

# **Table of Contents**

## **CHAPTER 1. ROLE OF ATTORNEY**

- § 1:1 Attorney and trial of case
- § 1:2 Right to counsel
- § 1:3 Party's right to act as co-counsel
- § 1:4 Right to competent counsel
- § 1:5 Need for counsel to be admitted to practice law
- § 1:6 Waiver of right to counsel
- § 1:7 Right to consult with attorney and others
- § 1:8 General conduct of attorney
- § 1:9 Contempt by attorney
- § 1:10 Discipline of attorney for improper conduct
- § 1:11 Withdrawal of counsel
- § 1:12 Disqualification of counsel

## **CHAPTER 2. CONDUCT OF TRIAL**

- § 2:1 Conduct of trial; generally
- § 2:2 Right to speedy trial
- § 2:3 Presence of parties and counsel
- § 2:4 Conduct of parties
- § 2:5 Joinder of parties
- § 2:6 Substitution of parties
- § 2:7 Presence of judge
- § 2:8 Substitution of judge
- § 2:9 Disqualification of judge
- § 2:10 General conduct of judge
- § 2:11 Demeanor of judge
- § 2:12 Duty to preserve order
- § 2:13 Exclusion of public
- § 2:14 Exclusion of news media
- § 2:15 Publicity before and during trial
- § 2:16 Judge's control of examination of witnesses
- § 2:17 Limiting number of witnesses
- § 2:18 Ruling on admissibility of evidence
- § 2:19 Restricting use of admitted evidence
- § 2:20 Exclusion of improper evidence on court's own motion
- § 2:21 Questioning witnesses by judge
- § 2:22 Court's witnesses
- § 2:23 Impartial medical experts
- § 2:24 Control of proceedings by pretrial order
- § 2:25 Control of proceedings by stipulation

- § 2:26 Law applicable to cases arising outside Georgia
- § 2:27 Transcribing testimony
- § 2:28 Judge as trier of facts
- § 2:29 Joinder and severance

## **CHAPTER 3. MOTIONS DURING TRIAL, DEFAULT, DISMISSAL**

- § 3:1 Motions during trial; generally
- § 3:2 Continuances
- § 3:3 Voluntary dismissal
- § 3:4 Nolle prosequi
- § 3:5 Involuntary dismissal
- § 3:6 Default judgment
- § 3:7 New trial
- § 3:8 Stay of proceedings
- § 3:9 Change of venue
- § 3:10 Request for severance

## **CHAPTER 4. CRIMINAL TRIALS**

- § 4:1 Criminal procedure; generally
- § 4:2 Physical control of defendant during trial
- § 4:3 Dress of defendant
- § 4:4 Defenses in criminal cases
- § 4:5 Entrapment as defense
- § 4:6 Insanity as defense
- § 4:7 Coercion as defense
- § 4:8 Intoxication or drugged condition as defense
- § 4:9 Use of justifiable force
- § 4:10 Improper conduct of prosecution
- § 4:11 Death penalty cases
- § 4:12 Oaths of witnesses in criminal cases

## **CHAPTER 5. CONTEMPT OF COURT**

- § 5:1 Power of court to punish for contempt
- § 5:2 Standing to bring contempt citation
- § 5:3 Civil and criminal contempt
- § 5:4 Direct and indirect contempt
- § 5:5 Acts constituting direct, criminal contempt
- § 5:6 Procedure in direct, criminal contempt
- § 5:7 Punishment for contempt

## **CHAPTER 6. SELECTION OF JURY**

- § 6:1 Right to fair and impartial jury

## TABLE OF CONTENTS

- § 6:2 Method of summoning jurors
- § 6:3 Summoning tales jurors
- § 6:4 Grounds for challenging array
- § 6:5 Discrimination because of sex, race, etc.
- § 6:6 Conduct of voir dire examination
- § 6:7 Hypothetical questions
- § 6:8 Questioning of jurors; generally
- § 6:9 Voir dire in capital cases
- § 6:10 Questioning jurors regarding insurance
- § 6:11 Selection of alternate jurors
- § 6:12 Number of peremptory challenges—Civil cases
- § 6:13 —Criminal cases
- § 6:14 Exemptions from jury service
- § 6:15 Grounds for challenge for cause—Statutes
- § 6:16 —Cases
- § 6:17 Conditional grounds for challenge
- § 6:18 Facts that normally are not grounds for challenge
- § 6:19 Passing upon challenges for cause
- § 6:20 Swearing the jury

## CHAPTER 7. OPENING STATEMENTS

- § 7:1 Right to make opening statements
- § 7:2 Order of opening statements
- § 7:3 Content of opening statements
- § 7:4 Limitations on opening statement

## CHAPTER 8. ORDER OF PROOF

- § 8:1 Right to open and close
- § 8:2 Order of producing testimony
- § 8:3 Rebuttal testimony
- § 8:4 Surrebuttal
- § 8:5 Right to introduce testimony at later stage

## CHAPTER 9. BURDEN OF PROOF

- § 9:1 Burden of proof and burden of going forward
- § 9:2 Prima facie case
- § 9:3 Civil cases; generally
- § 9:4 Claims against estates
- § 9:5 Shifting of burden of proof
- § 9:6 Constructive and resulting trust cases
- § 9:7 Burden of proving fraud
- § 9:8 Bailment cases
- § 9:9 Criminal cases; generally
- § 9:10 Corpus delicti

- § 9:11 Accused's competency
- § 9:12 Alibi
- § 9:13 Identity of accused
- § 9:14 Burden on defendant in criminal cases
- § 9:15 Party having burden of proof in civil cases
- § 9:16 Burden on defendant in civil cases
- § 9:17 Burden of proving negative averments

## **CHAPTER 10. PROOF OF FACTS**

- § 10:1 Situations where proof is excused before trial
- § 10:2 Situations where proof is excused during trial
- § 10:3 Methods of proving facts
- § 10:4 Use of stipulations to excuse proof of facts
- § 10:5 Construction and enforcement of stipulations
- § 10:6 Offers to stipulate

## **CHAPTER 11. WITNESSES**

- § 11:1 Compelling attendance of witnesses
- § 11:2 Habeas corpus ad testificandum
- § 11:3 Witnesses from out-of-state
- § 11:4 Subpoena for production of documentary evidence
- § 11:5 Influencing or harassing witnesses
- § 11:6 Right to interview witnesses
- § 11:7 Right to confer with witnesses on stand
- § 11:8 Compensation of witnesses
- § 11:9 Exclusion of witnesses
- § 11:10 Swearing the witnesses
- § 11:11 Use of interpreter
- § 11:12 Giving testimony on television, radio or motion picture
- § 11:13 Witnesses not on list
- § 11:14 Death of witnesses

## **CHAPTER 12. IMPEACHMENT OF WITNESSES**

- § 12:1 Impeachment of witnesses; generally
- § 12:2 Impeachment on collateral issues
- § 12:3 Laying foundation to impeach witnesses
- § 12:4 Credibility of witnesses; generally
- § 12:5 Particular matters affecting credibility
- § 12:6 Expert testimony as to credibility of witnesses
- § 12:7 Impeachment by contradiction

TABLE OF CONTENTS

## **CHAPTER 13. COMPETENCY OF WITNESSES TO TESTIFY**

- § 13:1 Competency of witnesses; generally
- § 13:2 Time for objecting to competency
- § 13:3 Competency of felon to testify
- § 13:4 Competency of child to testify
- § 13:5 Competency of spouse to testify for or against other spouse
- § 13:6 Competency of judge, juror, or attorney to testify
- § 13:7 Competency of atheist, hearing or sight impaired or mentally handicapped, to testify
- § 13:8 Competency of accomplice as witness
- § 13:9 Competency of witnesses omitted from indictment or list of witnesses
- § 13:10 Competency of witnesses omitted from answers to interrogatories
- § 13:11 Competency of private detective or investigator in criminal actions
- § 13:12 Competency of witness under hypnosis

## **CHAPTER 14. DEAD MAN'S ACT**

- § 14:1 Disqualification under Dead Man's Act

## **CHAPTER 15. EXAMINATION OF WITNESSES**

- § 15:1 Examination of witnesses; generally
- § 15:2 Materiality of questions asked on direct examination
- § 15:3 Relevancy of questions asked on direct examination
- § 15:4 Admissibility of negative evidence
- § 15:5 Relevance of conduct of party shortly before accident
- § 15:6 Competency of questions asked on direct examination
- § 15:7 Form and content of questions on direct examination
- § 15:8 Improper conduct of counsel in examining witnesses
- § 15:9 Leading questions
- § 15:10 Aiding witnesses by refreshing memory
- § 15:11 Prior consistent statements
- § 15:12 Questions that impeach one's own witnesses
- § 15:13 Testimony that tends to incriminate witnesses
- § 15:14 Necessity for court to warn witnesses of privilege
- § 15:15 Extent of privilege against self-incrimination
- § 15:16 Invoking privilege against self-incrimination
- § 15:17 Inspection of person of accused or witnesses
- § 15:18 Ruling upon existence of privilege against self-incrimination

- § 15:19 When privilege against self-incrimination is lost
- § 15:20 Use of lie detector (polygraph) tests
- § 15:21 Calling adverse party or person as witness
- § 15:22 Manner of examining under statute
- § 15:23 Requirements of witness' answer
- § 15:24 Witness' first hand knowledge
- § 15:25 Testimony concerning telephone conversations
- § 15:26 Tape recordings of telephone conversations
- § 15:27 Right to confront witnesses
- § 15:28 Continuing witness rule

## **CHAPTER 16. CROSS-EXAMINATION**

- § 16:1 Right to cross-examine witnesses
- § 16:2 Scope of cross-examination
- § 16:3 Form of questions on cross-examination
- § 16:4 Additional matters proper on cross-examination
- § 16:5 Manner of conducting cross-examination
- § 16:6 Testing the witness' knowledge and accuracy
- § 16:7 Use of prosecution's evidence by defense
- § 16:8 Prior inconsistent statement
- § 16:9 Use of testimony before the grand jury to impeach a witness
- § 16:10 Laying foundation for prior inconsistent statements
- § 16:11 Impeachment by proof of prior conviction
- § 16:12 Manner of proving prior conviction
- § 16:13 Right to recall witness for further cross-examination
- § 16:14 Effect of denial of right to cross-examine

## **CHAPTER 17. REDIRECT AND RECROSS-EXAMINATION**

- § 17:1 Scope of redirect examination
- § 17:2 Form and content of questions on redirect examination
- § 17:3 Refreshing witness' memory on redirect examination
- § 17:4 Explaining and correcting testimony on redirect examination
- § 17:5 Rehabilitating a witness
- § 17:6 Explaining impeaching answers
- § 17:7 Right of recross-examination

## **CHAPTER 18. PRIVILEGED COMMUNICATIONS**

- § 18:1 Nature of privileged communications
- § 18:2 Communications between husband and wife

## TABLE OF CONTENTS

- § 18:3 Requirements for privilege to exist between husband and wife
- § 18:4 Existence of marital relationship
- § 18:5 Claiming and waiving privilege
- § 18:6 Privileged communication between attorney and client
- § 18:7 Existence of attorney and client relationship
- § 18:8 Confidential nature of communication
- § 18:9 Claiming and waiving attorney-client privilege
- § 18:10 Termination of attorney-client privilege
- § 18:11 Existence of physician-patient privilege
- § 18:12 Privileged communications by client to public accountant
- § 18:13 Privileged communications to clergy
- § 18:14 Privileged communications to public officers
- § 18:15 Miscellaneous privileges
- § 18:16 Admissibility of medical research information

## CHAPTER 19. JUDICIAL NOTICE

- § 19:1 Proof excused if fact is judicially noticed
- § 19:2 Making record of facts judicially noticed
- § 19:3 Judicial notice of laws
- § 19:4 Judicial notice of facts concerning the court
- § 19:5 Judicial notice of facts about government, officers, and political subdivisions
- § 19:6 Other facts judicially noticed
- § 19:7 Facts not judicially noticed

## CHAPTER 20. PRESUMPTIONS

- § 20:1 Nature of presumptions
- § 20:2 Irrebuttable presumptions
- § 20:3 Rebuttable presumptions
- § 20:4 Inferences
- § 20:5 Presumptions of innocence
- § 20:6 Res ipsa loquitur
- § 20:7 Presumptions of death after seven years absence
- § 20:8 Presumptions of validity of marriage
- § 20:9 Presumptions arising from possession of stolen goods or contraband
- § 20:10 Presumptions arising from conduct of party
- § 20:11 Presumptions of delivery of letter
- § 20:12 Presumptions of delivery of telegram
- § 20:13 Presumptions about individuals
- § 20:14 Presumptions of intoxication from alcoholic content of blood

- § 20:15 Presumptions of continuance of a condition
- § 20:16 Presumptions about gifts and services
- § 20:17 Presumptions in tort cases
- § 20:18 Other presumptions created by law

## **CHAPTER 21. REAL AND DEMONSTRATIVE EVIDENCE**

- § 21:1 Real and demonstrative evidence distinguished
- § 21:2 Tangible articles having some bearing on transaction in question
- § 21:3 Tangible articles in same condition
- § 21:4 Connecting tangible articles to accused
- § 21:5 Admissibility of photographs
- § 21:6 Admissibility of document copies
- § 21:7 Admissibility of motion pictures and videos
- § 21:8 Admissibility of x-ray photographs
- § 21:9 Admissibility of sound recordings in evidence
- § 21:10 Admissibility of maps, drawings, diagrams and displays
- § 21:11 Admissibility of static models and casts
- § 21:12 Effect of marks or notations on demonstrative evidence
- § 21:13 Displaying personal injuries to jury
- § 21:14 Blood tests in paternity cases
- § 21:15 Exhibiting child in paternity cases
- § 21:16 Authentication of exhibits

## **CHAPTER 22. VIEW**

- § 22:1 General information and right to view
- § 22:2 Requests for view
- § 22:3 Conduct of view
- § 22:4 Nature of view
- § 22:5 Unauthorized view

## **CHAPTER 23. DOCUMENTARY EVIDENCE**

- § 23:1 General requirements relating to documentary evidence
- § 23:2 Procedure in offering and admitting documents in evidence
- § 23:3 When authentication of documentary evidence is excused
- § 23:4 Authentication of private writings
- § 23:5 Authentication of attested documents
- § 23:6 Authentication of recorded documents

TABLE OF CONTENTS

§ 23:7	Other rules relating to use of private writings
§ 23:8	Authentication of statutes
§ 23:9	Authentication of acts and court decisions
§ 23:10	Authentication of court papers and records
§ 23:11	Authentication of records of counties and municipalities
§ 23:12	Authentication of records of corporations
§ 23:13	Best evidence rule
§ 23:14	Situations calling for “best evidence”
§ 23:15	Situations in which “best evidence” is not required
§ 23:16	Use of secondary evidence
§ 23:17	Where primary evidence is in control of opponent
§ 23:18	Secondary evidence of bulky records
§ 23:19	Proof of loss of primary evidence
§ 23:20	Secondary evidence of public records
§ 23:21	Copies as primary or secondary evidence
§ 23:22	Nature of secondary evidence to be used
§ 23:23	Establishing contents of document by oral evidence
§ 23:24	Authentication of letter
§ 23:25	Business records from domestic or foreign sources
§ 23:26	Authentication of family bible and church records
§ 23:27	Authentication of annuity and mortality tables
§ 23:28	Authentication of ancient documents
§ 23:29	Electronic evidence

**CHAPTER 24. OPINION EVIDENCE**

§ 24:1	Requirement that witness testify as to facts
§ 24:2	Facts distinguished from opinions
§ 24:3	Admissibility of opinions; generally
§ 24:4	Opinions concerning ultimate issues
§ 24:5	Opinions on ultimate issue in negligence case
§ 24:6	Opinions on ultimate issue in will cases
§ 24:7	When opinion on ultimate issue is admissible
§ 24:8	Other limitations on opinion evidence
§ 24:9	Nonexpert opinion; generally
§ 24:10	Nonexpert opinion; evidence on sanity
§ 24:11	Opinion as to speed
§ 24:12	Stopping distance
§ 24:13	Nonexpert opinions on handwriting
§ 24:14	Nonexpert opinion on value of personal property
§ 24:15	Nonexpert opinion on value of real estate
§ 24:16	Opinions on narcotic addiction
§ 24:17	Matters as to which expert witness may or must testify

- § 24:18 Qualifications required of expert witness
- § 24:19 Distinction between expert and skilled witnesses
- § 24:20 Expert testimony on matters of business
- § 24:21 Expert testimony on how incident occurred
- § 24:22 Expert testimony on value of services
- § 24:23 Expert testimony on value of real estate
- § 24:24 Expert testimony on handwriting
- § 24:25 Questioned documents
- § 24:26 Expert testimony on fingerprints
- § 24:27 Expert testimony on ballistics
- § 24:28 Expert testimony on mental capacity
- § 24:29 Expert testimony on child abuse syndrome
- § 24:30 DNA tests
- § 24:31 Expert testimony on dental evidence
- § 24:32 Experiments and demonstrations
- § 24:33 Tests for intoxication
- § 24:34 Electronic speed detection devices
- § 24:35 Miscellaneous scientific tests
- § 24:36 Contents of the hypothetical question
- § 24:37 Hypothetical question asked of physician or surgeon
- § 24:38 Answer to hypothetical question
- § 24:39 Cross-examination of expert witnesses

## CHAPTER 25. HEARSAY EVIDENCE

- § 25:1 Admissibility of hearsay evidence
- § 25:2 Definition of hearsay evidence
- § 25:3 Inapplicability of hearsay rule to certain situations
- § 25:4 Exceptions to hearsay rule; generally
- § 25:5 Threats
- § 25:6 Dying declarations
- § 25:7 Testimony at former trial
- § 25:8 Establishing right to use testimony from former trial
- § 25:9 Manner of proving testimony from former trial
- § 25:10 Past recollection recorded
- § 25:11 Admission of writing for past recollection
- § 25:12 Business records
- § 25:13 Requirements for admission of business records
- § 25:14 Official records; generally
- § 25:15 Public records and open records law
- § 25:16 Police reports
- § 25:17 Hospital records
- § 25:18 Doctor's reports and records
- § 25:19 Weather reports
- § 25:20 Birth and death certificates

## TABLE OF CONTENTS

- § 25:21 Subjective and objective symptoms
- § 25:22 Statements made for purposes of medical diagnosis or treatment
- § 25:23 Pedigree
- § 25:24 Mortality and annuity tables
- § 25:25 Church records and family bibles
- § 25:26 Ancient documents
- § 25:27 Res gestae
- § 25:28 Spontaneous declarations
- § 25:29 Examples of admissible spontaneous declarations
- § 25:30 Excited utterances
- § 25:31 Statements of intention and state of mind
- § 25:32 Declarations against interest
- § 25:33 Forfeiture by wrongdoing

## CHAPTER 26. ADMISSIONS

- § 26:1 Admissions by party opponent
- § 26:2 Admissions by agent, employee or partner of party
- § 26:3 Admissions by others: coconspirators
- § 26:4 Admissions to avoid continuance
- § 26:5 Judicial admissions
- § 26:6 Judicial admissions in pleadings
- § 26:7 Admissibility of criminal judgment in subsequent civil suit
- § 26:8 Silence of party as admissions in civil cases
- § 26:9 Silence of accused as admissions
- § 26:10 Failure to reply to written statements as admissions
- § 26:11 Flight or escape as admissions
- § 26:12 Misconduct of party as admissions
- § 26:13 Offers of compromise as admissions
- § 26:14 Actions of party after accident as admissions
- § 26:15 Payment of bills of injured person as admissions
- § 26:16 Self-serving statements

## CHAPTER 27. CONFESSIONS

- § 27:1 Confession distinguished from admission and incriminatory statement
- § 27:2 Requirements of confession
- § 27:3 Confession of juveniles
- § 27:4 Protection of constitutional rights in obtaining confession
- § 27:5 Voluntariness of confession
- § 27:6 Determining admissibility of confession
- § 27:7 Corroboration of confession

- § 27:8 Confession by others
- § 27:9 Use of entire statement

## **CHAPTER 28. ILLEGALLY OBTAINED EVIDENCE**

- § 28:1 Prohibition against illegal searches and seizures
- § 28:2 Seizures of persons
- § 28:3 Searches of persons
- § 28:4 Searches of places
- § 28:5 Seizures of papers and effects
- § 28:6 Sanction for obtaining evidence illegally: the exclusionary rule
- § 28:7 Motions to suppress illegally obtained evidence
- § 28:8 Standing to invoke privilege against illegally obtained evidence
- § 28:9 Searches and seizures without a warrant
- § 28:10 Warrantless arrest of persons
- § 28:11 Warrantless searches of places
- § 28:12 Searches and seizures without a warrant but with consent
- § 28:13 Searches of automobiles without a warrant
- § 28:14 Searches and seizures with a warrant
- § 28:15 Attacks on issuance or substance of search warrants
- § 28:16 Attacks on execution of search warrants
- § 28:17 Arrests and searches based upon an informant's tip
- § 28:18 Eavesdropping and other electronically obtained evidence
- § 28:19 Obtaining evidence from bodily substances or by surgery
- § 28:20 Mandatory taking of DNA samples

## **CHAPTER 29. ADMISSIBILITY OF OTHER TYPES OF EVIDENCE**

- § 29:1 Admissibility of circumstantial evidence
- § 29:2 Circumstantial evidence of criminal intent
- § 29:3 Evidence that will prejudice jury
- § 29:4 Admissibility of evidence on collateral issues
- § 29:5 Admissibility of evidence of similar acts or occurrences
- § 29:6 Proof of habits
- § 29:7 Custom and usage
- § 29:8 Usual method or practice
- § 29:9 Proof of intoxication
- § 29:10 Proof of weight

## TABLE OF CONTENTS

- § 29:11 Evidence of character and reputation
- § 29:12 Evidence of character (reputation) in criminal cases
- § 29:13 Method of proving character in criminal cases
- § 29:14 Character of victim of assault or homicide
- § 29:15 Proof of character in civil cases
- § 29:16 Reputation for truth and veracity
- § 29:17 Evidence of other crimes
- § 29:18 Race, color, nationality, wealth or poverty
- § 29:19 Evidence of liability insurance
- § 29:20 Use of discovery depositions
- § 29:21 Self-serving declarations
- § 29:22 Physical and mental examination of parties and others
- § 29:23 Intelligence and psychological tests
- § 29:24 Income tax returns
- § 29:25 Computations
- § 29:26 Proof of corporate existence
- § 29:27 Parol evidence
- § 29:28 Evidence of identification
- § 29:29 Admissibility of evidence regarding seat belts
- § 29:30 Evidence that someone other than the accused committed the crime

## CHAPTER 30. OBJECTIONS TO EVIDENCE

- § 30:1 Right to object to improper testimony
- § 30:2 Need for objection to improper evidence
- § 30:3 Timeliness of objections and motions in limine
- § 30:4 Stating grounds for objection
- § 30:5 Ruling on objection
- § 30:6 Motion to exclude inadmissible evidence
- § 30:7 Need for formal exception or mistrial motion
- § 30:8 Offer of proof

## CHAPTER 31. MISTRIAL

- § 31:1 Nature of mistrial
- § 31:2 Right to have mistrial declared
- § 31:3 Grounds for declaring mistrial
- § 31:4 Effect of disappearance of admitted exhibits during trial
- § 31:5 Disclosure of liability insurance
- § 31:6 Discharge for inability of jury to arrive at verdict
- § 31:7 Insufficient grounds for declaring mistrial

## CHAPTER 32. DIRECTED VERDICT

- § 32:1 Right of court to direct verdict

- § 32:2 Procedure in moving for directed verdict
- § 32:3 Determining right to directed verdict
- § 32:4 Directing verdict for variance
- § 32:5 Permitting amendments to conform to evidence
- § 32:6 Negligence and contributory negligence as questions of law or fact
- § 32:7 Willful and wanton misconduct; law or fact
- § 32:8 Motion by both parties for directed verdict
- § 32:9 Ruling on motion for directed verdict
- § 32:10 Duty of jury to render verdict as directed

## CHAPTER 33. DAMAGES

- § 33:1 General principles relating to damages
- § 33:2 Nominal damages
- § 33:3 General and special damages
- § 33:4 Foreseeability of damages
- § 33:5 Speculative, remote or consequential damages
- § 33:6 Duty to lessen damages
- § 33:7 Liability for exemplary or punitive damages
- § 33:8 Amount of exemplary damages
- § 33:9 Pleading aggravated damages
- § 33:10 Instructions on damages in personal injury cases
- § 33:11 Damages to personal property
- § 33:12 Damages in wrongful death cases
- § 33:13 Damages in breach of contract cases
- § 33:14 Excessive or inadequate damages
- § 33:15 Interest
- § 33:16 Attorney's fees
- § 33:17 Liquidated damages and penalties
- § 33:18 Comparative negligence
- § 33:19 Injuries to real property
- § 33:20 Collateral source rule

## CHAPTER 34. CLOSING ARGUMENTS

- § 34:1 Right to make closing arguments
- § 34:2 Court's control of closing arguments
- § 34:3 Right to open and close arguments
- § 34:4 General rules governing closing arguments
- § 34:5 Comments on court's instructions
- § 34:6 Arguments about damages
- § 34:7 Comments on conduct of opposition
- § 34:8 Improper remarks of counsel, generally
- § 34:9 Improper remarks in criminal cases
- § 34:10 Improper remarks in civil cases

## TABLE OF CONTENTS

- § 34:11 Remarks in argument about liability insurance
- § 34:12 Use of charts and diagrams in arguments
- § 34:13 Correcting improper conduct of counsel

## CHAPTER 35. INSTRUCTIONS

- § 35:1 Office and purpose
- § 35:2 General requirements for jury instructions
- § 35:3 Power and duty of court
- § 35:4 Writing out requests for instructions
- § 35:5 Time for tendering instructions
- § 35:6 Requests covered by instructions given
- § 35:7 Modification of requests
- § 35:8 Objections to instructions
- § 35:9 Number of instructions
- § 35:10 Cautionary instructions
- § 35:11 Instructions on issues
- § 35:12 Peremptory instructions
- § 35:13 Slanted and argumentative instructions
- § 35:14 Other rules applicable to instructions
- § 35:15 Special rules relating to instructions in criminal cases
- § 35:16 Correcting erroneous instructions
- § 35:17 Disposition of instructions

## CHAPTER 36. CONDUCT OF JURY

- § 36:1 General conduct of jury and those dealing with it
- § 36:2 Conduct of jurors during trial
- § 36:3 Communications with jurors before and during trial
- § 36:4 Jurors reading newspaper accounts of trial
- § 36:5 Separation of jury during trial
- § 36:6 Items taken by jury to jury room
- § 36:7 Control of jury during deliberations
- § 36:8 Manner of conducting deliberations
- § 36:9 Rules governing arrival at verdict
- § 36:10 Communications with jury during deliberations
- § 36:11 Eavesdropping on deliberations
- § 36:12 Improper conduct of jurors
- § 36:13 Treatment of improper conduct on part of jurors

## CHAPTER 37. VERDICT

- § 37:1 General provisions relating to verdict
- § 37:2 Objections to form of verdict
- § 37:3 Revising or amending verdict
- § 37:4 Power of court to have jury reconsider defective verdict

- § 37:5 Construction of general verdict
- § 37:6 Special verdict
- § 37:7 Impeachment of verdict
- § 37:8 Impeachment by matters extrinsic to verdict
- § 37:9 Mistake or clerical error in verdict
- § 37:10 Sealed verdict
- § 37:11 Polling jurors

## CHAPTER 38. JUDGMENT

- § 38:1 Entry of judgment
- § 38:2 Duty of clerk to enter judgment
- § 38:3 Effect of entry of judgment
- § 38:4 Amount of judgment
- § 38:5 Inclusion of interest in judgment
- § 38:6 Allowance of court costs
- § 38:7 Arrest of judgment and judgment notwithstanding verdict
- § 38:8 Modification of judgment
- § 38:9 Res judicata effect of judgment

## APPENDICES

- Appendix A. Fast Finder Table
- Appendix B. Carlson's Annotated Georgia Trial Objections
- Appendix C. Forms
- Appendix D. Georgia Rules of Evidence

### Table of Laws and Rules

### Table of Cases

### Index