REMITTITUR

Exemplary or punitive damages, **36:9**

REMOTE CONSEQUENCES

Damages, **36:14**

RENDITION

Judgment, **40:1, 44:1**

Verdict, **43:2**

RENEWAL OF MOTION

Directed verdict, **35:10**

RENTAL PROPERTY

Damages, **36:29**

INDEX

REOPENING CASE

Order of proof, **10:4**

REPEATING TESTIMONY

Jury and jury trial, **42:14**

REPLY TO WRITTEN STATEMENTS

Statements against interest, **26:8**

REPORTER AND SOURCE

Privileged communications, **28:15**

REPUTATION

See index heading CHARACTER AND REPUTATION

REQUESTS

Instructions to jury, **41:3, 41:4**

REQUISITES

Proof of facts, **11:3**

RESEARCH

Jurors, independent research by, **42:7**

RES IPSA LOQUITUR

Instructions to jury, **41:21**

Presumptions, **29:15**

RESISTING ARREST

Criminal trials, **39:7**

RESTRICTIONS

See index heading LIMITATIONS AND RESTRICTIONS

RETRAXIT

Dismissal and discontinuance, **7:3**

REVISING OR CORRECTING VERDICTS

Verdict, **43:15, 43:16**

ROLE OF ATTORNEY

Generally, **1:1 to 1:10**

Approval of court for termination of representation, **1:8**

Compromise and settlement, **1:9**

Conduct during trial, **1:2**

Contact with witnesses, **1:5**

Extrajudicial statements, **1:3**

Judge, communications with, **1:6**

Jury, communications with, **1:4**

Legal malpractice, **1:10**

Malpractice, **1:10**

Notice of termination of representation, **1:8**

Publicity during trial, **1:3**

Settlement, **1:9**

ROLE OF ATTORNEY—Cont'd

Termination of representation, **1:8**

Witnesses

attorney as witness, **1:7**

contact with, **1:5**

ROLE OF COURT

Admissibility and relevancy of evidence, **18:40**

RULES OF COURT

Examination of witnesses, **14:18**

RUMOR

Hearsay evidence, **25:10**

SCIENTIFIC MATTERS

Admissibility and relevancy of evidence, **18:10**

Hearsay evidence, **25:16**

Judicial notice, **27:13**

Opinion evidence, **24:35**

SEALED VERDICTS

Verdict, **43:3**

SEARCH AND SEIZURE

Illegally obtained evidence, **31:3 to 31:5**

SEARCH WARRANT

Illegally obtained evidence, **31:4**

SEASONS

Judicial notice, **27:15**

SECONDARY EVIDENCE

Generally, **20:1 to 20:9**

For detailed treatment see index heading BEST AND SECONDARY EVIDENCE

SELECTION OF JURY

Generally, **8:1 to 8:26**

Array, grounds for challenges to, **8:1**

Bias or prejudice, **8:18 to 8:20**

Business relationship, **8:22**

Capital punishment, bias or opinion on, **8:20**

Challenges, **8:1, 8:7, 8:9, 8:11, 8:25**

Circumstantial evidence, bias against, **8:19**

Connection with case, **8:15**

Death penalty, bias or opinion on, **8:20**

Demand for jury trial, **8:26**

Discharge of juror by court, **8:8**

Discrimination, **8:3**

Disqualification, **8:11, 8:12**

Examination of jurors, **8:6**

Exclusion of jurors, **8:2**

INDEX

SELECTION OF JURY—Cont'd

- Familial relationships, **8:14**
- Hypothetical questions, **8:17**
- Impaneling the jury, **8:5**
- Impartiality of jurors, **8:13**
- Number of jurors, **8:4**
- Oath or affirmation, **8:10**
- Peremptory challenges, **8:25**
- Persons involved in case, bias against, **8:18**
- Preconceived opinion, **8:16**
- Previous jury service, **8:21**
- Prior knowledge of facts, **8:15**
- Professional, **8:23**
- Punishment, bias against, **8:20**
- Race discrimination or prejudice, **8:3, 8:24**
- Sex discrimination, **8:3**
- Social relationship, **8:23**
- Swearing the jury, **8:10**
- Waiver
 - challenges to jurors, waiver of right, **8:9**
 - jury trial, waiver of right to, **8:26**

SELECTIVE PROSECUTION

- Criminal trials, **39:19**

SELF-AUTHENTICATION

- Documentary evidence, **23:3**

SELF-DEFENSE

- Criminal trials, **39:1**

SELF-INCRIMINATION

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

SELF-REPRESENTATION

- Criminal trials, **37:9**

SENTENCE

- See index heading **CRIMINAL TRIALS**

SEPARATE SENTENCING

- Criminal trials, **40:4**

SEPARATE TRANSACTIONS

- Parol evidence, **21:2**

SEPARATION

- Criminal cases, separation of jury in, **42:2**

SERVICES

- Admissibility and relevancy of evidence, **18:37**
- Opinion evidence, **24:33**

SET OFF

Damages, **36:46**

SETTING ASIDE

See index heading VACATING OR SETTING ASIDE

SETTLEMENT

See index heading COMPROMISE AND SETTLEMENT

SEVERAL PERSONS

Confessions, **30:7**

SEVERANCE

Criminal trials, **37:21 to 37:24**

SEX DISCRIMINATION

Selection of jury, **8:3**

SIGNATURE

Opinion evidence, **24:15**

Verdict, signature of foreperson of jury, **43:7**

SILENCE OF PARTY

Statements against interest, **26:7**

SIMILAR ACTS OR FACTS

Admissibility and relevancy of evidence, **18:14**

SKELETONS

Demonstrative evidence, **22:15**

SKETCHES

Demonstrative evidence, **22:12**

SKILLED WITNESSES

Opinion evidence, **24:4**

SOCIAL RELATIONSHIP

Selection of jury, **8:23**

SOUND RECORDINGS

Demonstrative evidence, **22:11**

SPECIAL DAMAGES

Damages, **36:1**

SPECIAL VERDICTS

Verdict, **43:14**

SPEED

Demonstrative evidence, **22:11**

Opinion evidence, **24:18**

SPONTANEOUS STATEMENTS

Hearsay evidence, **25:21, 25:22**

INDEX

SPOUSES

- Competency of witness to testify, **13:5**
- Damages, **36:23**
- Privileged communications, **28:3**

STANDARD JURY INSTRUCTIONS IN CIVIL CASE

- Generally, **41:2**

STANDARDS AND CODES

- Admissibility and relevancy of evidence, **18:16**

STANDING TO OBJECT

- Illegally obtained evidence, **31:10**

STAND YOUR GROUND

- Criminal trials, defenses, **39:2**

STATE

- Witnesses, state's duty to call, **12:8**

STATEMENTS AGAINST INTEREST

- Generally, **26:1 to 26:15**
- Acquiescence, admission by, **26:13, 26:14**
- Admission of party opponent, **26:2**
- Compromise offers, **26:6**
- Corporate officers and agents, admissions and declarations by, **26:9**
- Corpus delicti, acquiescence, admission by, **26:14**
- Deceased persons, **26:11**
- Failure to reply to written statements as admission, **26:8**
- Form of admission, **26:4**
- Guilty plea, **26:3**
- Infants, admissions and declarations by, **26:10**
- Judicial admissions, **26:15**
- Offers to compromise, **26:6**
- Pleadings, admissions in, **26:5**
- Reply to written statements, effect of failure as to, **26:8**
- Silence of party or accused as to admission, **26:7**
- Withdrawal of admission, **26:12**

STATISTICAL FACTS

- Judicial notice, **27:13**

STATUTES AND STATUTORY PROVISIONS

- Best and secondary evidence, **20:3**
- Examination of witnesses, **14:18**

STIPULATIONS

- Proof of facts, **11:3 to 11:6**

STOLEN GOODS

- Presumptions, **29:13**

STREETS AND HIGHWAYS

Judicial notice, **27:20**

STRIKE MOTIONS

Examination of witnesses, **14:10**

Objections to evidence, **32:8**

SUBPOENA DUCES TECUM

Witnesses, **12:7**

SUBPOENAS

Witnesses, **12:6**

SUBSEQUENT REMEDIAL MEASURES

Admissibility and relevancy of evidence, **18:3**

SUCCESSOR JUDGE

Conduct of trial, **2:15**

SUFFICIENCY

Evidence

generally, **19:1 to 19:7**

for detailed treatment see index heading WEIGHT AND SUFFICIENCY OF EVIDENCE

Instructions to jury, **41:8**

Objections to evidence, **32:5**

SUGGESTIVE FACTS

Admissibility and relevancy of evidence, **18:17, 18:18**

SUMMARY JUDGMENT

Dismissal and discontinuance, **7:4**

SUMMARY PUNISHMENT

Contempt, **6:7**

SUPPRESSION OF EVIDENCE

Admissibility and relevancy of evidence, **18:41**

Illegally obtained evidence, **31:9**

SURPRISE

Continuances, **5:9**

SURREBUTTER TESTIMONY

Order of proof, **10:3**

SURVEYS

Documentary evidence, **23:6**

SURVIVAL STATUTES

Damages, **36:30**

SURVIVORS

Damages, **36:32**

SWEARING

See index heading OATH OR AFFIRMATION

INDEX

TAMPERING

Admissibility and relevancy of evidence, **18:39**

TAXES

Instructions to jury, **41:16**

TERMINATION OF REPRESENTATION

Role of attorney, **1:8**

TESTS

Admissibility and relevancy of evidence, **18:12**

Credibility of witnesses, **16:3**

TEXTS

Documentary evidence, **23:23**

THEORY OF DEFENDANT

Criminal trials, **41:32**

THIRD PARTIES

Criminal trials, **39:3**

Jury and jury trial, **42:10**

THREATS

Confessions, **30:12**

TIME OR DATE

Admissibility of evidence. See index heading ADMISSIBILITY AND RELEVANCY OF EVIDENCE

Criminal trials, **37:22**

Directed verdict, motion for, **35:4**

Dismissal and discontinuance, **7:6**

Documentary evidence, **23:22**

Hearsay evidence, **25:22**

Instructions. See index heading INSTRUCTIONS TO JURY

Objections to evidence, **32:2**

Parol evidence, **21:11**

TIRE MARKS

Admissibility and relevancy of evidence, **18:35**

TOWNS

Judicial notice, **27:8**

TRACKS AND TRACKING

Admissibility and relevancy of evidence, **18:35**

Opinion evidence, **24:28**

TRADE SECRETS

Privileged communications, **28:13**

TRADE TERMS

Parol evidence, **21:13**

TRANSLATORS

Examination of witnesses, **14:2**

TRANSPORTATION

Judicial notice, **27:20**

TREATIES

Documentary evidence, **23:23**

TREES

Damages, **36:27**

“TWO DISMISSAL” RULE

Dismissal and discontinuance, **7:7**

TWO OR MORE ISSUES

Verdict, **43:11**

TWO OR MORE PLAINTIFFS OR DEFENDANTS

Verdict, **43:9**

ULTIMATE FACT IN ISSUE

Opinion evidence, **24:8**

UNCONSTRAINED EVIDENCE

Weight and sufficiency of evidence, **19:2**

UNDUE INFLUENCE

Burden of proof, **9:5**

UNFAIRNESS

Burden of proof, **9:5**

UNKNOWN WITNESSES

Competency of witness to testify, **13:9**

UNPREPAREDNESS OF PARTY

Continuances, **5:2**

URGING AGREEMENT

Jury and jury trial, **42:17**

VACATING OR SETTING ASIDE

Criminal trials, vacation of plea, **38:17**

Judgment, **44:8**

VALIDITY

Marriage, presumption of validity of, **29:17**

Verdict, **43:8**

VALUE AND VALUATION

Admissibility and relevancy of evidence, **18:37**

Judicial notice, **27:19**

Opinion evidence, **24:30, 24:32, 24:33**

INDEX

VERDICT

- Generally, **43:1 to 43:20**
- Content of verdict, **43:5**
- Correcting verdicts, **43:15, 43:16**
- Criminal cases, **43:2, 43:16**
- Degree of offense, **43:12**
- Designating parties, **43:13**
- Directed verdict
 - generally, **35:1 to 35:10**
 - for detailed treatment see index heading DIRECTED VERDICT
- Foreperson, signature of, **43:7**
- Form of verdict, **43:5**
- Impeachment of verdict, **43:19**
- Inconsistency of verdict, objection to, **43:6**
- Inconsistent counts, **43:12**
- Interviewing jurors, **43:18**
- Mistrial and discharge of jury, **34:3**
- Multiple offenses and counts, **43:12**
- New trial, **43:20**
- Objection to form of verdict, **43:6**
- Polling the jury, **43:4**
- Quotient verdicts, **43:10**
- Recalling the jury, **43:17**
- Rendition of verdicts, **43:2**
- Revising or correcting verdicts, **43:15, 43:16**
- Sealed verdicts, **43:3**
- Signature of foreperson, **43:7**
- Special verdicts, **43:14**
- Two or more issues, **43:11**
- Two or more plaintiffs or defendants, **43:9**
- Validity of verdict, requirements for, **43:8**
- Writing, necessity for, **43:7**

VIDEO TAPES

- Demonstrative evidence, **22:4, 22:9**

VIEW

- Generally, **33:1 to 33:4**
- Civil cases, **33:3**
- Criminal cases, **33:4**
- Discretion of court, **33:2**

VILLAGES

- Judicial notice, **27:8**

VOICE RECOGNITION

- Admissibility and relevancy of evidence, **18:34**

VOID JUDGMENTS

- Judgment, **44:5**

VOLUMINOUS RECORDS

Best and secondary evidence, **20:9**

VOLUNTARY ACTS AND MATTERS

Criminal trials. See index heading CRIMINAL TRIALS

Dismissal. See index heading DISMISSAL AND DISCONTINUANCE

WAIVER

Confessions, **30:5**

Criminal trials. See index heading CRIMINAL TRIALS

Cross-examination, **15:4**

Objections to evidence, **32:7**

Privilege against self-incrimination, waiver of, **14:16**

Privileged communications, **28:8**

Selection of jury. See index heading SELECTION OF JURY

WEALTH

Admissibility and relevancy of evidence, **18:30**

WEIGHT AND SUFFICIENCY OF EVIDENCE

Generally, **19:1 to 19:7**

Circumstantial evidence, **19:5**

Corpus delicti, **19:7**

Criminal cases, generally, **19:6**

Facts, sufficiency of proof of, **18:5**

Interested witness, testimony of, **19:3**

Negative and positive testimony, **19:4**

Other crimes, sufficiency of evidence to prove, **18:29**

Unconstrained evidence, **19:2**

WITHDRAWAL

Counsel, withdrawal of, **5:2**

Criminal trials. See index heading CRIMINAL TRIALS

Statements against interest, **26:12**

WITNESSES

Generally, **12:1 to 12:17**

Arguments of counsel. See index heading ARGUMENTS OF COUNSEL

Attendance of witnesses, **12:1**

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

Compensation of witnesses, **12:12**

Competency to testify

generally, **13:1 to 13:13**

for detailed treatment see index heading COMPETENCY OF WITNESS TO TESTIFY

Conduct of trial, **2:9**

Continuances, **5:10**

Corroboration of witnesses, **12:11**

Credibility of witnesses

generally, **16:1 to 16:9**

for detailed treatment see index heading CREDIBILITY OF WITNESSES

INDEX

WITNESSES—Cont'd

- Cross-examination of witnesses
 - generally, **15:1 to 15:13**
 - for detailed treatment see index heading CROSS-EXAMINATION
- Deposition, use of, **12:15**
- Disclosure of witnesses, **12:9**
- Examination of witnesses
 - generally, **14:1 to 14:20**
 - for detailed treatment see index heading EXAMINATION OF WITNESSES
- Exclusion of witnesses, **12:13**
- Failure to compel attendance, **12:3**
- Impeachment of witnesses
 - generally, **17:1 to 17:13**
 - for detailed treatment see index heading IMPEACHMENT OF WITNESSES
- Instructions to jury, **41:25**
- Interpreters, use of, **12:16**
- Interviewing witnesses, **12:10**
- Liability of witnesses, **12:17**
- Limitations on power to compel attendance of witnesses, **12:2**
- Out-of-state witnesses, **12:5**
- Prisoners, **12:4**
- Role of attorney. See index heading ROLE OF ATTORNEY
- State's duty to call witnesses, **12:8**
- Subpoena duces tecum, **12:7**
- Subpoenas, generally, **12:6**
- Swearing of witnesses, **12:14**

WRITINGS

- Demonstrative evidence, **22:13**
- Hearsay evidence, **25:3**
- Opinion evidence, **24:15**
- Verdict, **43:7**

WRONGFUL DEATH

- See index heading DEATH AND DEATH ACTIONS

