

Index

ABSENCE OF SEVEN YEARS

Presumption of death, **20:7**

ABUSE OF CHILDREN

Expert opinion, child abuse syndrome, **24:29**

ACCIDENTS

Actions of party after accident as admissions, **26:14**
Reconstruction experts, **24:21**
Relevance of conduct of party shortly before accident, examination of witnesses, **15:5**

ACCOMPLICES

Competency to testify, **13:8**

ACCOUNTANT

Public accountant-client privilege, **18:12**

ACCURACY OF WITNESS

Testing on cross-examination, **16:6**

ADDICTION TO NARCOTICS

Nonexpert opinion evidence, **24:16**

ADEQUACY

See index heading INSUFFICIENCY OR INADEQUACY

ADMISSION OF ATTORNEY

Need for counsel to be admitted to practice law, **1:5**

ADMISSION OR ADMISSIBILITY OF EVIDENCE

Generally, **29:1 to 29:29**
Acts that are similar, **29:5**
Admission by party, apology, **26:1**
Admissions, admissibility of criminal judgment in subsequent civil suit, **26:7**
Assault victim's character, **29:14**
Character and reputation, **29:11 to 29:17**

ADMISSION OR ADMISSIBILITY OF EVIDENCE—Cont'd

Circumstantial evidence, **29:1, 29:2**
Collateral issues, **29:4**
Color, **29:18**
Computations, **29:25**
Conduct of trial, **2:18, 2:19**
Confessions, **27:6**
Corporate existence, **29:26**
Criminal matters
 admissions, admissibility of criminal judgment in subsequent civil suit, **26:7**
 character and reputation in criminal cases, **29:12 to 29:14, 29:17**
 circumstantial evidence of criminal intent, **29:2**
 confessions, **27:6**
Custom and usage, **29:7**
Documentary evidence, procedure in admitting documents in evidence, **23:2**
Examination of witnesses, admissibility of negative evidence, **15:4**
Exclusion of evidence. See index heading EVIDENCE
Existence of corporation, **29:26**
Habits, **29:6**
Hearsay evidence, **25:1 to 25:33**
Homicide victim's character, **29:14**
Identification evidence, **29:28**
Income tax returns, **29:24**
Intelligence tests, **29:23**
Intoxication, **29:9**
Liability insurance, **29:19**
Mental examination of parties and others, **29:22**
Method
 proving character in criminal cases, **29:13**
 usual method, **29:8**

**ADMISSION OR ADMISSIBILITY
OF EVIDENCE—Cont'd**

Mistrial, effect of disappearance of
admitted exhibits during trial,
31:4
Nationality, **29:18**
Occurrences that are similar, **29:5**
Opinion evidence, **24:3 to 24:7**
Other crimes' evidence, character and
reputation, **29:17**
Other persons, physical and mental
examination, **29:22**
Parol evidence, **29:27**
Parties, physical and mental examina-
tion, **29:22**
Physical examination of parties and
others, **29:22**
Poverty, **29:18**
Prejudice jury, evidence that will,
29:3
Psychological tests, **29:23**
Race, **29:18**
Real and demonstrative evidence,
21:5 to 21:11
Reputation and character, **29:11 to**
29:17
Seat belts, **29:29**
Self-serving declarations, **29:21**
Similar acts or occurrences, **29:5**
Truth and veracity, reputation for,
29:16
Use
 custom and usage, **29:7**
 discovery depositions, **29:20**
Usual method or practice, **29:8**
Veracity and truth, reputation for,
29:16
Victim of assault or homicide,
character of, **29:14**
Wealth, **29:18**
Weight, **29:10**

ADMISSIONS

Generally, **26:1 to 26:16**
Actions of party after accident as
admissions, **26:14**
Admissibility of criminal judgment in
subsequent civil suit, **26:7**
Agent of party, **26:2**

ADMISSIONS—Cont'd

Avoidance of continuance, **26:4**
Compromise offers as admissions,
26:13
Confessions distinguished, **27:1**
Continuance avoidance, **26:4**
Criminal matters
 admissibility of criminal judgment
 in subsequent civil suit, **26:7**
 confessions distinguished, **27:1**
 silence of accused as admission,
 26:9
Employee of party, **26:2**
Escape as admission, **26:11**
Failure to reply to written statements
as admissions, **26:10**
Flight as admission, **26:11**
Judicial admissions, **26:5, 26:6**
Misconduct of party as admission,
26:12
Offers of compromise as admissions,
26:13
Other persons, **26:3**
Parties
 actions of party after accident as
 admissions, **26:14**
 agent, employee or partner of
 party, **26:2**
 misconduct of party as admission,
 26:12
 opponent, **26:1**
 silence as admission, **26:8, 26:9**
Partner of party, **26:2**
Payment of bills of injured person as
admissions, **26:15**
Pleadings, judicial admissions, **26:6**
Self-serving statements, **26:16**
Silence as admission, **26:8, 26:9**
Statements
 failure to reply to written state-
 ments as admissions, **26:10**
 self-serving statements, **26:16**

ADVERSE PARTY OR PERSON

Calling as witness, **15:21**

AFFIRMATIVE DEFENSES

Civil, **9:16**
Criminal, **9:9**

INDEX

AGAINST INTEREST DECLARATIONS

Hearsay evidence, **25:32**

AGENT OF PARTY

Admissions, **26:2**

AGGRAVATED DAMAGES

Pleading, **33:9**

AIDING WITNESSES BY REFRESHING MEMORY

Generally, **15:10**

ALCOHOL

See index heading INTOXICATION

ALIBI

Burden of proof in criminal cases,
9:12

ALLOWANCE OF COURT COSTS

Judgment, **38:6**

ALTERNATE JURORS

Selection, **6:11**

AMENDMENT

Directed verdict, permitting amend-
ments to conform to evidence,
32:5

Judgment, **38:8**

Jury instruction requests, **35:7**

Venue change, motions, **3:9**

Verdict, **37:3**

AMOUNT OR NUMBER

Additional matters. See index head-
ing CROSS-EXAMINATION OF WIT-
NESSES

Conduct of trial, limiting number of
witnesses, **2:17**

Damages. See index heading DAMAGES

Instructions to jury, **35:9**

Judgment, **38:4**

Jury selection, number of peremptory
challenges, **6:12, 6:13**

ANCIENT DOCUMENTS

Authentication, **23:28**

Hearsay evidence, **25:26**

ANNUITY TABLES

Authentication, documentary evi-
dence, **23:27**

Hearsay evidence, **25:24**

ANSWERS

Interrogatories, competency of wit-
nesses omitted from, **13:10**

Questions. See index heading WIT-
NESSES

ARGUMENTATIVE JURY INSTRUCTIONS

Generally, **35:13**

ARGUMENTS OF COUNSEL

Closing arguments

generally, **34:1 to 34:13**

for detailed treatment see index
heading CLOSING ARGUMENTS

Opening statements

generally, **7:1 to 7:4**

for detailed treatment see index
heading OPENING STATEMENTS

ARRAY CHALLENGES

Jury selection, **6:4**

ARREST BASED ON INFORMANT'S TIP

Illegally obtained evidence, **28:17**

ARREST OF JUDGMENT

Generally, **38:7**

ASSAULT VICTIM'S CHARACTER

Admissibility of evidence, **29:14**

ATHEISTS

Competency to testify, **13:7**

ATTENDANCE

Compelling attendance of witnesses,
11:1

ATTESTED DOCUMENTS

Authentication, documentary evi-
dence, **23:5**

ATTORNEY-CLIENT PRIVILEGE

Generally, **18:6 to 18:10**

ATTORNEYS

- Act as co-counsel, party's right to, **1:3**
- Admitted to practice law, need for counsel to be, **1:5**
- Attorney-client privilege, **18:6 to 18:10**
- Bar applications, **1:10**
- Closing arguments
 - generally, **34:1 to 34:13**
 - for detailed treatment see index heading CLOSING ARGUMENTS
- Co-counsel, party's right to act as, **1:3**
- Competency to testify, **13:6**
- Competent counsel, right to, **1:4**
- Conduct of attorney, **1:8 to 1:10**
- Conduct of trial, presence of counsel, **2:3**
- Conflict of interest, **1:2, 1:8**
- Consult with attorney and others, right to, **1:7**
- Contempt by attorney, **1:9**
- Damages, attorney's fees, **33:16**
- Discipline of attorney for improper conduct, **1:10**
- Disqualification of counsel, **1:12**
- Examination of witnesses, improper conduct, **15:8**
- Fees, damages, **33:16**
- General conduct of attorney, **1:8**
- Improper conduct
 - closing arguments, correcting improper conduct of counsel, **34:13**
 - criminal trials, improper conduct of prosecution, **4:10**
 - discipline of attorney, **1:10**
 - examination of witnesses, **15:8**
- Need for counsel to be admitted to practice law, **1:5**
- Opening statements
 - generally, **7:1 to 7:4**
 - for detailed treatment see index heading OPENING STATEMENTS
- Party's right to act as co-counsel, **1:3**
- Prosecutor immunity to civil suit, **1:8**
- Rights
 - competent counsel, **1:4**

ATTORNEYS—Cont'd

- Rights—Cont'd
 - consult with attorney and others, **1:7**
 - party's right to act as co-counsel, **1:3**
 - to counsel, **1:2, 1:6**
 - waiver of right to counsel, **1:6**
- Role of attorney, **1:1 to 1:12**
- Waiver of right to counsel, **1:6**
- Withdrawal of counsel, **1:11**
- Witness for party, **13:6**

AUTHENTICATION

- Documentary evidence, **23:3 to 23:12, 23:24 to 23:28**
- Exhibits, **21:16**

AUTHORITY OF COURT

- See index heading POWER OF COURT

AUTOMOBILE SEARCH WITHOUT WARRANT

- Illegally obtained evidence, **28:13**

AVOIDANCE OF CONTINUANCE

- Admissions, **26:4**

BAILMENT CASES

- Burden of proof, **9:8**

BALLISTICS

- Expert opinion evidence, **24:27**

BATTERED PERSON SYNDROME

- Admissibility, **24:3**

BENCH TRIALS

- Generally, **2:28**

BEST AND SECONDARY EVIDENCE

- Generally, **23:13 to 23:22**

BIAS

- See index heading PREJUDICE OR BIAS

BIBLES

- See index heading FAMILY BIBLES

BILLS

- Payment of bills of injured person as admissions, **26:15**

INDEX

BIRTH CERTIFICATES

Hearsay evidence, **25:20**

BLOOD

Presumption of intoxication from
alcoholic content of blood,
20:14

Real and demonstrative evidence,
blood tests in paternity cases,
21:14

BODY SAMPLES

Illegally obtained evidence, **28:19**,
28:20

BREACH OF CONTRACT CASES

Damages, **33:13**

BULKY RECORDS

Secondary evidence, **23:18**

BURDEN OF GOING FORWARD

Burden of proof, **9:1**

BURDEN OF PROOF

Generally, **9:1 to 9:17**
Affirmative defenses, **9:9, 9:16**
Alibi, criminal cases, **9:12**
Bailment cases, **9:8**
Burden of going forward, **9:1**
Civil cases, **9:3 to 9:8, 9:15 to 9:17**
Claims against estates, **9:4**
Competency of accused, criminal
cases, **9:11**
Constructive trust cases, **9:6**
Corpus delicti, criminal cases, **9:10**
Criminal cases, **9:9 to 9:14**
Estates, claims against, **9:4**
Fraud, **9:7**
Identity of accused, criminal cases,
9:13
Negative averments, **9:17**
Prima facie case, **9:2**
Resulting trust cases, **9:6**
Shifting of burden of proof, **9:5**

BUSINESS

Expert opinion evidence, **24:20**
Hearsay evidence, business records,
25:12, 25:13

CALLING ADVERSE PARTY OR PERSON AS WITNESS

Generally, **15:21**

CAPACITY

Expert opinion, mental capacity,
24:28

CAPITAL CASES

Generally, **4:11, 6:9**

CASTS

Admissibility of static casts, real and
demonstrative evidence, **21:11**

CAUSE CHALLENGES

Jury selection, **6:15 to 6:19**

CAUTIONARY JURY INSTRUCTIONS

Generally, **35:10**

CERTIFICATES

Hearsay evidence, birth and death
certificates, **25:20**

CHAIN OF CUSTODY

Generally, **21:4**

CHALLENGES

See index heading **JURY AND JURY TRIAL**

CHANGE

See index heading **AMENDMENT**

CHARACTER AND REPUTATION

Admissibility of evidence, **29:11 to
29:17**

CHARTS

Closing arguments, use of charts,
34:12

CHILDREN

Child hearsay statute, **13:4, 25:1**
Competency of children to testify,
13:4
Confessions of juveniles, **27:3**
Expert opinion evidence, child abuse
syndrome, **24:29**
Real and demonstrative evidence,
child exhibited in paternity
cases, **21:15**

CHURCH RECORDS

- Authentication, **23:26**
- Hearsay evidence, **25:25**

CIRCUMSTANTIAL EVIDENCE

- Admissibility, **29:1, 29:2**

CITATION

- Contempt citation, standing to bring, **5:2**

CIVIL CONTEMPT

- Generally, **5:3**

CLAIMING PRIVILEGE

- Generally, **18:5, 18:9**

CLAIMS AGAINST ESTATES

- Burden of proof, **9:4**

CLERGY

- Privileged communications, **18:13**

CLERICAL ERRORS

- Verdict, **37:9**

CLERK OF COURT

- Judgment, duty to enter, **38:2**

CLOSE

- Right to close, order of proof, **8:1**

CLOSING ARGUMENTS

- Generally, **34:1 to 34:13**
- Charts, use of, **34:12**
- Civil cases, improper remarks, **34:10**
- Comments or remarks, **34:5, 34:7 to 34:11**
- Conduct of persons
 - comments on conduct of opposition, **34:7**
 - correcting improper conduct of counsel, **34:13**
- Control of closing arguments by court, **34:2**
- Correcting improper conduct of counsel, **34:13**
- Court
 - comments on court's instructions, **34:5**
 - control of closing arguments, **34:2**
- Criminal cases, improper remarks, **34:9**

CLOSING ARGUMENTS—Cont'd

- Damages, **34:6**
- Diagrams, use of, **34:12**
- General rules governing closing arguments, **34:4**
- Golden rules, **34:8**
- Improper matters
 - correcting improper conduct of counsel, **34:13**
 - remarks, **34:8 to 34:10**
- Instructions, comments on, **34:5**
- Liability insurance, remarks, **34:11**
- Number of counsel to argue, **34:2**
- Remarks or comments, **34:5, 34:7 to 34:11**
- Rights, **34:1, 34:3**
- Rules governing closing arguments, **34:4**
- Time limits, **34:2**
- Use of charts and diagrams, **34:12**

CO-COUNSEL

- Party's right to act as, **1:3**

COERCION DEFENSE

- Criminal trials, **4:7**

COLLATERAL ISSUES

- Admissibility of evidence, **29:4**
- Impeachment of witnesses, **12:2**

COLLATERAL SOURCE RULE

- Damages, **33:20**

COLOR

- Admissibility of evidence, **29:18**

COMMENTS OR REMARKS

- Closing arguments, **34:5, 34:7 to 34:11**

COMMUNICATIONS

- Jurors, **36:3, 36:10**
- Privileged communications
 - generally, **18:1 to 18:16**
 - for detailed treatment see index heading PRIVILEGED COMMUNICATIONS

COMPARATIVE NEGLIGENCE

- Damages, **33:18**

INDEX

COMPELLING ATTENDANCE

Witnesses, **11:1**

COMPENSATION

Witnesses, **11:8**

COMPETENCE OR COMPETENCY

Burden of proof in criminal cases,
competency of accused, **9:11**
Questions asked on direct examina-
tion of witnesses, **15:6**
Right to competent counsel, **1:4**
Witness competency to testify
generally, **13:1 to 13:12**
for detailed treatment see index
heading COMPETENCY OF WIT-
NESSES TO TESTIFY

COMPETENCY OF WITNESSES TO TESTIFY

Generally, **13:1 to 13:12**
Accomplices, **13:8**
Answers to interrogatories,
competency of witnesses omit-
ted from, **13:10**
Atheists, **13:7**
Attorneys, **13:6**
Children, **13:4**
Disabled or handicapped persons,
13:7
Felons, **13:3**
Handicapped or disabled persons,
13:7
Hearing impaired persons, **13:7**
Hypnotized witness, **13:12**
Indictment, omitted witnesses, **13:9**
Interrogatories, competency of wit-
nesses omitted from answers to,
13:10
Judges, **13:6**
Jurors, **13:6**
Mentally handicapped persons, **13:7**
Objections to competency, **13:2**
Omitted witnesses, **13:9, 13:10**
Private detective or investigator,
13:11
Sight impaired persons, **13:7**
Spouses, **13:5**

COMPETENCY OF WITNESSES TO TESTIFY—Cont'd

Time for objections to competency,
13:2
Unlisted witnesses, **13:9**

COMPROMISE OFFERS

Admissions, **26:13**

COMPUTATIONS

Admissibility of evidence, **29:25**

CONDITION

Presumptions of continuance of
condition, **20:15**
Tangible articles in same condition,
real and demonstrative evidence,
21:3

CONDITIONAL GROUNDS FOR CHALLENGE FOR CAUSE

Jury selection, **6:17**

CONDUCTING

Cross-examination of witnesses, **16:5**
Trial
generally, **2:1 to 2:29**
for detailed treatment see index
heading CONDUCT OF TRIAL
View, **22:3**
Voir dire examination, jury selection,
6:6

CONDUCT OF PERSONS

Attorneys, **1:8 to 1:10**
Closing arguments. See index head-
ing CLOSING ARGUMENTS
Conduct of trial. See index heading
CONDUCT OF TRIAL
Criminal trials, improper conduct of
prosecution, **4:10**
Examination of witnesses. See index
heading EXAMINATION OF WITNESSES
Jurors. See index heading JURY AND
JURY TRIAL
Misconduct. See index heading
MISCONDUCT
Presumptions, conduct of party,
20:10

CONDUCT OF TRIAL

Generally, **2:1 to 2:29**

CONDUCT OF TRIAL—Cont’d

Admission or admissibility of evidence, **2:18, 2:19**
 Attorneys, presence, **2:3**
 Bench trial, **2:28**
 Conduct of persons
 judge, **2:10**
 parties, **2:4**
 Control
 judge’s control of examination of witnesses, **2:16**
 proceedings, **2:24, 2:25**
 Demeanor of judge, **2:11**
 Disqualification of judge, **2:9**
 During trial
 juror conduct, **36:2, 36:3, 36:5**
 mistrial, effect of disappearance of admitted exhibits during trial, **31:4**
 motions, **3:1 to 3:10**
 physical control of defendant during criminal trial, **4:2**
 publicity, **2:15**
 Duty to preserve order, **2:12**
 Evidence
 admission or admissibility of evidence, **2:18, 2:19**
 exclusion of improper evidence on court’s own motion, **2:20**
 witnesses. See “Witnesses” in this heading
 Examination of witnesses, judge’s control of, **2:16**
 Exclusion
 improper evidence, court’s own motion, **2:20**
 news media, **2:14**
 public, **2:13**
 Facts, judge as trier of, **2:28**
 General conduct of judge, **2:10**
 Impartial medical experts, **2:23**
 Improper evidence, exclusion on court’s own motion, **2:20**
 Joinder
 generally, **2:29**
 parties, **2:5**

CONDUCT OF TRIAL—Cont’d

Judge
 control of examination of witnesses, **2:16**
 demeanor, **2:11**
 disqualification, **2:9**
 duty to preserve order, **2:12**
 exclusion of improper evidence on court’s own motion, **2:20**
 general conduct, **2:10**
 presence, **2:7**
 questioning witnesses, **2:21**
 substitution, **2:8**
 trier of facts, **2:28**
 Law applicable to cases arising outside Georgia, **2:26**
 Limitations
 number of witnesses, **2:17**
 use of admitted evidence, **2:19**
 Medical experts, impartial, **2:23**
 News media, exclusion of, **2:14**
 Number of witnesses, limiting, **2:17**
 Order preservation, duty of judge, **2:12**
 Own motion of court, exclusion of improper evidence, **2:20**
 Parties
 conduct, **2:4**
 joinder, **2:5**
 presence, **2:3**
 substitution, **2:6**
 Presence
 judge, **2:7**
 parties and counsel, **2:3**
 Preserve order, duty to, **2:12**
 Pretrial matters. See index heading
 PRETRIAL MATTERS
 Proof. See “Evidence” in this heading
 Public, exclusion of, **2:13**
 Publicity before and during trial, **2:15**
 Questioning witnesses by judge, **2:21**
 Right to speedy trial, **2:2**
 Ruling on admissibility of evidence, **2:18**
 Severance, **2:29**
 Speedy trial, right to, **2:2**

INDEX

CONDUCT OF TRIAL—Cont'd

Stipulation, control of proceedings,
2:25

Substitution

judge, **2:8**

parties, **2:6**

Testimony. See “Witnesses” in this
heading

Transcribing testimony, **2:27**

Use of admitted evidence, limitations
on, **2:19**

Witnesses

court’s witnesses, **2:22**

examination of witnesses, judge’s
control of, **2:16**

impartial medical experts, **2:23**

limiting number of witnesses, **2:17**

questioning witnesses by judge,
2:21

transcribing testimony, **2:27**

CONFER WITH WITNESSES ON STAND

Right to, **11:7**

CONFESSIONS

Generally, **27:1 to 27:9**

Admissibility, **27:6**

Admissions distinguished, **27:1**

Constitutional rights, protection, **27:4**

Corroboration, **27:7**

Determining admissibility, **27:6**

Incriminating statement
distinguished, **27:1**

Juveniles, **27:3**

Other persons, **27:8**

Protection of constitutional rights,
27:4

Use of entire statement, **27:9**

Voluntariness, **27:5**

CONFIDENTIAL NATURE OF COMMUNICATION

Attorney-client privilege, **18:8**

CONFORM TO EVIDENCE

Directed verdict, permitting amend-
ments to conform to evidence,
32:5

CONFRONTATION OF WITNESSES

Right, **15:27**

CONNECTING TANGIBLE ARTICLES TO ACCUSED

Real and demonstrative evidence,
21:4

CONSENT TO SEARCH WITHOUT WARRANT

Illegally obtained evidence, **28:12**

CONSEQUENTIAL DAMAGES

Generally, **33:5**

CONSISTENT STATEMENTS

Prior consistent statements, examina-
tion of witnesses, **15:11**

CONSTITUTIONAL RIGHTS

Confessions, protection, **27:4**

CONSTRUCTION AND INTERPRETATION

General verdict, **37:5**

Stipulations, proof of facts, **10:5**

CONSTRUCTIVE TRUST CASES

Burden of proof, **9:6**

CONSULTATION

Right to consult with attorney and
others, **1:7**

CONTEMPT OF COURT

Generally, **5:1 to 5:7**

Acts constituting direct, criminal
contempt, **5:5**

Attorneys, **1:9**

Civil contempt, **5:3**

Criminal contempt, **5:3, 5:5, 5:6**

Direct contempt, **5:4 to 5:6**

Indirect contempt, **5:4**

Power of court to punish for
contempt, **5:1**

Procedure in direct, criminal
contempt, **5:6**

Punishment, **5:1, 5:7**

Standing to bring contempt citation,
5:2

CONTINUANCE OF CONDITION

Presumptions, **20:15**

CONTINUANCES

Admissions to avoid continuance,
26:4

Motions, **3:2**

CONTINUING WITNESS RULE

Generally, **15:28**

Exhibits barred by rule, **36:6**

CONTRABAND POSSESSION

Presumptions, **20:9**

CONTRACTS

Damages in breach of contract cases,
33:13

CONTRIBUTORY NEGLIGENCE

Directed verdict, questions of law or
fact, **32:6**

CONTROL

Closing arguments, control by court,
34:2

Conduct of trial. See index heading
CONDUCT OF TRIAL

Criminal trials, physical control of
defendant during trial, **4:2**

Jury control during deliberations,
36:7

Secondary evidence used where pri-
mary evidence is in control of
opponent, **23:17**

CONVICTION OF CRIME

Cross-examination of witnesses,
impeachment by proof of prior
conviction, **16:11, 16:12**

COPIES

Admissibility of photostatic copies,
real and demonstrative evidence,
21:6

Best and secondary evidence, **23:21**

CORPORATIONS

Admissibility of evidence of exis-
tence of corporation, **29:26**

Authentication of corporation's
records, **23:12**

CORPUS DELICTI

Burden of proof in criminal cases,
9:10

CORRECTING

Erroneous jury instructions, **35:16**

Improper conduct of counsel during
closing arguments, **34:13**

Testimony, redirect examination of
witnesses, **17:4**

CORROBORATION

Confessions, **27:7**

COSTS OF ACTION

Judgment, allowance, **38:6**

COUNSEL

See index heading ATTORNEYS

COUNTIES' RECORDS

Authentication, documentary evi-
dence, **23:11**

COURTS

Authentication of court decisions,
papers and records,
documentary evidence, **23:9,**
23:10

Clerk of court, duty to enter judg-
ment, **38:2**

Closing arguments. See index head-
ing CLOSING ARGUMENTS

Contempt of court
generally, **5:1 to 5:7**
for detailed treatment see index
heading CONTEMPT OF COURT

Direct verdict, court's right to, **32:1**

Duty of court
conduct of trial, duty to preserve
order, **2:12**
instructions to jury, **35:3**

Examination of witnesses, necessity
for court to warn witnesses of
privilege, **15:14**

Instructions to jury, court's power
and duty, **35:3**

Judicial notice
generally, **19:1 to 19:7**
for detailed treatment see index
heading JUDICIAL NOTICE

INDEX

COURTS—Cont'd

Power of court. See index heading

POWER OF COURT

Rulings. See index heading RULINGS

CREDIBILITY OF WITNESSES

Impeachment of witnesses, **12:4 to 12:7**

CRIMINAL LAW

Admission or admissibility of evidence. See index heading ADMIS-
SION OR ADMISSIBILITY OF EVIDENCE

Admissions. See index heading
ADMISSIONS

Confessions

generally, **27:1 to 27:9**

for detailed treatment see index
heading CONFESSIONS

Contempt, **5:3, 5:5, 5:6**

Cross-examination of witnesses,
impeachment by proof of prior
conviction, **16:11, 16:12**

Trials

generally, **4:1 to 4:12**

for detailed treatment see index
heading CRIMINAL TRIALS

CRIMINAL TRIALS

Generally, **4:1 to 4:12**

Burden of proof, **9:9 to 9:14**

Capital cases, **4:11, 6:9**

Closing arguments, improper
remarks, **34:9**

Coercion defense, **4:7**

Death penalty cases, **4:11, 6:9**

Defenses, **4:4 to 4:9**

Dress of defendant, **4:3**

Drugged condition defense, **4:8**

Entrapment defense, **4:5**

Improper conduct of prosecution,
4:10

Insanity defense, **4:6**

Instructions to jury, special rules,
35:15

Intoxication defense, **4:8**

Jury and jury trial. See index heading
JURY AND JURY TRIAL

Justifiable force, use of, **4:9**

Oaths of witnesses, **4:12**

CRIMINAL TRIALS—Cont'd

Physical control of defendant during
trial, **4:2**

Use of justifiable force, **4:9**

Witnesses, oaths, **4:12**

CROSS-EXAMINATION OF WITNESSES

Generally, **16:1 to 16:14**

Accuracy of witness, testing, **16:6**

Additional matters

proper on cross-examination, **16:4**

right to recall witness for further
cross-examination, **16:13**

Bias, **12:5**

Conducting cross-examination, man-
ner of, **16:5**

Defense's use of prosecution's evi-
dence, **16:7**

Denial of right to cross-examine,
16:14

Effect of denial of right to cross-ex-
amine, **16:14**

Expert witnesses, **24:39**

Form of questions, **16:3**

Grand jury testimony, use to impeach
witness, **16:9**

Impeachment of witnesses, **16:8 to 16:12**

Knowledge of witness, testing, **16:6**

Laying foundation for prior inconsis-
tent statements, **16:10**

Manner

conducting cross-examination,
16:5

proving prior conviction, impeach-
ment, **16:12**

Pitting witness against another, **16:2**

Prior matters

conviction, impeachment, **16:11, 16:12**

inconsistent statements, **16:8 to 16:10**

Prosecution's evidence, use by
defense, **16:7**

Recall witness for further cross-ex-
amination, right to, **16:13**

Recross-examination of witnesses,
17:7

CROSS-EXAMINATION OF WITNESSES—Cont'd

Rights

cross-examine witnesses, generally, **16:1**

effect of denial of right to cross-examine, **16:14**

recall witness for further cross-examination, **16:13**

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

Scope of cross-examination, **16:2**

Testing knowledge and accuracy of witness, **16:6**

Use

grand jury testimony used to impeach witness, **16:9**

prosecution's evidence used by defense, **16:7**

CUSTOM AND USAGE

Admissibility of evidence, **29:7**

DAMAGES

Generally, **33:1 to 33:20**

Aggravated damages, pleading, **33:9**

Amount of damages

duty to lessen damages, **33:6**

excessive or inadequate damages, **33:14**

punitive damages, **33:8**

Attorney's fees, **33:16**

Breach of contract cases, **33:13**

Closing arguments, **34:6**

Collateral source rule, **33:20**

Comparative negligence, **33:18**

Consequential damages, **33:5**

Duty to lessen damages, **33:6**

Excessive damages, **33:14**

Exemplary or punitive damages, **33:7, 33:8**

Foreseeability of damages, **33:4**

General damages, **33:3**

General principles, **33:1**

Inadequate damages, **33:14**

Instructions on damages in personal injury cases, **33:10**

Interest, **33:15**

Liability for punitive damages, **33:7**

DAMAGES—Cont'd

Liquidated damages and penalties, **33:17**

Mitigation of damages, **33:6**

Nominal damages, **33:2**

Penalties and liquidated damages, **33:17**

Personal injury cases, instructions on damages in, **33:10**

Pleading aggravated damages, **33:9**

Punitive damages, **33:7, 33:8**

Remote damages, **33:5**

Special damages, **33:3**

Speculative damages, **33:5**

Wrongful death cases, **33:12**

DAMAGE TO PROPERTY

Personal property, **33:11**

Real property, **33:19**

DATE

See index heading **TIME OR DATE**

DEAD MAN'S ACT

Witnesses, disqualification under Dead Man's Act, **14:1**

DEATH

Certificates, hearsay evidence, **25:20**

Criminal trials, death penalty cases, **4:11, 6:9**

Damages in wrongful death cases, **33:12**

Mortality tables. See index heading **MORTALITY TABLES**

Presumption of death after absence of seven years, **20:7**

Witnesses, **11:14**

DECISIONS OF COURT

Authentication, documentary evidence, **23:9**

DECLARATION OF MISTRIAL

Generally, **31:2, 31:3, 31:7**

DECLARATIONS

Admissibility of self-serving declarations, **29:21**

Hearsay evidence. See index heading **HEARSAY EVIDENCE**

INDEX

DEFAULT JUDGMENT

Motions, **3:6**

DEFECTIVE VERDICT

Power of court to have jury reconsider, **37:4**

DEFENSES

Criminal trials, **4:4 to 4:9**

DEFINITION

Hearsay evidence, **25:2**

DELIBERATIONS OF JURY

Generally, **36:7 to 36:11**

DELIVERY OF LETTER OR TELEGRAM

Presumptions, **20:11, 20:12**

DEMEANOR OF JUDGE

Conduct of trial, **2:11**

DEMONSTRATIVE EVIDENCE

Generally, **21:1 to 21:16**

For detailed treatment see index
heading REAL AND DEMONSTRATIVE
EVIDENCE

DENIAL OF RIGHT TO CROSS-EXAMINE WITNESSES

Generally, **16:14**

DENTAL EVIDENCE

Expert opinion evidence, **24:31**

DEPOSITIONS

Admissibility of evidence, use of
discovery depositions, **29:20**

DETECTION DEVICES

Expert opinion, electronic speed
detection devices, **24:34**

DETERMINATION

Admissibility of confessions, **27:6**
Right to directed verdict, **32:3**

DIAGNOSIS

Hearsay evidence, statements made
for purposes of medical diagno-
sis, **25:22**

DIAGRAMS

Admissibility, real and demonstrative
evidence, **21:10**

Closing arguments, use of diagrams,
34:12

DIRECT CONTEMPT

Generally, **5:4 to 5:6**

DIRECTED VERDICT

Generally, **32:1 to 32:10**

Amendments to conform to evidence,
permitting, **32:5**

Conform to evidence, permitting
amendments to, **32:5**

Contributory negligence, questions of
law or fact, **32:6**

Court's right to direct verdict, **32:1**

Determining right to directed verdict,
32:3

Duty of jury to render verdict as
directed, **32:10**

Evidence and pleadings, **32:4, 32:5**

Motions, **32:2, 32:8, 32:9**

Negligence, questions of law or fact,
32:6

Permitting amendments to conform
to evidence, **32:5**

Pleadings and evidence, **32:4, 32:5**

Procedure in moving for directed
verdict, **32:2**

Questions of law or fact, **32:6, 32:7**

Rights, **32:1, 32:3**

Ruling on motion, **32:9**

Variance, directing verdict for, **32:4**

Wanton misconduct, questions of law
or fact, **32:7**

Willful misconduct, questions of law
or fact, **32:7**

DIRECT EXAMINATION OF WITNESSES

Generally, **15:1 to 15:28**

For detailed treatment see index
heading EXAMINATION OF WITNESSES

DISABLED OR HANDICAPPED PERSONS

Competency to testify, **13:7**

**DISAPPEARANCE OF ADMITTED
EXHIBITS DURING TRIAL**

Mistrial, **31:4**

**DISCHARGE FOR INABILITY OF
JURY TO ARRIVE AT
VERDICT**

Mistrial, **31:6**

DISCIPLINE OF ATTORNEY

Improper conduct, **1:10**

**DISCLOSURE OF LIABILITY
INSURANCE**

Mistrial, **31:5**

DISCOVERY

Admissibility of evidence, use of
discovery depositions, **29:20**

Competency to testify of witnesses
omitted from answers to inter-
rogatories, **13:10**

DISCRIMINATION

Jury selection, **6:5**

DISMISSAL

Motions, voluntary or involuntary
dismissal, **3:3, 3:5**

DISPLAYING OR EXHIBITING

See index heading REAL AND DEMON-
STRATIVE EVIDENCE

DISPLAYS

Admissibility, real and demonstrative
evidence, **21:10**

**DISPOSITION OF JURY
INSTRUCTIONS**

Generally, **35:17**

DISQUALIFICATION

Attorneys, **1:12**

Judge, **2:9**

Witnesses, **14:1**

DNA

Collecting Illegally obtained evi-
dence, mandatory DNA samples,
28:20

Expert opinion evidence, DNA tests,
24:30

DOCTORS

See index heading PHYSICIANS

DOCUMENTARY EVIDENCE

Generally, **23:1 to 23:29**

Acts, authentication, **23:9**

Admitting documents in evidence,
procedure, **23:2**

Ancient documents. See index head-
ing ANCIENT DOCUMENTS

Annuity tables, authentication, **23:27**

Attested documents, authentication,
23:5

Authentication, **23:3 to 23:12, 23:24
to 23:28**

Best and secondary evidence, **23:13
to 23:22**

Bulky records, secondary evidence,
23:18

Church records, authentication, **23:26**

Contents of document established by
oral evidence, **23:23**

Copies, best and secondary evidence,
23:21

Corporation's records, authentication,
23:12

Counties' records, authentication,
23:11

Court decisions, papers and records,
authentication, **23:9, 23:10**

Decisions of court, authentication,
23:9

Electronic evidence, **23:29**

Excusal

authentication, **23:3**

best evidence, **23:15**

Family bible, authentication, **23:26**

Letter, authentication, **23:24**

Loss of primary evidence, use of sec-
ondary evidence, **23:19**

Mortality tables, authentication,
23:27

Municipalities' records, authentica-
tion, **23:11**

Nature of secondary evidence to be
used, **23:22**

Offering documents in evidence, pro-
cedure, **23:2**

INDEX

DOCUMENTARY EVIDENCE

—Cont'd

- Oral evidence, contents of document established by, **23:23**
- Papers of court, authentication, **23:10**
- Primary or best evidence, **23:13 to 23:22**
- Private writings, authentication, **23:4, 23:7**
- Procedure in offering and admitting documents in evidence, **23:2**
- Public records, secondary evidence, **23:20**
- Records
 - authentication, **23:6, 23:10 to 23:12, 23:26**
 - secondary evidence, **23:18, 23:20**
- Secondary and best evidence, **23:13 to 23:22**
- Statutes, authentication, **23:8**
- Telegram, authentication, **23:25**
- Use of secondary evidence, **23:16 to 23:22**
- Witnesses, subpoena for production of documentary evidence, **11:4**

DOCUMENTS

- Evidence
 - generally, **23:1 to 23:29**
 - for detailed treatment see index heading DOCUMENTARY EVIDENCE
- Expert opinion, questioned documents, **24:25**

DRAWINGS

- Admissibility, real and demonstrative evidence, **21:10**

DRESS OF DEFENDANT

- Criminal trials, **4:3**

DRUGS AND NARCOTICS

- Criminal trials, drugged condition defense, **4:8**
- Nonexpert opinion evidence, narcotic addiction, **24:16**

DUCES TECUM SUBPOENAS

- Witnesses, **11:4**

DUTIES

- Courts. See index heading COURTS

DUTIES—Cont'd

- Directed verdict, duty of jury to render verdict as directed, **32:10**
- Judgment, duty of clerk to enter judgment, **38:2**
- Mitigation of damages, **33:6**

DYING DECLARATIONS

- Hearsay evidence, **25:6**

EAVESDROPPING

- Illegally obtained evidence, **28:18**
- Jury deliberations, **36:11**

ELECTRONIC EVIDENCE

- Generally, **23:29**

ELECTRONIC SPEED DETECTION DEVICES

- Expert opinion evidence, **24:34**

EMPLOYEE OF PARTY

- Admissions, **26:2**

ENFORCEMENT

- Stipulations, proof of facts, **10:5**

ENTRAPMENT DEFENSE

- Criminal trials, **4:5**

ENTRY OF JUDGMENT

- Generally, **38:1 to 38:3**

ERRORS OR MISTAKES

- Jury instructions, correcting erroneous instructions, **35:16**
- Verdict, **37:9**

ESCAPE AS ADMISSION

- Generally, **26:11**

ESTATES

- Burden of proof, claims against estates, **9:4**

EVIDENCE

- Admission or admissibility of evidence
 - generally, **29:1 to 29:29**
 - for detailed treatment see index heading ADMISSION OR ADMISSIBILITY OF EVIDENCE
- Admissions
 - generally, **26:1 to 26:16**

EVIDENCE—Cont'd

- Admissions—Cont'd
 - for detailed treatment see index heading ADMISSIONS
- Authentication. See index heading AUTHENTICATION
- Best and secondary evidence, **23:13 to 23:22**
- Blood. See index heading BLOOD
- Burden of proof
 - generally, **9:1 to 9:17**
 - for detailed treatment see index heading BURDEN OF PROOF
- Children. See index heading CHILDREN
- Church records. See index heading CHURCH RECORDS
- Conduct of trial. See index heading CONDUCT OF TRIAL
- Confessions
 - generally, **27:1 to 27:9**
 - for detailed treatment see index heading CONFESSIONS
- Copies. See index heading COPIES
- Declarations. See index heading DECLARATIONS
- Demonstrative evidence
 - generally, **21:1 to 21:16**
 - for detailed treatment see index heading REAL AND DEMONSTRATIVE EVIDENCE
- Directed verdict, evidence and pleadings, **32:4, 32:5**
- Discovery. See index heading DISCOVERY
- DNA. See index heading DNA
- Documentary evidence
 - generally, **23:1 to 23:29**
 - for detailed treatment see index heading DOCUMENTARY EVIDENCE
- Exclusion of evidence
 - conduct of trial, exclusion of improper evidence on court's own motion, **2:20**
 - motion to exclude inadmissible evidence, **30:6**
 - witnesses, **11:9**
- Excusal
 - documentary evidence. See index heading DOCUMENTARY EVIDENCE

EVIDENCE—Cont'd

- Excusal—Cont'd
 - judicially noticed facts, **19:1**
 - proof of facts, **10:1, 10:2, 10:4**
- Exhibits. See index heading EXHIBITS
- Fact or facts
 - generally, **10:1 to 10:6**
 - judicial notice, **19:1, 19:2, 19:4 to 19:7**
 - opinion evidence, **24:1, 24:2**
- Hearsay evidence
 - generally, **25:1 to 25:33**
 - for detailed treatment see index heading HEARSAY EVIDENCE
- Illegally obtained
 - generally, **28:1 to 28:20**
- Illegally obtained evidence
 - for detailed treatment see index heading ILLEGALLY OBTAINED EVIDENCE
- Judicial notice
 - generally, **19:1 to 19:7**
 - for detailed treatment see index heading JUDICIAL NOTICE
- Objections to evidence, **30:1 to 30:8**
- Opinion evidence
 - generally, **24:1 to 24:39**
 - for detailed treatment see index heading OPINION EVIDENCE
- Order of proof
 - generally, **8:1 to 8:5**
 - for detailed treatment see index heading ORDER OF PROOF
- Presumptions
 - generally, **20:1 to 20:18**
 - for detailed treatment see index heading PRESUMPTIONS
- Privileged communications
 - generally, **18:1 to 18:16**
 - for detailed treatment see index heading PRIVILEGED COMMUNICATIONS
- Public records. See index heading PUBLIC RECORDS
- Real evidence
 - generally, **21:1 to 21:16**
 - for detailed treatment see index heading REAL AND DEMONSTRATIVE EVIDENCE

INDEX

EVIDENCE—Cont'd

- Records and recording. See index
heading RECORDS AND RECORDING
- Someone other than the accused committed the crime, **29:30**
- View
 - generally, **22:1 to 22:5**
 - for detailed treatment see index
heading VIEW
- Witnesses
 - generally, **11:1 to 11:14**
 - for detailed treatment see index
heading WITNESSES

EXAMINATION

- Admissibility of evidence, physical and mental examination of parties and others, **29:22**
- Jury selection, voir dire examination, **6:6 to 6:10**
- Witnesses
 - generally, **15:1 to 15:28**
 - for detailed treatment see index
heading EXAMINATION OF WITNESSES

EXAMINATION OF WITNESSES

- Generally, **15:1 to 15:28**
- Admissibility of negative evidence, **15:4**
- Adverse party or person, calling as witness, **15:21**
- Aiding witnesses by refreshing memory, **15:10**
- Answers to questions, **15:23**
- Attorneys, improper conduct in examining witnesses, **15:8**
- Calling adverse party or person as witness, **15:21**
- Competency of questions asked on direct examination, **15:6**
- Conduct of persons
 - improper conduct of counsel in examining witnesses, **15:8**
 - relevance of conduct of party shortly before accident, **15:5**
- Confrontation of witnesses, right, **15:27**
- Content of questions
 - direct examination, **15:7**

EXAMINATION OF WITNESSES—Cont'd

- Content of questions—Cont'd
 - redirect examination of witnesses, **17:2**
- Continuing witness rule, **15:28**
- Cross-examination of witnesses
 - generally, **16:1 to 16:14**
 - for detailed treatment see index
heading CROSS-EXAMINATION OF WITNESSES
- Direct examination, generally, **15:1 to 15:28**
- Existence of privilege against self-incrimination, ruling upon, **15:18**
- Extent of privilege against self-incrimination, **15:15**
- First hand knowledge of witness, **15:24**
- Form of questions
 - cross-examination, **16:3**
 - direct examination, **15:7**
 - redirect examination, **17:2**
- Impeachment of own witness, **15:12**
- Improper conduct of counsel in examining witnesses, **15:8**
- Inspection of person of accused or witnesses, **15:17**
- Invoking privilege against self-incrimination, **15:16**
- Judge's control of examination, conduct of trial, **2:16**
- Leading questions, **15:9**
- Lie detector tests, use of, **15:20**
- Loss of privilege against self-incrimination, **15:19**
- Manner of examining under statute, **15:22**
- Materiality of questions asked on direct examination, **15:2**
- Necessity for court to warn witnesses of privilege, **15:14**
- Negative evidence, admissibility, **15:4**
- Own witness, impeachment of, **15:12**
- Parties
 - calling adverse party as witness, **15:21**

EXAMINATION OF WITNESSES

—Cont'd

- Parties—Cont'd
 - relevance of conduct of party shortly before accident, **15:5**
- Polygraph tests, use of, **15:20**
- Prior consistent statements, **15:11**
- Privilege against self-incrimination, **15:13 to 15:19**
- Redirect examination of witnesses, **17:1 to 17:6**
- Refreshing memory, aiding witnesses by, **15:10**
- Relevance
 - conduct of party shortly before accident, **15:5**
 - questions asked on direct examination, **15:3**
- Right to confront witnesses, **15:27**
- Ruling upon existence of privilege against self-incrimination, **15:18**
- Self-incrimination, privilege against, **15:13 to 15:19**
- Statute, manner of examining under, **15:22**
- Tape recordings of telephone conversations, **15:26**
- Telephone conversations, **15:25, 15:26**
- Use of lie detector tests, **15:20**
- Warn witnesses of privilege against self-incrimination, necessity for court to, **15:14**

EXCEPTIONS

- Exclusions or exemptions. See index heading EXCLUSIONS OR EXEMPTIONS
- Objections to evidence
 - formal exception, need for, **30:7**
 - mistrial exception, need for, **30:7**

EXCESSIVE DAMAGES

- Generally, **33:14**

EXCITED UTTERANCES

- Hearsay evidence, **25:30**

EXCLUSIONS OR EXEMPTIONS

- Conduct of trial. See index heading CONDUCT OF TRIAL

EXCLUSIONS OR EXEMPTIONS

—Cont'd

- Evidence exclusion. See index heading EVIDENCE
- Hearsay rule, **25:4 to 25:33**
- Jury service, selection of jury, **6:14**
- Witnesses, exclusion of, **11:9**

EXCUSAL

- See index heading EVIDENCE

EXEMPLARY OR PUNITIVE DAMAGES

- Generally, **33:7, 33:8**

EXEMPTIONS

- See index heading EXCLUSIONS OR EXEMPTIONS

EXHIBITING OR DISPLAYING

- See index heading REAL AND DEMONSTRATIVE EVIDENCE

EXHIBITS

- Authentication, **21:16**
- Mistrial, effect of disappearance of admitted exhibits during trial, **31:4**

EXISTENCE

- Corporation, admissibility of evidence, **29:26**
- Privilege against self-incrimination, examination of witnesses, **15:18**
- Relationship. See index heading PRIVILEGED COMMUNICATIONS

EXPERIMENTS

- Expert opinion evidence, **24:32**

EXPERTS AND EXPERT WITNESSES

- Affidavit in malpractice cases, **24:18**
- Gang experts, **24:18**
- Hearsay bases for expert opinion, **24:17**
- Impartiality of medical experts, **2:23**
- Impeachment of witnesses, expert testimony as to credibility of witnesses, **12:6**
- Opinion testimony. See index heading OPINION EVIDENCE
- Qualifications, **24:18**

INDEX

EXPLANATIONS

Redirect examination of witnesses,
17:4, 17:6

EXTENT OF PRIVILEGE

AGAINST

SELF-INCRIMINATION

Examination of witnesses, 15:15

EXTRINSIC MATTERS

Verdict impeachment, 37:8

FACT OR FACTS

Directed verdict, questions of law or
fact, 32:6, 32:7

Evidence. See index heading EVIDENCE

Judge as trier of facts, conduct of
trial, 2:28

Jury selection, facts that normally are
not grounds for challenge for
cause, 6:18

FAILURE TO REPLY TO

WRITTEN STATEMENTS

Admissions, 26:10

FAIR JURY RIGHT

Selection of jury, 6:1

FAMILY BIBLES

Authentication, 23:26

Hearsay evidence, 25:25

FAMILY VIOLENCE

COUNSELORS

Privileged communications, 18:15

FEES FOR ATTORNEYS

Damages, 33:16

FELONS

Competency to testify, 13:3

FILMS

See index heading MOTION PICTURES

FINGERPRINTS

Expert opinion evidence, 24:26

FIRST HAND KNOWLEDGE OF WITNESS

Examination of witnesses, 15:24

FLIGHT AS ADMISSION

Generally, 26:11

FORCE

Criminal trials, use of justifiable
force, 4:9

FORESEEABILITY OF DAMAGES

Generally, 33:4

FORFEITURE BY WRONGDOING

Hearsay evidence, 25:33

FORMAL EXCEPTION

Objections to evidence, 30:7

FORMER OR PRIOR MATTERS

See index heading WITNESSES

FORM OR FORMAT

Questions to witnesses. See index
heading EXAMINATION OF WITNESSES

Verdict, objections to form, 37:2

FRAUD

Burden of proof, 9:7

GENERAL DAMAGES

Generally, 33:3

GENERAL VERDICT

Construction, 37:5

GIFTS

Presumptions, 20:16

GOVERNING LAW

Conduct of trial, law applicable to
cases arising outside Georgia,
2:26

GOVERNING RULES

Closing arguments, 34:4

Verdict, arrival at, 36:9

GOVERNMENT

Judicial notice of facts about, 19:5

GRAND JURY TESTIMONY

Use to impeach witness on cross-
examination, 16:9

HABEAS CORPUS AD TESTIFICANDUM

Witnesses, 11:2

HABITS

Admissibility of evidence, 29:6

HANDICAPPED OR DISABLED PERSONS

Competency to testify, **13:7**

HANDWRITING

See index heading **OPINION EVIDENCE**

HARASSING WITNESSES

Generally, **11:5**

HEARING IMPAIRED PERSONS

Competency to testify, **13:7**

HEARSAY EVIDENCE

Generally, **25:1 to 25:33**

Admissibility, **25:1 to 25:33**

Against interest declarations, **25:32**

Ancient documents, **25:26**

Annuity tables, **25:24**

Birth certificates, **25:20**

Business records, **25:12, 25:13**

Child hearsay, **25:1**

Church records, **25:25**

Death certificates, **25:20**

Declarations

against interest declarations, **25:32**

dying declarations, **25:6**

spontaneous declarations, **25:28, 25:29**

Definition, **25:2**

Doctor's reports and records, **25:18**

Dying declarations, **25:6**

Exceptions to hearsay rule, **25:4 to 25:33**

Excited utterances, **25:30**

Family bibles, **25:25**

Forfeiture by wrongdoing, **25:33**

Former trial's testimony, **25:7 to 25:9**

Hospital records, **25:17**

Inapplicability of hearsay rule, **25:3**

Intention, statements of, **25:31**

Lab reports, **24:17, 25:14**

Manner of proving testimony from former trial, **25:9**

Medical diagnosis or treatment, statements made for purposes of, **25:22**

Mortality tables, **25:24**

Necessity exception, **25:4**

Objective symptoms, **25:21**

HEARSAY EVIDENCE—Cont'd

Official records, **25:14 to 25:24**

Open records law, **25:15**

Past recollection recorded, **25:10, 25:11**

Pedigree, **25:23**

Police reports, **25:16**

Prior inconsistent statement, **25:3**

Public records, **25:15**

Records, **25:12 to 25:25**

Reports, **25:16, 25:18, 25:19**

Res gestae, **25:27**

Right to use testimony from former trial, **25:8**

Spontaneous declarations, **25:28, 25:29**

Statements

made for purposes of medical diagnosis or treatment, **25:22**

of intention, **25:31**

State of mind, **25:31**

State of mind declaration, **25:31**

Subjective symptoms, **25:21**

Threats, **25:5**

Weather reports, **25:19**

Writing, admission for past recollection, **25:11**

HOMICIDE VICTIM'S CHARACTER

Admissibility of evidence, **29:14**

HOSPITAL RECORDS

Hearsay evidence, **25:17**

HUSBAND AND WIFE

See index heading **SPOUSES**

HYPNOTIZED WITNESS

Competency to testify, **13:12**

HYPOTHETICAL QUESTIONS

Expert opinion evidence, **24:36 to 24:38**

Jury selection, **6:7**

IDENTIFICATION EVIDENCE

Admissibility, **29:28**

IDENTITY OF ACCUSED

Burden of proof in criminal cases, **9:13**

INDEX

ILLEGALLY OBTAINED EVIDENCE

- Arrest and search based on informant's tip, **28:17**
- Automobile search without warrant, **28:13**
- Body samples, **28:19, 28:20**
- Consent to search without warrant, **28:12**
- Eavesdropping, **28:18**
- Exclusionary rule, **28:6**
- Informant's tip, arrest and search based on, **28:17**
- Mandatory DNA samples, **28:20**
- Motion to suppress evidence illegally seized, **28:7**
- Prohibition against illegal searches and seizures, **28:1**
- Searches and seizures, **28:2 to 28:5**
- Standing necessary to invoke privilege against illegal search and seizure, **28:8**
- Suppression of evidence illegally seized, motion, **28:7**
- Surgery, **28:19**
- Warrant for search and seizure, **28:14**
- Warrantless search and seizure, **28:10 to 28:13**

IMPEACHMENT

- Verdict, **37:7, 37:8**
- Witnesses
 - generally, **12:1 to 12:7**
 - for detailed treatment see index heading IMPEACHMENT OF WITNESSES

IMPEACHMENT OF WITNESSES

- Generally, **12:1 to 12:7**
- Bias, **12:5**
- Collateral issues, **12:2**
- Contradiction, impeachment by, **12:7**
- Credibility of witnesses, **12:4 to 12:7**
- Cross-examination of witnesses, **16:8 to 16:12**
- Expert testimony as to credibility of witnesses, **12:6**
- Laying foundation, **12:3, 16:10**
- Own witness, **15:12**

IMPEACHMENT OF WITNESSES—Cont'd

- Redirect examination of witnesses, explaining impeaching answers, **17:6**

INABILITY OF JURY TO ARRIVE AT VERDICT

- Mistrial, discharge for, **31:6**

INADEQUACY

- See index heading INSUFFICIENCY OR INADEQUACY

INCOME TAX RETURNS

- Admissibility of evidence, **29:24**

INCONSISTENT STATEMENTS

- Prior inconsistent statements, cross-examination of witnesses, **16:8 to 16:10**

INCRIMINATION

- Examination of witnesses, privilege against self-incrimination, **15:13 to 15:19**

INCRIMINATORY STATEMENTS

- Confession distinguished, **27:1**

INDICTMENT

- Competency to testify of witnesses omitted from, **13:9**

INDIRECT CONTEMPT

- Generally, **5:4**

INDIVIDUALS

- Presumptions about, **20:13**

INFANTS

- See index heading CHILDREN

INFERENCES

- Presumptions, **20:4**

INFLUENCING WITNESSES

- Generally, **11:5**

INFORMANT'S TIP

- Illegally obtained evidence, arrest and search based on tip, **28:17**

INJURY OR INJURIES

- Admissions, payment of bills of injured person as, **26:15**

INJURY OR INJURIES—Cont'd

Personal injuries. See index heading

PERSONAL INJURIES

Property damage. See index heading

DAMAGE TO PROPERTY

IN LIMINE MOTIONS

Objections, **30:3**

INNOCENCE PRESUMPTION

Generally, **20:5**

INSANITY DEFENSE

Criminal trials, **4:6**

INSPECTION

Examination of witnesses, inspection
of person of accused or wit-
nesses, **15:17**

INSTRUCTIONS TO JURY

Generally, **35:1 to 35:17**

Allen charge, **35:15**

Argumentative instructions, **35:13**

Cautionary instructions, **35:10**

Closing arguments, comments, **34:5**

Correcting erroneous instructions,
35:16

Court's power and duty, **35:3**

Criminal cases, special rules, **35:15**

Damages in personal injury cases,
33:10

Disposition of instructions, **35:17**

Duty of court, **35:3**

Erroneous instructions, correcting,
35:16

General requirements, **35:2**

Issues, instructions on, **35:11**

Modification of requests, **35:7**

Notes taken by jurors, **36:6**

Number of instructions, **35:9**

Objections to instructions, **35:8**

Office, **35:1**

Peremptory instructions, **35:12**

Power of court, **35:3**

Purpose, **35:1**

Recharging jury, **35:15**

Requests, **35:4, 35:6, 35:7**

Rules, **35:14, 35:15**

Slanted instructions, **35:13**

Special rules in criminal cases, **35:15**

INSTRUCTIONS TO JURY—Cont'd

Tendering instructions, time for, **35:5**

Time for tendering instructions, **35:5**

Writing out requests for instructions,
35:4

Written charges given to jurors,
35:15

Written charges given to jury, **35:17**

**INSUFFICIENCY OR
INADEQUACY**

Damages, **33:14**

Grounds for declaring mistrial, **31:7**

INSURANCE

Disclosure of, **31:5**

Jury selection, questioning jurors
regarding insurance, **6:10**

Liability insurance. See index head-
ing LIABILITY INSURANCE

Report to insurer, privileged nature of
documents, **18:7**

INTELLIGENCE TESTS

Admissibility of evidence, **29:23**

INTENT

Admissibility of circumstantial evi-
dence of criminal intent, **29:2**

Hearsay evidence, statements of
intention, **25:31**

INTEREST ON MONEY

Damages, **33:15**

Judgment, inclusion in, **38:5**

INTERPRETATION

See index heading CONSTRUCTION AND
INTERPRETATION

INTERPRETERS

Witnesses, **11:11**

INTERROGATORIES

Competency of witnesses omitted
from answers, **13:10**

INTERVIEW WITNESSES

Right to, **11:6**

INTOXICATION

Admissibility of evidence, **29:9**

Criminal trials, intoxication defense,
4:8

INDEX

INTOXICATION—Cont'd

- Expert opinion evidence, intoxication tests, **24:33**
- HGN tests, **24:33**
- Presumed from alcoholic content of blood, **20:14**

INVOKING PRIVILEGE AGAINST SELF-INCRIMINATION

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

INVOLUNTARY DISMISSAL

- Motions, **3:5**

IRREBUTTABLE PRESUMPTIONS

- Generally, **20:2**

ITEMS TAKEN BY JURY TO JURY ROOM

- Generally, **36:6**
- Continuing witness rule, **36:6**

JOINDER

- Generally, **2:29**
- For detailed treatment see index heading CONDUCT OF TRIAL

JOURNALISTS

- Privileged communications, **18:15**

JUDGES

- Competency to testify, **13:6**
- Conduct of trial. See index heading CONDUCT OF TRIAL
- Magistrates and municipal judges, qualifications, **2:10**
- Opinions on evidence barred, **2:11**
- Questions by judge, **2:11**
- Recusal, **2:9**

JUDGMENT

- Generally, **38:1 to 38:9**
- Admissions, admissibility of criminal judgment in subsequent civil suit, **26:7**
- Allowance of court costs, **38:6**
- Amendment of judgment, **38:8**
- Amount of judgment, **38:4**
- Arrest of judgment, **38:7**
- Clerk, duty to enter judgment, **38:2**
- Costs, allowance of, **38:6**
- Default judgment, motions, **3:6**

JUDGMENT—Cont'd

- Duty of clerk to enter judgment, **38:2**
- Effect of entry of judgment, **38:3**
- Entry of judgment, **38:1 to 38:3**
- Inclusion of interest in judgment, **38:5**
- Interest, inclusion in judgment, **38:5**
- Modification of judgment, **38:8**
- Notwithstanding the verdict, **38:7**
- Res judicata effect of judgment, **38:9**
- Verdict, judgment notwithstanding, **38:7**

JUDICIAL ADMISSIONS

- Generally, **26:5, 26:6**

JUDICIAL ESTOPPEL

- Generally, **1:8, 2:1**

JUDICIAL NOTICE

- Generally, **19:1 to 19:7**
- Excusal of proof if fact is judicially noticed, **19:1**
- Facts, **19:1, 19:2, 19:4 to 19:7**
- Field of expertise, notice by judge, **24:35**
- Government, judicial notice of facts about, **19:5**
- Laws, **19:3**
- Making record of facts judicially noticed, **19:2**
- Officers, judicial notice of facts about, **19:5**
- Political subdivisions, judicial notice of facts about, **19:5**
- Record of facts judicially noticed, making, **19:2**

JURY AND JURY TRIAL

- Admissibility of evidence that will prejudice jury, **29:3**
- Alternate jurors, **6:11**
- Array challenges, **6:4**
- Capital cases, voir dire, **6:9**
- Cause challenges, **6:15 to 6:19**
- Cellphone use by jurors, **36:12**
- Challenges
 - array, **6:4**
 - cause challenges, **6:15 to 6:19**
 - peremptory challenges, **6:12, 6:13**

JURY AND JURY TRIAL—Cont'd

- Communications with jurors, conduct of jury, **36:3, 36:10**
- Competency of jurors to testify, **13:6**
- Conditional grounds for challenge for cause, **6:17**
- Conduct of jury, generally, **36:1 to 36:13**
- Conduct of voir dire examination, **6:6**
- Control of jury during deliberations, conduct of jury, **36:7**
- Deliberations, conduct of jury, **36:7 to 36:11**
- Discrimination, **6:5**
- Dismissal of juror during trial, **36:12**
- During trial, conduct of jury, **36:2, 36:3, 36:5**
- Eavesdropping on deliberations, conduct of jury, **36:11**
- Examination, **6:6 to 6:10**
- Exemptions from jury service, **6:14**
- Facts that normally are not grounds for challenge for cause, **6:18**
- Fair jury right, **6:1**
- Grand jury testimony, use to impeach witness on cross-examination, **16:9**
- Grounds for challenges, **6:4, 6:15 to 6:18**
- Hypothetical questions, **6:7**
- Impartial jury right, **6:1**
- Improper conduct of jurors, **36:12, 36:13**
- Instructions to jury
 - generally, **35:1 to 35:17**
 - for detailed treatment see index heading INSTRUCTIONS TO JURY
- Insurance questions, **6:10**
- Items taken by jury to jury room, conduct of jury, **36:6**
- Manner or method
 - conducting deliberations, conduct of jury, **36:8**
 - summoning jurors, **6:2**
- Note-taking by jurors, **36:2, 36:6**
- Number of peremptory challenges, **6:12, 6:13**
- Passing upon challenges for cause, **6:19**

JURY AND JURY TRIAL—Cont'd

- Peremptory challenges, **6:12, 6:13**
- Pretrial communications with jurors, conduct of jury, **36:3**
- Questions and questioning, **6:6 to 6:10**
- Race discrimination, **6:5**
- Reading newspaper accounts of trial, conduct of jury, **36:4**
- Real and demonstrative evidence, displaying personal injuries to jury, **21:13**
- Right to fair and impartial jury, **6:1**
- Selection of jury, generally, **6:1 to 6:20**
- Separation of jury during trial, conduct of jury, **36:5**
- Sex discrimination, **6:5**
- Statutes, grounds for challenge for cause, **6:15**
- Summoning jurors, **6:2, 6:3**
- Swearing of jury, **6:20**
- Tales jurors, summoning, **6:3**
- Treatment of improper conduct on part of jurors, **36:13**
- Verdict
 - generally, **37:1 to 37:11**
 - for detailed treatment see index heading VERDICT
- View. See index heading VIEW
- Voir dire examination, **6:6 to 6:10**

JUSTIFIABLE FORCE USE

- Criminal trials, **4:9**

JUVENILES

- See index heading CHILDREN

KNOWLEDGE OF WITNESS

- First hand knowledge of witness, examination of witnesses, **15:24**
- Testing on cross-examination, **16:6**

LAND

- See index heading REAL PROPERTY

LAWYERS

- See index heading ATTORNEYS

LAYING FOUNDATION

- Impeachment of witnesses, **12:3, 16:10**

INDEX

LAY OPINION EVIDENCE

Generally, **24:9 to 24:16**

LEADING QUESTIONS

Examination of witnesses, **15:9**

LETTERS

Authentication, **23:24**

Presumption of delivery, **20:11**

LIABILITY

Insurance. See index heading

LIABILITY INSURANCE

Punitive damages, **33:7**

LIABILITY INSURANCE

Admissibility of evidence, **29:19**

Closing arguments, remarks, **34:11**

Mistrial, disclosure, **31:5**

LIE DETECTOR TESTS

Examination of witnesses, **15:20**

LIMITATIONS

Conduct of trial. See index heading

CONDUCT OF TRIAL

Opening statements, **7:4**

Opinion evidence, **24:8**

LIQUIDATED DAMAGES AND PENALTIES

Generally, **33:17**

LIQUOR

See index heading INTOXICATION

LOSS

Primary evidence, use of secondary
evidence, **23:19**

Privilege against self-incrimination,
examination of witnesses, **15:19**

MANDATORY DNA SAMPLES

Illegally obtained evidence, **28:20**

MAPS

Admissibility, real and demonstrative
evidence, **21:10**

MARKS ON DEMONSTRATIVE EVIDENCE

Generally, **21:12**

MARRIAGE VALIDITY

Presumptions, **20:8**

MATERIALITY OF QUESTIONS

Direct examination of witnesses, **15:2**

MEDIATORS

Privileged communications, **18:15**

MEDICAL DIAGNOSIS OR TREATMENT

Hearsay evidence, statements made
for purposes of medical diagno-
sis or treatment, **25:22**

MEDICAL EXPERTS

Causation, medical malpractice,
24:21

Conduct of trial, impartial experts,
2:23

Qualifications, **24:18**

MEDICAL RESEARCH INFORMATION

Privileged communications, **18:16**

MEMORY OF WITNESSES

Refreshing memory, **15:10, 17:3**

MENTAL CAPACITY

Expert opinion evidence, **24:28**

MENTAL EXAMINATION OF PARTIES AND OTHERS

Admissibility of evidence, **29:22**

MENTALLY HANDICAPPED PERSONS

Competency to testify, **13:7**

MINORS

See index heading CHILDREN

MISCONDUCT

Admissions, misconduct of party as,
26:12

Directed verdict, willful and wanton
misconduct as questions of law
or fact, **32:7**

MISTAKES

See index heading ERRORS OR MISTAKES

MISTRIAL

Generally, **31:1 to 31:7**

Admitted exhibits, effect of disap-
pearance during trial, **31:4**

MISTRIAL—Cont'd

- Declaration of mistrial, **31:2, 31:3, 31:7**
- Disappearance of admitted exhibits during trial, effect of, **31:4**
- Discharge for inability of jury to arrive at verdict, **31:6**
- Disclosure of liability insurance, **31:5**
- Effect of disappearance of admitted exhibits during trial, **31:4**
- Grounds for declaring mistrial, **31:3, 31:7**
- Inability of jury to arrive at verdict, discharge for, **31:6**
- Insufficient grounds for declaring mistrial, **31:7**
- Liability insurance, disclosure of, **31:5**
- Nature of mistrial, **31:1**
- Right to have mistrial declared, **31:2**
- Timeliness of mistrial motion, **30:7, 31:1**
- Verdict, discharge for inability of jury to arrive at, **31:6**

MISTRIAL EXCEPTION

- Objections to evidence, **30:7**

MITIGATION OF DAMAGES

- Generally, **33:6**

MODELS

- Admissibility of static models, real and demonstrative evidence, **21:11**

MODIFICATION

- See index heading **AMENDMENT**

MORTALITY TABLES

- Authentication, documentary evidence, **23:27**
- Hearsay evidence, **25:24**

MOTION PICTURES

- Admissibility, real and demonstrative evidence, **21:7**
- Witnesses, giving testimony on motion picture, **11:12**

MOTIONS

- Generally, **3:1 to 3:10**

MOTIONS—Cont'd

- Change of venue, **3:9**
- Continuances, **3:2**
- Default judgment, **3:6**
- Directed verdict, **32:2, 32:8, 32:9**
- Dismissal, voluntary or involuntary, **3:3, 3:5**
- During trial motions, **3:1 to 3:10**
- Exclusion of inadmissible evidence, **30:6**
- Involuntary or voluntary dismissal, **3:3, 3:5**
- New trial, **3:7**
- Nolle prosequi, **3:4**
- Severance, **3:10**
- Stay of proceedings, **3:8**
- Suppression of evidence illegally seized, **28:7**
- Venue change, **3:9**
- Voluntary or involuntary dismissal, **3:3, 3:5**

MOTIONS IN LIMINE

- Objections, **30:3**

MOTOR VEHICLES

- Automobile search without warrant, illegally obtained evidence, **28:13**
- Seat belts, admissibility of evidence, **29:29**
- Speed. See index heading **OPINION EVIDENCE**

MUNICIPALITIES' RECORDS

- Authentication, documentary evidence, **23:11**

NARCOTICS

- See index heading **DRUGS AND NARCOTICS**

NATIONALITY

- Admissibility of evidence, **29:18**

NEGATIVE AVERMENTS

- Burden of proof, **9:17**

NEGATIVE EVIDENCE

- Examination of witnesses, admissibility, **15:4**

INDEX

NEGLIGENCE

- Comparative negligence, damages, **33:18**
- Directed verdict, questions of law or fact, **32:6**
- Opinion evidence, ultimate issue, **24:5**

NEWS MEDIA EXCLUDED

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

NEWSPAPERS

- Juror conduct, reading newspaper accounts of trial, **36:4**

NEW TRIAL

- Motions, **3:7**

NOLLE PROSEQUI

- Motions, **3:4**

NOMINAL DAMAGES

- Generally, **33:2**

NONEXPERT OPINION EVIDENCE

- Generally, **24:9 to 24:16**

NOTATIONS ON DEMONSTRATIVE EVIDENCE

- Generally, **21:12**

NOTICE, JUDICIAL

- Generally, **19:1 to 19:7**
- For detailed treatment see index heading JUDICIAL NOTICE

NOTWITHSTANDING THE VERDICT JUDGMENT

- Generally, **38:7**

NUMBER

- See index heading AMOUNT OR NUMBER

OATHS OF WITNESSES

- Criminal trials, **4:12**

OBJECTIONS

- Competency of witnesses to testify, **13:2**
- Evidence, **30:1 to 30:8**
- Instructions to jury, **35:8**
- Motions in limine, **30:3**

OBJECTIONS—Cont'd

- Plain error, **30:2**
- Verdict form, **37:2**

OBJECTIVE SYMPTOMS

- Hearsay evidence, **25:21**

OCCURRENCE OR OCCURRENCES

- Admissibility of evidence of similar occurrences, **29:5**
- Expert opinion evidence, occurrence of incident, **24:21**

OFFER OR OFFERS

- Admissions, offers of compromise, **26:13**
- Documentary evidence, procedure in offering documents in evidence, **23:2**
- Objections to evidence, offer of proof, **30:8**
- Stipulation, proof of facts, **10:6**

OFFICE

- Instructions to jury, **35:1**

OFFICERS

- Judicial notice of facts about officers, **19:5**
- Public officers, privileged communications, **18:14**

OFFICIAL RECORDS

- Hearsay evidence, **25:14 to 25:24**

OMITTED WITNESSES

- Competency to testify, **13:9, 13:10**

OPEN

- Right to open, order of proof, **8:1**

OPENING STATEMENTS

- Generally, **7:1 to 7:4**
- Content of opening statements, **7:3**
- Limitations on opening statements, **7:4**
- Order of opening statements, **7:2**
- Right to make opening statements, **7:1**

OPEN RECORDS LAW

- Hearsay evidence, **25:15**

OPINION EVIDENCE

Generally, **24:1 to 24:39**
 Accidental death negated, expert opinion, **24:4**
 Accidental nature of shooting, **24:9**
 Admissibility of opinions, **24:3 to 24:7**
 Affidavit in malpractice cases, **24:18**
 Answer to hypothetical question, expert opinion, **24:38**
 Ballistics, expert opinion, **24:27**
 Battered person syndrome, **24:3**
 Bills, reasonableness, **24:20**
 Business matters, expert opinion, **24:20**
 Child abuse syndrome, expert opinion, **24:29**
 Contents of hypothetical question, expert opinion, **24:36**
 Cross-examination of expert witness, **24:39**
 Daubert guidelines, standards for, **24:45**
 Demonstrations, expert opinion, **24:32**
 Dental evidence, expert opinion, **24:31**
 Distinctions
 expert and skilled witnesses, **24:19**
 facts and opinions, **24:2**
 DNA tests, expert opinion, **24:30**
 Electronic speed detection devices, expert opinion, **24:34**
 Experiments, expert opinion, **24:32**
 Expert opinion, generally, **24:17 to 24:39**
 Facts, **24:1, 24:2**
 Fingerprints, expert opinion, **24:26**
 Gang experts, **24:18**
 Gatekeeping judge, **24:18**
 Handwriting
 expert opinion, **24:24**
 nonexpert opinion, **24:13**
 Hearsay bases for opinion, **24:17**
 Hypothetical questions, expert opinion, **24:36 to 24:38**
 Impeachment of witnesses, expert testimony as to credibility of witnesses, **12:6, 24:8**

OPINION EVIDENCE—Cont'd

Intoxication tests, expert opinion, **24:33**
 Judicial notice of expert's specialty, **24:35**
 Lab reports, **24:17, 25:14**
 Lay opinion, **24:9 to 24:16**
 Limitations, **24:8**
 Mental capacity, expert opinion, **24:28**
 Narcotic addiction, nonexpert opinion, **24:16**
 Negligence cases, opinions on ultimate issue, **24:5**
 No expert opinion needed, **24:3**
 Nonexpert opinion, **24:9 to 24:16**
 Occurrence of incident, expert opinion, **24:21**
 Opinion that another witness lied, **24:8**
 Personal property value, nonexpert opinion, **24:14**
 Physician, expert opinion, **24:37**
 Qualifications of expert witness, **24:18**
 Questioned documents, expert opinion, **24:25**
 Real property value, **24:15, 24:23**
 Sanity, nonexpert opinion, **24:10**
 Scientific tests, expert opinion, **24:30, 24:33, 24:35**
 Self-defense of shooting, **24:9**
 Services' value, expert opinion, **24:22**
 Shoeprints, **24:9**
 Skilled and expert witnesses distinguished, **24:19**
 Speed
 expert opinion, electronic speed detection devices, **24:34**
 nonexpert opinion, **24:11**
 Standards for Daubert guidelines, **24:35**
 Stopping distance, nonexpert opinion, **24:12**
 Surgeon, expert opinion, **24:37**
 Ultimate issue, opinions concerning, **24:4 to 24:7**
 Value
 property, **24:14, 24:15, 24:23**

INDEX

OPINION EVIDENCE—Cont'd

- Value—Cont'd
 - services, expert opinion, **24:22**
- Video, identification of person on, **24:9**
- Voice, **24:9**
- Will cases, opinions on ultimate issue, **24:6**

ORAL OR PAROL EVIDENCE

- Generally, **23:23, 29:27**

ORDER AND SEQUENCE

- Opening statements, **7:2**
- Proof
 - generally, **8:1 to 8:5**
 - for detailed treatment see index heading **ORDER OF PROOF**

ORDER OF PROOF

- Generally, **8:1 to 8:5**
- Close, right to, **8:1**
- Open, right to, **8:1**
- Rebuttal testimony, **8:3**
- Rights, **8:1, 8:5**
- Surrebuttal testimony, **8:4**
- Testimony, **8:2 to 8:5**

ORDER PRESERVATION

- Conduct of trial, duty of judge, **2:12**

ORDERS

- Conduct of trial, control of proceedings by pretrial order, **2:24**

OTHER CRIMES' EVIDENCE

- Admissibility of evidence, character and reputation, **29:17**

OUT-OF-STATE WITNESSES

- Generally, **11:3**

OWN MOTION OF COURT

- Conduct of trial, exclusion of improper evidence, **2:20**

OWN WITNESS

- Impeachment of, **15:12**

PAPERS OF COURT

- Authentication, documentary evidence, **23:10**

PAROL EVIDENCE

- Generally, **23:23, 29:27**

PARTIES

- Admissibility of evidence, physical and mental examination of parties, **29:22**
- Admissions. See index heading **ADMISSIONS**
- Conduct of trial. See index heading **CONDUCT OF TRIAL**
- Examination of witnesses. See index heading **EXAMINATION OF WITNESSES**
- Presumptions, conduct of party, **20:10**
- Right to act as co-counsel, **1:3**

PARTNER OF PARTY

- Admissions, **26:2**

PAST RECOLLECTION RECORDED

- Hearsay evidence, **25:10, 25:11**

PATERNITY CASES

- Real and demonstrative evidence, **21:14, 21:15**

PAYMENT OF BILLS OF INJURED PERSON

- Admissions, **26:15**

PEDIGREE

- Hearsay evidence, **25:23**

PENALTIES AND LIQUIDATED DAMAGES

- Generally, **33:17**

PEREMPTORY CHALLENGES

- Jury selection, **6:12, 6:13**

PEREMPTORY JURY INSTRUCTIONS

- Generally, **35:12**

PERSONAL INJURIES

- Damages, instructions, **33:10**
- Real and demonstrative evidence, personal injuries displayed to jury, **21:13**

PERSONAL PROPERTY

- Bailment cases, burden of proof, **9:8**

PERSONAL PROPERTY—Cont'd

Damage to property, **33:11**

Nonexpert opinion evidence of value,
24:14

PHARMACISTS

Privileged communications, **18:11**

PHOTOGRAPHS

Admissibility, real and demonstrative
evidence, **21:5, 21:8**

Videos, **21:7**

PHOTOSTATIC COPIES

Admissibility, real and demonstrative
evidence, **21:6**

**PHYSICAL CONTROL OF
DEFENDANT**

Criminal trials, **4:2**

**PHYSICAL EXAMINATION OF
PARTIES AND OTHERS**

Admissibility of evidence, **29:22**

PHYSICIANS

Expert opinion evidence, **24:37**

Hearsay evidence, doctor's reports
and records, **25:18**

Privilege, physician-patient, **18:11**

Surgeons and surgery. See index
heading **SURGEONS AND SURGERY**

PLAIN ERROR

No objection required, **30:2**

PLEADINGS

Aggravated damages, **33:9**

Directed verdict, pleadings and evi-
dence, **32:4, 32:5**

Judicial admissions, **26:6**

POLICE REPORTS

Hearsay evidence, **25:16**

POLITICAL SUBDIVISIONS

Authentication of records,
documentary evidence, **23:11**

Judicial notice of facts about, **19:5**

POLLING JURORS

Verdict, **37:11**

POLYGRAPH TESTS

Examination of witnesses, **15:20**

POSSESSION OF STOLEN GOODS

Presumptions, **20:9**

POVERTY

Admissibility of evidence, **29:18**

POWER OF COURT

Contempt of court, punishment, **5:1**

Instructions to jury, **35:3**

Verdict, power to have jury
reconsider defective verdict,
37:4

PREJUDICE OR BIAS

Admissibility of evidence that will
prejudice jury, **29:3**

Cross-examination, **12:5**

Impartial medical experts, **2:23**

Jury selection, right to impartial jury,
6:1

PRESENCE

See index heading **CONDUCT OF TRIAL**

PRESERVE ORDER

Conduct of trial, duty of judge, **2:12**

PRESUMPTIONS

Generally, **20:1 to 20:18**

Absence of seven years, presumption
of death, **20:7**

Condition, continuance of, **20:15**

Conduct of party, **20:10**

Continuance of condition, **20:15**

Contraband, possession of, **20:9**

Death presumed after absence of
seven years, **20:7**

Delivery of letter or telegram, **20:11,**
20:12

Gifts, **20:16**

Individuals, presumptions about,
20:13

Inferences, **20:4**

Innocence presumption, **20:5**

Intoxication presumed from alcoholic
content of blood, **20:14**

Irrebuttable presumptions, **20:2**

Letter, delivery of, **20:11**

Marriage validity, **20:8**

INDEX

PRESUMPTIONS—Cont'd

Nature of presumptions, **20:1**
Party's conduct, **20:10**
Possession of stolen goods or contraband, **20:9**
Rebuttable presumptions, **20:3**
Res ipsa loquitur, **20:6**
Services, **20:16**
Seven years' absence, presumption of death, **20:7**
Spoliation, **20:18**
Statutory presumptions, **20:7 to 20:18**
Stolen goods, possession of, **20:9**
Telegram, delivery of, **20:12**
Tort cases, **20:17**
Validity of marriage, **20:8**
Wills, **20:18**

PRETRIAL COMMUNICATIONS

Juror, **36:3**

PRETRIAL ORDERS

Control of proceedings by pretrial order, **2:24**

PRETRIAL PUBLICITY

Generally, **2:15**

PRIEST-PENITENT PRIVILEGE

Generally, **18:13**

PRIMA FACIE CASE

Burden of proof, **9:2**

PRIMARY OR BEST EVIDENCE

Generally, **23:13 to 23:22**

PRIOR INCONSISTENT STATEMENTS

Generally, **25:3**

PRIVATE DETECTIVE OR INVESTIGATOR

Competency to testify, **13:11**

PRIVATE WRITINGS

Authentication, documentary evidence, **23:4, 23:7**

PRIVILEGE

Communications
generally, **18:1 to 18:16**

PRIVILEGE—Cont'd

Communications—Cont'd
for detailed treatment see index
heading PRIVILEGED COMMUNICATIONS
Examination of witnesses, privilege against self-incrimination, **15:13 to 15:19**
Illegally obtained evidence, standing necessary to invoke privilege against illegal search and seizure, **28:8**
Suppression hearing testimony, use against accused at trial, **15:15**

PRIVILEGED COMMUNICATIONS

Generally, **18:1 to 18:16**
Attorney-client privilege, **18:6 to 18:10**
Claiming privilege, **18:5, 18:9**
Clergy, **18:13**
Confidential nature of communication, attorney-client privilege, **18:8**
Existence of relationship
attorney and client, **18:7**
husband and wife, **18:4**
Family violence counselor, **18:15**
Husband and wife, **18:2 to 18:5**
Journalist, **18:15**
Mediator, **18:15**
Medical research information, admissibility of, **18:16**
Nature of privileged communications, **18:1**
Pharmacist, **18:11**
Physician-patient privilege, **18:11**
Priest-penitent privilege, **18:13**
Public accountant-client privilege, **18:12**
Public officers, **18:14**
Rape counselors, **18:15**
Spousal privilege, **18:2 to 18:5**
Termination of attorney-client privilege, **18:10**
Waiver of privilege
attorney and client, **18:9**
husband and wife, **18:5**

**PROHIBITION AGAINST
ILLEGAL SEARCHES AND
SEIZURES**

Illegally obtained evidence, **28:1**

PROOF

See index heading EVIDENCE

PROPERTY

Damage to property. See index heading DAMAGE TO PROPERTY

Personal property. See index heading PERSONAL PROPERTY

Real property. See index heading REAL PROPERTY

**PROTECTION OF
CONSTITUTIONAL RIGHTS**

Confessions, **27:4**

PSYCHOLOGICAL TESTS

Admissibility of evidence, **29:23**

**PUBLIC ACCOUNTANT-CLIENT
PRIVILEGE**

Generally, **18:12**

PUBLIC EXCLUDED

Conduct of trial, **2:13**

**PUBLICITY BEFORE AND
DURING TRIAL**

Generally, **2:15**

PUBLIC OFFICERS

Privileged communications, **18:14**

PUBLIC RECORDS

Hearsay evidence, **25:15**

Secondary evidence, **23:20**

PUNISHMENT

Contempt of court, **5:1, 5:7**

Death penalty cases, **4:11, 6:9**

PUNITIVE DAMAGES

Generally, **33:7, 33:8**

PURPOSE OR PURPOSES

Hearsay evidence, statements made for purposes of medical diagnosis or treatment, **25:22**

Instructions to jury, **35:1**

**QUALIFICATIONS OF EXPERT
WITNESS**

Generally, **24:18**

QUANTITY OR NUMBER

See index heading AMOUNT OR NUMBER

QUESTIONED DOCUMENTS

Expert opinion evidence, **24:25**

QUESTIONS AND QUESTIONING

Directed verdict, questions of law or fact, **32:6, 32:7**

Hypothetical questions. See index heading HYPOTHETICAL QUESTIONS

Jury selection, **6:6 to 6:10**

Witnesses. See index heading WITNESSES

RACE

Admissibility of evidence, **29:18**

Jury selection, race discrimination, **6:5**

RADIO

Giving testimony on, **11:12**

RAPE

History of victim barred, **29:14**

Prior false claim by victim, **12:5**

RAPE COUNSELORS

Privileged communications, **18:15**

**READING NEWSPAPER
ACCOUNTS OF TRIAL**

Juror conduct, **36:4**

**REAL AND DEMONSTRATIVE
EVIDENCE**

Generally, **21:1 to 21:16**

Admissibility, **21:5 to 21:11**

Authentication of exhibits, **21:16**

Blood tests in paternity cases, **21:14**

Child exhibited in paternity cases, **21:15**

Connecting tangible articles to accused, **21:4**

Diagrams, admissibility, **21:10**

Displaying or exhibiting child exhibited in paternity cases, **21:15**

INDEX

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd

Displaying or exhibiting—Cont'd
personal injuries displayed to jury, **21:13**

Displays, admissibility, **21:10**

Distinctions, **21:1**

Drawings, admissibility, **21:10**

Exhibiting. See “Displaying or exhibiting” in this heading

Exhibits, authentication, **21:16**

Expert opinion evidence, demonstrations, **24:32**

Jury, displaying personal injuries to, **21:13**

Maps, admissibility, **21:10**

Marks on demonstrative evidence, **21:12**

Motion pictures, admissibility, **21:7**

Notations on demonstrative evidence, **21:12**

Paternity cases, **21:14, 21:15**

Personal injuries displayed to jury, **21:13**

Photographs, admissibility, **21:5, 21:8**

Photostatic copies, admissibility, **21:6**

Same condition, tangible articles in, **21:3**

Sound recordings, admissibility, **21:9**

Static models and casts, admissibility, **21:11**

Tangible articles, **21:2 to 21:4**

Videos, admissibility, **21:7**

X-rays, admissibility, **21:8**

REAL PROPERTY

Damage to property, **33:19**

Opinion evidence of value, **24:15, 24:23**

REBUTTABLE PRESUMPTIONS

Generally, **20:3**

REBUTTAL TESTIMONY

Order of proof, **8:3**

RECALL WITNESS FOR FURTHER CROSS-EXAMINATION

Right to, **16:13**

RECONSIDERATION OF DEFECTIVE VERDICT

Power of court, **37:4**

RECONSTRUCTION OF ACCIDENTS

Experts, **24:21**

RECORDINGS

Admissibility of sound recordings, real and demonstrative evidence, **21:9**

Examination of witnesses, tape recordings of telephone conversations, **15:26**

RECORDS AND RECORDING

Authentication of recorded documents, **23:6**

Church records. See index heading
CHURCH RECORDS

Documentary evidence. See index heading
DOCUMENTARY EVIDENCE

Hearsay evidence, **25:12 to 25:25**

Judicial notice, making record of facts judicially noticed, **19:2**

Public records. See index heading
PUBLIC RECORDS

RECROSS-EXAMINATION OF WITNESSES

Generally, **17:7**

RECUSAL

Judge, **2:9**

REDIRECT EXAMINATION OF WITNESSES

Generally, **17:1 to 17:6**

REFRESHING MEMORY OF WITNESSES

Generally, **15:10, 17:3**

REHABILITATION OF WITNESS

Redirect examination of witnesses, **17:5**

RELEVANCE

See index heading EXAMINATION OF
WITNESSES

REMARKS OR COMMENTS

Closing arguments, **34:5, 34:7 to 34:11**

REMOTE DAMAGES

Generally, **33:5**

REPAIR EVIDENCE

Remedial measures, **26:14**

REPORTS

Hearsay evidence, **25:16, 25:18, 25:19**

REPUTATION AND CHARACTER

Admissibility of evidence, **29:11 to 29:17**

REQUESTS

Instructions to jury, **35:4, 35:6, 35:7**
Severance, **3:10**
View, **22:2**

RES GESTAE

Hearsay evidence, **25:27**

RES IPSA LOQUITUR

Presumptions, **20:6**

RES JUDICATA EFFECT OF JUDGMENT

Generally, **38:9**

RESPONSIBILITIES

See index heading **DUTIES**

RESTRICTIONS

See index heading **LIMITATIONS**

RESULTING TRUST CASES

Burden of proof, **9:6**

REVISION OF VERDICT

Generally, **37:3**

RIGHTS

Attorneys. See index heading

ATTORNEYS

Closing arguments, **34:1, 34:3**

Confessions, protection of constitutional rights, **27:4**

Directed verdict, **32:1, 32:3**

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

RIGHTS—Cont'd

Jury selection, right to fair and impartial jury, **6:1**

Mistrial, right to have mistrial declared, **31:2**

Opening statements, right to make, **7:1**

Order of proof, **8:1, 8:5**

Speedy trial, conduct of trial, **2:2**

View, **22:1**

Witnesses. See index heading **WITNESSES**

ROLE OF ATTORNEY

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

RULES

Governing rules. See index heading **GOVERNING RULES**

Instructions to jury, **35:14, 35:15**

RULINGS

Admissibility of evidence, conduct of trial, **2:18**

Directed verdict motion, **32:9**

Examination of witnesses, existence of privilege against self-incrimination, **15:18**

Jury selection, passing upon challenges for cause, **6:19**

Objections to evidence, **30:5**

SAME CONDITION

Tangible articles in same condition, real and demonstrative evidence, **21:3**

SAMPLES

Body samples, illegally obtained evidence, **28:19, 28:20**

SANITY

Nonexpert opinion evidence, **24:10**

SCIENTIFIC TESTS

Expert opinion evidence, **24:30, 24:33, 24:35**

SCOPE

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

Redirect examination of witnesses, **17:1**

INDEX

SEALED VERDICT

Generally, **37:10**

SEARCHES AND SEIZURES

Illegally obtained evidence, **28:2 to 28:5**

SEAT BELTS

Admissibility of evidence, **29:29**

SECONDARY AND BEST EVIDENCE

Generally, **23:13 to 23:22**

SEIZURES AND SEARCHES

Illegally obtained evidence, **28:2 to 28:5**

SELECTION OF JURY

Generally, **6:1 to 6:20**

SELF-INCRIMINATION

Privilege against, examination of witnesses, **15:13 to 15:19**

SELF-SERVING

Declarations, admissibility of evidence, **29:21**

Statements, admissions, **26:16**

SEPARATION OF JURY DURING TRIAL

Generally, **36:5**

SEQUENCE AND ORDER

See index heading **ORDER AND SEQUENCE**

SEQUESTRATION OF WITNESSES

Generally, **11:9**

SERVICES

Expert opinion evidence of value, **24:22**

Presumptions, **20:16**

SEVEN YEARS' ABSENCE

Presumption of death, **20:7**

SEVERANCE

Conduct of trial, **2:29**

Motions, **3:10**

SEX DISCRIMINATION

Jury selection, **6:5**

SHIFTING OF BURDEN OF PROOF

Generally, **9:5**

SIGHT IMPAIRED PERSONS

Competency to testify, **13:7**

SILENCE AS ADMISSION

Generally, **26:8, 26:9**

SIMILAR ACTS OR OCCURRENCES

Admissibility of evidence, **29:5**

SKILLED WITNESSES

Expert witnesses distinguished, **24:19**

SLANTED JURY INSTRUCTIONS

Generally, **35:13**

SOUND RECORDINGS

Admissibility, real and demonstrative evidence, **21:9**

SPECIAL DAMAGES

Generally, **33:3**

SPECIAL RULES IN CRIMINAL CASES

Instructions to jury, **35:15**

SPECIAL VERDICT

Generally, **37:6**

SPECULATIVE DAMAGES

Generally, **33:5**

SPEED

See index heading **OPINION EVIDENCE**

SPEEDY TRIAL RIGHT

Conduct of trial, **2:2**

SPONTANEOUS DECLARATIONS

Hearsay evidence, **25:28, 25:29**

SPOUSES

Competency to testify, **13:5**

Presumptions of validity of marriage, **20:8**

Privileged communications, **18:2 to 18:5**

STANDING

Bring contempt citation, **5:2**

STANDING—Cont’d

Invoke privilege against illegal search and seizure, illegally obtained evidence, **28:8**

STATEMENTS

Admissions. See index heading

ADMISSIONS

Confessions

generally, **27:1 to 27:9**

for detailed treatment see index heading CONFESSIONS

Cross-examination of witnesses, prior inconsistent statements, **16:8 to 16:10**

Examination of witnesses, prior consistent statements, **15:11**

Hearsay evidence. See index heading

HEARSAY EVIDENCE

Incrimatory statements, **27:1**

Objections to evidence, statement of grounds, **30:4**

Opening statements

generally, **7:1 to 7:4**

for detailed treatment see index heading OPENING STATEMENTS

STATE OF MIND

Hearsay evidence, **25:31**

STATIC MODELS AND CASTS

Admissibility, real and demonstrative evidence, **21:11**

STATUTES

Authentication, documentary evidence, **23:8**

Examination of witnesses, **15:22**

Hearsay evidence, open records law, **25:15**

Judicial notice, **19:3**

Jury selection, grounds for challenge for cause, **6:15**

Presumptions, **20:7 to 20:18**

Witnesses, disqualification under Dead Man’s Act, **14:1**

STAY OF PROCEEDINGS

Motions, **3:8**

STIPULATIONS

Conduct of trial, control of proceedings by stipulation, **2:25**

Proof of facts, **10:4 to 10:6**

STOLEN GOODS’ POSSESSION

Presumptions, **20:9**

STOPPING DISTANCE

Nonexpert opinion evidence, **24:12**

SUBJECTIVE SYMPTOMS

Hearsay evidence, **25:21**

SUBPOENAS

Witnesses, **11:1, 11:4**

SUBSEQUENT CIVIL SUIT

Admissibility of criminal judgment in, **26:7**

SUBSTITUTION

See index heading CONDUCT OF TRIAL

SUFFICIENCY

See index heading INSUFFICIENCY OR INADEQUACY

SUMMARIES

Generally, **23:18**

SUMMONING JURORS

Selection of jury, **6:2, 6:3**

SUPPRESSION OF EVIDENCE

Motion to suppress evidence illegally seized, **28:7**

SURGEONS AND SURGERY

Expert opinion evidence, **24:37**

Illegally obtained evidence, **28:19**

SURREBUTTAL TESTIMONY

Order of proof, **8:4**

SWEARING

Jury, **6:20**

Witnesses, **11:10**

SYMPTOMS

Hearsay evidence, subjective and objective symptoms, **25:21**

TABLES

Annuity tables. See index heading ANNUITY TABLES

INDEX

TABLES—Cont'd

Mortality tables. See index heading
MORTALITY TABLES

TALES JURORS

Summoning, **6:3**

TANGIBLE ARTICLES

Real and demonstrative evidence,
21:2 to 21:4

TAPE RECORDINGS OF TELEPHONE CONVERSATIONS

Examination of witnesses, **15:26**

TELEGRAMS

Authentication, **23:25**
Presumption of delivery, **20:12**

TELEPHONE CONVERSATIONS

Examination of witnesses, **15:25,**
15:26

TELEVISION

Giving testimony on, **11:12**

TENDERING JURY INSTRUCTIONS

Time for, **35:5**

TERMINATION

Attorney-client privilege, **18:10**

TESTIMONY

Generally, **11:1 to 11:14**
For detailed treatment see index
heading WITNESSES

THREATS

Hearsay evidence, **25:5**

TIME OR DATE

Competency of witnesses to testify,
objections, **13:2**
Continuances. See index heading
CONTINUANCES
Instructions to jury, time for tender-
ing, **35:5**
Objections to competency, **13:2**
Objections to evidence and motions
in limine, **30:3**
Stay of proceedings, motions, **3:8**

TIP OF INFORMANT

Illegally obtained evidence, arrest
and search based on informant's
tip, **28:17**

TORT CASES

Presumptions, **20:17**

TRANSCRIBING TESTIMONY

Conduct of trial, **2:27**

TREATMENT

Hearsay evidence, statements made
for purposes of medical treat-
ment, **25:22**

TRUTH AND VERACITY REPUTATION

Admissibility of evidence, **29:16**

ULTIMATE ISSUE

Opinion evidence, **24:4 to 24:7**

UNAUTHORIZED VIEW

Generally, **22:5**

UNIFORM ACT TO SECURE OUT-OF-STATE WITNESSES

Generally, **11:3**
Corporations, **11:3, 11:4**

UNLAWFULLY OBTAINED EVIDENCE

See index heading ILLEGALLY OBTAINED
EVIDENCE

UNLISTED WITNESSES

Generally, **11:13, 13:9**

USE

Admission or admissibility of evi-
dence. See index heading ADMIS-
SION OR ADMISSIBILITY OF EVIDENCE
Closing arguments, use of charts and
diagrams, **34:12**
Conduct of trial, limitations on use of
admitted evidence, **2:19**
Confessions, use of entire statement,
27:9
Criminal trials, use of justifiable
force, **4:9**
Cross-examination of witnesses. See
index heading CROSS-EXAMINATION
OF WITNESSES

USE—Cont'd

- Examination of witnesses, use of lie detector tests, **15:20**
- Hearsay evidence, right to use testimony from former trial, **25:8**
- Proof of facts, use of stipulations to excuse, **10:4**
- Secondary evidence, **23:16 to 23:22**
- Witnesses, use of interpreter, **11:11**

USUAL METHOD OR PRACTICE

- Admissibility of evidence, **29:8**

VALIDITY OF MARRIAGE

- Presumptions, **20:8**

VALUE

- See index heading **OPINION EVIDENCE**

VARIANCE

- Directing verdict for, **32:4**

VEHICLES

- See index heading **MOTOR VEHICLES**

VENUE CHANGE

- Motions, **3:9**
- Place of trial, criminal, **9:9**

**VERACITY AND TRUTH
REPUTATION**

- Admissibility of evidence, **29:16**

VERDICT

- Generally, **37:1 to 37:11**
- Amendment of verdict, **37:3**
- Clerical errors in verdict, **37:9**
- Construction of general verdict, **37:5**
- Court's power to have jury reconsider defective verdict, **37:4**
- Defective verdict, power of court to have jury reconsider, **37:4**
- Directed verdict
 - generally, **32:1 to 32:10**
 - for detailed treatment see index heading **DIRECTED VERDICT**
- Errors or mistakes in verdict, **37:9**
- Extrinsic matters, impeachment of verdict, **37:8**
- Form of verdict, objections to, **37:2**
- General verdict, construction, **37:5**

VERDICT—Cont'd

- Impeachment of verdict, **37:7, 37:8**
- Inconsistent verdict rule, **37:1**
- Judgment notwithstanding the verdict, **38:7**
- Mistakes or errors in verdict, **37:9**
- Mistrial, discharge for inability of jury to arrive at verdict, **31:6**
- Mutually exclusive verdicts, **37:9**
- Objections to form of verdict, **37:2**
- Polling jurors, **37:11**
- Power of court to have jury reconsider defective verdict, **37:4**
- Reconsideration of defective verdict, power of court, **37:4**
- Revision of verdict, **37:3**
- Rules governing arrival at verdict, **36:9**
- Sealed verdict, **37:10**
- Special verdict, **37:6**

**VICTIM OF ASSAULT OR
HOMICIDE**

- Admissibility of evidence of victim's character, **29:14**

VIDEOS

- Admissibility, real and demonstrative evidence, **21:7**
- Computer animations, **21:7**

VIEW

- Generally, **22:1 to 22:5**
- Conduct of view, **22:3**
- Nature of view, **22:4**
- Requests for view, **22:2**
- Right to view, **22:1**
- Unauthorized view, **22:5**

VOICE IDENTIFICATION

- Lay opinion, **24:9**
- Sound recordings, **21:9**

VOIR DIRE EXAMINATION

- Jury selection, **6:6 to 6:10**

**VOLUNTARINESS OF
CONFESSIONS**

- Generally, **27:5**

INDEX

VOLUNTARY DISMISSAL

Motions, **3:3**

WAIVER

Privilege. See index heading
PRIVILEGED COMMUNICATIONS
Right to counsel, **1:6**

WANTON MISCONDUCT

Directed verdict, questions of law or
fact, **32:7**

WARN WITNESSES OF PRIVILEGE AGAINST SELF-INCRIMINATION

Necessity for court to, **15:14**

WARRANT FOR SEARCH AND SEIZURE

Illegally obtained evidence, **28:14**

WARRANTLESS SEARCH AND SEIZURE

Illegally obtained evidence, **28:10 to
28:13**

WEALTH

Admissibility of evidence, **29:18**

WEATHER REPORTS

Hearsay evidence, **25:19**

WEIGHT

Admissibility of evidence, **29:10**

WIFE AND HUSBAND

See index heading SPOUSES

WILL CASES

Opinion evidence, ultimate issue,
24:6

WILLFUL MISCONDUCT

Directed verdict, questions of law or
fact, **32:7**

WITHDRAWAL OF COUNSEL

Generally, **1:11**

WITNESSES

Generally, **11:1 to 11:14**
Answers to questions
examination of witnesses, **15:23**
expert opinion evidence, hypothetical
questions, **24:38**

WITNESSES—Cont'd

Answers to questions—Cont'd
redirect examination of witnesses,
explaining impeaching
answers, **17:6**
Attendance of witnesses, compelling,
11:1
Compelling attendance of witnesses,
11:1
Compensation of witnesses, **11:8**
Competency of witnesses to testify
generally, **13:1 to 13:12**
for detailed treatment see index
heading COMPETENCY OF WIT-
NESSES TO TESTIFY
Confer with witnesses on stand, right
to, **11:7**
Criminal trials, oaths, **4:12**
Cross-examination of witnesses
generally, **16:1 to 16:14**
for detailed treatment see index
heading CROSS-EXAMINATION OF
WITNESSES
Dead Man's Act, disqualification
under, **14:1**
Death of witnesses, **11:14**
Disqualification under Dead Man's
Act, **14:1**
Documentary evidence, subpoena for
production of, **11:4**
Duces tecum subpoenas, **11:4**
Examination of witnesses
generally, **15:1 to 15:28**
for detailed treatment see index
heading EXAMINATION OF WIT-
NESSES
Exclusion of witnesses, **11:9**
Expert witnesses. See index heading
EXPERTS AND EXPERT WITNESSES
Former matters. See "Prior matters"
in this heading
Giving testimony on television, radio
or motion picture, **11:12**
Habeas corpus ad testificandum, **11:2**
Harassing witnesses, **11:5**
Hearsay evidence, former trial's
testimony, **25:7 to 25:9**
Impeachment of witnesses
generally, **12:1 to 12:7**

WITNESSES—Cont'd

- Impeachment of witnesses—Cont'd
 - for detailed treatment see index heading IMPEACHMENT OF WITNESSES
- Influencing witnesses, **11:5**
- Interpreter use, **11:11**
- Interview witnesses, right to, **11:6**
- Knowledge. See index heading KNOWLEDGE OF WITNESS
- Motion picture, giving testimony on, **11:12**
- Objections to improper testimony, **30:1**
- Opinion evidence
 - generally, **24:1 to 24:39**
 - for detailed treatment see index heading OPINION EVIDENCE
- Order of proof, **8:2 to 8:5**
- Out-of-state witnesses, **11:3**
- Prior matters
 - consistent statements, examination of witnesses, **15:11**
 - cross-examination of witnesses. See index heading CROSS-EXAMINATION OF WITNESSES
 - hearsay evidence, former trial's testimony, **25:7 to 25:9**
- Questions and questioning
 - answers to questions. See "Answers to questions" in this heading
 - conduct of trial, questioning witnesses by judge, **2:21**
 - examination of witnesses. See index heading EXAMINATION OF WITNESSES
 - expert opinion, hypothetical questions, **24:36 to 24:38**

WITNESSES—Cont'd

- Radio, giving testimony on, **11:12**
- Refreshing memory of witnesses, **15:10, 17:3**
- Rights
 - confer with witnesses on stand, **11:7**
 - cross-examination of witnesses. See index heading CROSS-EXAMINATION OF WITNESSES
 - examination of witnesses, right to confront witnesses, **15:27**
 - interview witnesses, **11:6**
 - objections to improper testimony, **30:1**
- Subpoenas, **11:1, 11:4**
- Swearing witnesses, **11:10**
- Television, giving testimony on, **11:12**
- Unlisted witnesses, **11:13, 13:9**
- Use of interpreter, **11:11**

WRITING OR WRITTEN

- Admissions, failure to reply to written statements as, **26:10**
- Handwriting. See index heading OPINION EVIDENCE
- Hearsay evidence, admission of writing for past recollection, **25:11**
- Instructions to jury, writing out requests, **35:4**
- Private writings, authentication of documentary evidence, **23:4, 23:7**

WRONGFUL DEATH CASES

- Damages, **33:12**

X-RAYS

- Admissibility, real and demonstrative evidence, **21:8**