

# Table of Contents

## I. PARTS OF A TRIAL

### CHAPTER 1. APPLICABILITY OF THE RULES OF EVIDENCE

§ 1:1	Generally
§ 1:2	Administrative hearings
§ 1:3	Attorneys' statements
§ 1:4	Banking Commission hearings
§ 1:5	Board of Education hearings
§ 1:6	Commitment proceedings
§ 1:7	Department of Motor Vehicles license revocation hearings
§ 1:8	Department of Revenue hearings
§ 1:9	Employment Security Commission
§ 1:10	Federal Rules of Evidence
§ 1:11	Foreclosure hearings
§ 1:12	General Rules of Practice for the Superior and District Courts
§ 1:13	Guardianship hearings
§ 1:14	Immigration hearings
§ 1:15	Industrial Commission hearings
§ 1:16	Insurance Department hearings
§ 1:17	Juvenile abuse, neglect and dependency hearings
§ 1:18	Juvenile delinquency hearings
§ 1:19	Local and municipal board hearings
§ 1:20	Medical Board hearings
§ 1:21	Non-jury trial
§ 1:22	North Carolina Rules of Evidence
§ 1:23	Occupational Safety and Health Review Commission hearings
§ 1:24	Post-conviction motions and hearings
§ 1:25	Preliminary injunction hearings
§ 1:26	Preliminary questions on the admissibility of evidence and motions to suppress
§ 1:27	Probable cause hearings
§ 1:28	Probation revocation hearings
§ 1:29	Property Tax Commission
§ 1:30	Sentencing hearings
§ 1:31	State Bar hearings
§ 1:32	Trial motions

- § 1:33 Unpublished opinions
- § 1:34 Utilities Commission hearings

## **CHAPTER 2. MANAGEMENT OF PERSONS IN THE COURTROOM**

- § 2:1 Competence to stand trial
- § 2:2 Consolidating testimony
- § 2:3 Contempt—Generally
- § 2:4 —Civil
- § 2:5 —Criminal
- § 2:6 Control of the examination of witnesses
- § 2:7 Electronic media and photography coverage of judicial proceedings
- § 2:8 Exclusion of the public and media from the courtroom
- § 2:9 —Closed courtrooms by statutory mandate
- § 2:10 —Exclusion of parties and witnesses
- § 2:11 Hostile and adverse witnesses
- § 2:12 Security of the courtroom—Armed security
- § 2:13 —Exclusion of dangerous or disruptive persons
- § 2:14 —Physical restraints on parties and witnesses

## **CHAPTER 3. OPENING STATEMENTS, WITNESS EXAMINATION, AND CLOSING ARGUMENTS**

- § 3:1 Closing argument—Generally
- § 3:2 —Attorney’s opinions
- § 3:3 —Conceding defendant’s guilt
- § 3:4 —Commenting on defendant’s silence and right to trial by jury
- § 3:5 —Failure to object
- § 3:6 —Name-calling
- § 3:7 Cross-examination
- § 3:8 Direct examination
- § 3:9 Opening statements
- § 3:10 Order of arguments and proceedings
- § 3:11 Rebuttal and surrebuttal
- § 3:12 Re-direct and re-cross-examination
- § 3:13 Re-opening the case

## **CHAPTER 4. PROCESS OF ADMITTING AND EXCLUDING EVIDENCE**

- § 4:1 Additional or new evidence
- § 4:2 Affidavits

## TABLE OF CONTENTS

§ 4:3	Calling and questioning witnesses—Judicial questions
§ 4:4	—Juror questions
§ 4:5	Drawing the sting
§ 4:6	Form objections—Definition
§ 4:7	—Argumentative
§ 4:8	—Asked and answered
§ 4:9	—Assumes facts not in evidence
§ 4:10	—Badgering or harassing the witness
§ 4:11	—Calls for narrative
§ 4:12	—Leading
§ 4:13	Judicial comments during trial
§ 4:14	Judicial notice—Adjudicative facts
§ 4:15	—Domestic and foreign laws and court decisions
§ 4:16	Motions—Civil—Motion for a directed verdict and motion for judgment notwithstanding the verdict (JNOV)
§ 4:17	— —Motion for a new trial or to amend or alter the judgment
§ 4:18	— —Motion for summary judgment
§ 4:19	—Criminal—Motion for appropriate relief
§ 4:20	— —Motion for mistrial
§ 4:21	— —Motion to dismiss for insufficient evidence
§ 4:22	Motions – Motion in limine on evidentiary matter
§ 4:23	Objections to admissibility and motions to strike—Authority
§ 4:24	—Changes in the law during trial
§ 4:25	—Continuing or specified line objection
§ 4:26	—Exceptions to evidentiary rulings
§ 4:27	—Failure to specifically object
§ 4:28	—Judicial questioning
§ 4:29	—Motion to strike
§ 4:30	—Nonresponsive witness testimony
§ 4:31	—Renewal of objection required for pre-trial motion in limine ruling despite 103(a)(2)
§ 4:32	—Trust and estate matters on appeal
§ 4:33	—Waiver of previous or subsequent objection
§ 4:34	Offer of proof
§ 4:35	Opening the door and invited error
§ 4:36	Preliminary questions determined by the judge
§ 4:37	Recordation of proceedings
§ 4:38	Refreshing recollection—Generally
§ 4:39	—During testimony
§ 4:40	—Prior to testifying
§ 4:41	Rule of completeness
§ 4:42	Stipulations and admissions

- § 4:43 —Capacity proceedings
- § 4:44 —Prior convictions and *Old Chief*
- § 4:45 Voir dire a witness
- § 4:46 Weight and credibility determined by the factfinder

## **II. CORE GROUNDS FOR ADMISSIBILITY: RELEVANCE, RULE 403 AND POLICY EXCLUSIONS**

### **CHAPTER 5. RELEVANCE**

- § 5:1 Generally
- § 5:2 Examples of relevance determinations
- § 5:3 Conditional relevance
- § 5:4 Habit, custom, and routine practice
- § 5:5 Related terms

### **CHAPTER 6. PRESUMPTIONS AND PRIMA FACIE EVIDENCE**

- § 6:1 Presumptions and prima facie evidence—Generally
- § 6:2 Accounts verified and itemized
- § 6:3 Adverse possession
- § 6:4 Bankruptcy asbestos trust claims
- § 6:5 Bill of lading
- § 6:6 Calendar
- § 6:7 Child custody and support
- § 6:8 City ordinance
- § 6:9 Criminal records
- § 6:10 Death or missing person certificate
- § 6:11 Defamation
- § 6:12 Default judgment evidence against sureties
- § 6:13 Destroyed court records and evidence of title
- § 6:14 Driver's license records
- § 6:15 Engineers certificate
- § 6:16 Fee simple upon loss or destruction of deed
- § 6:17 Financial transaction card theft
- § 6:18 Fireworks possession
- § 6:19 Fraud presumed
- § 6:20 General Statutes
- § 6:21 Government certificates and documents
- § 6:22 Governmental immunity
- § 6:23 Hospital authorities

## TABLE OF CONTENTS

§ 6:24	Hospital expenses
§ 6:25	Impaired driving
§ 6:26	Involuntary commitment
§ 6:27	Intent and knowledge
§ 6:28	Mailbox rule
§ 6:29	Marital property
§ 6:30	Measuring device
§ 6:31	Missing Witness Rule
§ 6:32	Mortality or life tables
§ 6:33	Nuisances
§ 6:34	Optometrists
§ 6:35	Ordinances
§ 6:36	Osteopaths
§ 6:37	Ownership of motor vehicle
§ 6:38	Parol evidence rule
§ 6:39	Paternity
§ 6:40	Possession of property follows title
§ 6:41	Present worth of annuities
§ 6:42	Prostitution
§ 6:43	Regularity of official action
§ 6:44	Riots and disorderly conduct
§ 6:45	School bus safety camera photographs and video
§ 6:46	Security lien term
§ 6:47	Slayer statute and evidence of criminal dispositions in civil cases
§ 6:48	Speed enhancement
§ 6:49	Subdivisions boundary lines
§ 6:50	Tax assessment
§ 6:51	Title
§ 6:52	Trademarks
§ 6:53	Wills
§ 6:54	Worthless check prosecution

## CHAPTER 7. RULE 403

§ 7:1	Generally
§ 7:2	Application

## CHAPTER 8. POLICY EXCLUSIONS TO RELEVANCY

§ 8:1	Generally
§ 8:2	Accident and incident reports
§ 8:3	Aggravating factors after conviction for impaired driving

## ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 8:4 Apologies and offers of corrective action by health care providers
- § 8:5 Compromise offers and settlements
- § 8:6 Child Fatality Review Team findings
- § 8:7 Confessions and *corpus delicti*
- § 8:8 Hospital patient statements under shock or sedation
- § 8:9 Ignition interlock evidence of intoxication
- § 8:10 Liability insurance
- § 8:11 Medical expenses
- § 8:12 Plea offers and statements
- § 8:13 Pleadings
- § 8:14 Rape Shield
- § 8:15 Rape shield exceptions and exclusions—False and prior allegations
  - § 8:16 —Impeachment
  - § 8:17 —Past sexual offending behavior by the victim witness
  - § 8:18 —Relations with the defendant and consent
  - § 8:19 —Relations with third persons
  - § 8:20 —Virginity and lack of sexual activity
- § 8:21 Restitution
- § 8:22 Safety standard inspections of gas pipeline facilities
- § 8:23 Seat belts
- § 8:24 Securities, exchange
- § 8:25 Sexually transmitted infection test results
- § 8:26 Subsequent remedial measures

## III. WITNESS TESTIMONY

### CHAPTER 9. COMPETENCE TO TESTIFY

- § 9:1 Generally
- § 9:2 Counsel as witness
- § 9:3 Depositions
- § 9:4 Developmental and intellectual disabilities
- § 9:5 Hearsay declarant competency
- § 9:6 Infancy and youth
- § 9:7 Interested persons—Generally
  - § 9:8 —Criminal defendant
  - § 9:9 —Dead Man’s Statute
- § 9:10 Intoxication and substance abuse concerns
- § 9:11 Judge as witness
- § 9:12 Juror as witness
- § 9:13 Mediator as witness
- § 9:14 Mental health concerns

TABLE OF CONTENTS

§ 9:15 Oath to testify

**CHAPTER 10. PERSONAL KNOWLEDGE**

§ 10:1 Generally

§ 10:2 Application

**CHAPTER 11. LAY OPINION**

§ 11:1 Generally

§ 11:2 Age

§ 11:3 Animal behavior and training

§ 11:4 Blood, tissue, hair and other biological matter

§ 11:5 Cause and time of death or injury

§ 11:6 Child pornography

§ 11:7 Credibility

§ 11:8 Damages

§ 11:9 Data and technology interpretation

§ 11:10 Domestic violence

§ 11:11 Drug identification

§ 11:12 Environmental causation

§ 11:13 Fingerprint identification

§ 11:14 Firearm and bullet identification

§ 11:15 Fire examination

§ 11:16 Handwriting

§ 11:17 Identification of persons

§ 11:18 Intoxication

§ 11:19 Investigative process

§ 11:20 Mental condition or capacity and mens rea

§ 11:21 Physical and emotional appearance

§ 11:22 Reputation

§ 11:23 Right of Way

§ 11:24 Smell

§ 11:25 Shoe and shoeprint comparison

§ 11:26 Speed

§ 11:27 Valuation

§ 11:28 Ultimate opinion

**CHAPTER 12. EXPERT OPINION**

§ 12:1 Generally

§ 12:2 Appointment of expert witnesses

§ 12:3 Degree of certainty

§ 12:4 Disclosure of basis of opinion

§ 12:5 Hypothetical questions

§ 12:6 Opinions on ultimate issues and legal conclusions

§ 12:7 Qualifications

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 12:8 Standard of reliability
- § 12:9 —Based upon sufficient facts or data
- § 12:10 —Product of reliable principles and methods
- § 12:11 —Reliable application of principles and methods
- § 12:12 Types of expert testimony—Accident reconstruction
- § 12:13 —Battered child syndrome and shaken baby syndrome
- § 12:14 —Battered woman syndrome
- § 12:15 —Bite marks and odontology
- § 12:16 —Blood grouping—paternity in civil cases
- § 12:17 —Blood grouping—paternity in criminal cases
- § 12:18 —Blood stain and spatter
- § 12:19 —Capacity to consent
- § 12:20 —Cause of death or injury
- § 12:21 —Character
- § 12:22 —Child custody evaluation
- § 12:23 —Child Sexual Abuse Accommodation Syndrome
- § 12:24 —Child sexual abuse evaluation
- § 12:25 —Chiropractors
- § 12:26 —Computer analysis
- § 12:27 —Credibility
- § 12:28 —Cultural expert
- § 12:29 —Dangerous animals
- § 12:30 —Death examination
- § 12:31 —Deterrence from criminal activity and risk of recidivism
- § 12:32 —DNA testing and analysis
- § 12:33 —Drug identification
- § 12:34 —Earnings and economic loss
- § 12:35 —Engineering
- § 12:36 —Environmental causation
- § 12:37 —Eyewitness identification
- § 12:38 —Fibers
- § 12:39 —Fingerprints
- § 12:40 —Firearms, ballistics, and other tool mark identification
- § 12:41 —Fire investigation
- § 12:42 —Footprint and shoeprint comparison
- § 12:43 —Gaming
- § 12:44 —Hair
- § 12:45 —Handwriting analysis
- § 12:46 —Intoxication and drug use
- § 12:47 — —Drug recognition
- § 12:48 — —Horizontal Gaze Nystagmus (HGN) Test
- § 12:49 — —Intoxylizer and Other Breath Tests



## TABLE OF CONTENTS

§ 12:50	— —Retrograde extrapolation
§ 12:51	—Interpreters
§ 12:52	—Legal malpractice
§ 12:53	—Medical expert
§ 12:54	— —Medical malpractice
§ 12:55	— — —Area of medical expertise
§ 12:56	— — —Familiarity with the relevant medical community
§ 12:57	—Memory, recovered or repressed
§ 12:58	—Mental health and competency
§ 12:59	—Mining and blasting
§ 12:60	—Munchausen’s Syndrome by Proxy and Vulnerable Child Syndrome
§ 12:61	—Negligence and breach of duty
§ 12:62	—Neuropsychologist
§ 12:63	—Obscenity expert
§ 12:64	—Post-traumatic stress disorder (PTSD)
§ 12:65	—Property rights
§ 12:66	—Rehabilitation
§ 12:67	—Self-defense and use of force doctrine
§ 12:68	—Speed-measuring device
§ 12:69	—Sex offender assessment and treatment
§ 12:70	—Statistical probability
§ 12:71	—Sudden emergency doctrine
§ 12:72	—Torture
§ 12:73	—Valuation, fees and damages
§ 12:74	—Veterinarians

## CHAPTER 13. CREDIBILITY OF WITNESSES

§ 13:1	Generally
§ 13:2	Bias, interest, or corruption
§ 13:3	Character for truthfulness—Generally
§ 13:4	—Opinion and reputation
§ 13:5	—Specific instances of conduct
§ 13:6	—Conviction of a crime
§ 13:7	— —Applicable convictions
§ 13:8	— —Avoiding Rule 609
§ 13:9	— —Civil cases
§ 13:10	— —Juvenile convictions
§ 13:11	— —Older convictions
§ 13:12	Contradiction
§ 13:13	Fear
§ 13:14	Hearsay declarant credibility

## ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 13:15 Hypnosis and impeachment of recovered memory
- § 13:16 Polygraph and truth-detection machines
- § 13:17 Prior statements
- § 13:18 —Consistent statements and corroboration
- § 13:19 —Inconsistent statements and impeachment
- § 13:20 —Inconsistent statements and Impeachment—  
Collateral matters
- § 13:21 —Inconsistent statements and impeachment—  
Material matters
- § 13:22 Religious beliefs or opinions
- § 13:23 Sensory capacity and mental health
- § 13:24 Silence or omission
- § 13:25 Who may impeach

## **CHAPTER 14. NON-CREDIBILITY CHARACTER EVIDENCE**

- § 14:1 Generally
- § 14:2 Character in conformity exceptions
- § 14:3 —Character of accused
- § 14:4 —Character of victim
- § 14:5 —Credibility character of witness
- § 14:6 Methods of proving non-credibility character
- § 14:7 —Reputation
- § 14:8 —Opinion
- § 14:9 —Specific instances of conduct
- § 14:10 Character as an essential element

## **CHAPTER 15. RULE 404(B)—NON- CHARACTER EVIDENCE OF PRIOR ACTS**

- § 15:1 Generally
- § 15:2 Rule 404(b) foundational considerations—Limited  
purpose
- § 15:3 —Pretrial notice
- § 15:4 —Proof of commission of prior acts
- § 15:5 —Remoteness in time
- § 15:6 —Sufficient similarity
- § 15:7 Rule 404(b) examples—Absence of accident or  
mistake
- § 15:8 —Common plan or scheme
- § 15:9 —Entrapment
- § 15:10 —Familiarity
- § 15:11 —Identity
- § 15:12 —Intent and malice
- § 15:13 —Knowledge and consciousness of guilt

## TABLE OF CONTENTS

- § 15:14 —Modus operandi
- § 15:15 —Motive
- § 15:16 —Notice
- § 15:17 —Prior acts of a third party
- § 15:18 —Same transaction rule, *res gestae*, or completing the story

## IV. HEARSAY

### CHAPTER 16. ADMISSIBILITY AND SCOPE OF HEARSAY

- § 16:1 Generally
- § 16:2 Definition of Hearsay
- § 16:3 Nonhearsay purpose—Context
- § 16:4 —Corroboration and impeachment
- § 16:5 —Effect on the listener and proof of subsequent conduct
- § 16:6 —Motive and intent
- § 16:7 —Notice or knowledge
- § 16:8 —Proving statement was made
- § 16:9 —State of mind
- § 16:10 —Verbal acts, operative facts and words of independent legal significance

### CHAPTER 17. HEARSAY EXEMPTIONS FOR ADMISSIONS

- § 17:1 Admissions generally
- § 17:2 Admission by a party opponent
- § 17:3 Adoptive or vicarious admissions
- § 17:4 Authorized or agent admissions
- § 17:5 Co-conspirator statements

### CHAPTER 18. HEARSAY EXCEPTIONS—AVAILABILITY NOT AT ISSUE

- § 18:1 Generally
- § 18:2 Absence of records
- § 18:3 Ancient documents
- § 18:4 Business records
- § 18:5 —Affidavits
- § 18:6 —Lack of trustworthiness
- § 18:7 Excited utterance
- § 18:8 Family history

## ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 18:9 Judgments to prove history or boundaries
- § 18:10 Learned treatises
- § 18:11 Market reports and commercial publications
- § 18:12 Medical diagnosis or treatment
- § 18:13 Past recollection recorded
- § 18:14 Present sense impression
- § 18:15 Property interests
- § 18:16 Public records and records of vital statistics
- § 18:17 —Lack of trustworthiness
- § 18:18 Res gestae
- § 18:19 Reputation as to character
- § 18:20 Residual or catch-all hearsay exception
- § 18:21 Then existing mental, emotional, or physical condition

## **CHAPTER 19. HEARSAY EXCEPTIONS—UNAVAILABILITY REQUIRED**

- § 19:1 Defining unavailability
- § 19:2 Dying declarations
- § 19:3 Family history
- § 19:4 Former testimony
- § 19:5 Residual or catch-all hearsay exception
- § 19:6 Statement against interest—Generally
- § 19:7 —Civil cases
- § 19:8 —Criminal cases

## **V. AUTHENTICATION AND ADMISSIBILITY OF EVIDENCE BY FORM**

### **CHAPTER 20. AUTHENTICATION**

- § 20:1 Generally
- § 20:2 Ancient Documents
- § 20:3 Business records
- § 20:4 Cell phone records, email and text messages
- § 20:5 Chain of custody
- § 20:6 Electronic signatures
- § 20:7 Email and other electronic communications
- § 20:8 Handwriting and letters
- § 20:9 Judgments and criminal convictions
- § 20:10 Maps and surveys
- § 20:11 Metadata

## TABLE OF CONTENTS

- § 20:12 Photographs, videotapes, motion pictures, or x-rays
- § 20:13 Real (tangible) evidence
- § 20:14 Self-authenticating evidence
- § 20:15 —Statutory examples
- § 20:16 Social networking statements and images
- § 20:17 Voice identification and audio recordings

## **CHAPTER 21. BEST EVIDENCE RULE**

- § 21:1 Generally
- § 21:2 Duplicates and public records
- § 21:3 Exceptions to the best evidence rule
- § 21:4 Summaries
- § 21:5 Testimony or deposition admitting contents

## **CHAPTER 22. DEMONSTRATIVE EVIDENCE**

- § 22:1 Generally
- § 22:2 3D Printing
- § 22:3 Anatomically correct dolls and other objects used to assist child testimony
- § 22:4 Composite sketch
- § 22:5 Copies, casts, and enlargements
- § 22:6 Demonstration
- § 22:7 Diagrams and drawings
- § 22:8 Experiments
- § 22:9 Maps
- § 22:10 Models, casts and duplicates
- § 22:11 Objects
- § 22:12 Photographs, images, and video

## **VI. OVERLAPPING CONSIDERATIONS**

### **CHAPTER 23. JURY CONSIDERATIONS**

- § 23:1 Contact with Jurors
- § 23:2 External influences and validity of verdict
- § 23:3 Jury instructions
- § 23:4 Jury notes
- § 23:5 Limiting instructions to the jury
- § 23:6 Requests by the jury and use of exhibits
- § 23:7 Substitution of juror
- § 23:8 View—Civil cases

- § 23:9 —Criminal cases
- § 23:10 Voir dire of jury panel
- § 23:11 Waiver of jury trial

## **CHAPTER 24. CONSTITUTIONAL CONSIDERATIONS**

- § 24:1 Crime victim's right to be heard
- § 24:2 Ex post facto laws
- § 24:3 Right to confrontation—Generally
- § 24:4 —Accommodations for testifying
- § 24:5 — —Children
- § 24:6 — —Disabilities
- § 24:7 — —Forensic analysts
- § 24:8 — —Involuntary commitment
- § 24:9 — —Public health and medical conditions
- § 24:10 —Co-defendant's statements and joinder of charges
- § 24:11 —Crawford ruling generally
- § 24:12 —Crawford ruling—North Carolina application
- § 24:13 — —Dying declaration exception
- § 24:14 — —Forensic reports
- § 24:15 — —Forfeiture by wrongdoing exception
- § 24:16 — —Nontestimonial statements
- § 24:17 — —Prior opportunity for cross-examination
- § 24:18 — —Rule of completeness
- § 24:19 — —Testimonial statements to law enforcement
- § 24:20 — —Unavailability
- § 24:21 —Probation revocation hearings
- § 24:22 —Sentencing hearings
- § 24:23 Right to counsel
- § 24:24 Right to a fair trial
- § 24:25 Right to a public trial
- § 24:26 Right to present evidence in defense

## **CHAPTER 25. PRIVILEGES, CONFIDENTIALITY, AND THE RIGHT TO INFORMATIONAL PRIVACY**

- § 25:1 Generally
- § 25:2 Abortion patients
- § 25:3 Attorney-client privilege of confidential communications—Generally
- § 25:4 —Civil
- § 25:5 —Criminal
- § 25:6 —Joint defense or common interest doctrine

## TABLE OF CONTENTS

§ 25:7	Autopsy reports
§ 25:8	Behavior analyst-client privilege
§ 25:9	Clergy-communicant privilege of confidential communications
§ 25:10	Collaborative law privilege of confidential communications
§ 25:11	Counselor-client privilege of confidential communications
§ 25:12	Crime Victims Compensation Act privilege exceptions
§ 25:13	Crisis center counselor-client privilege of confidential communications
§ 25:14	Defamation privileges
§ 25:15	Electronic monitoring data
§ 25:16	Environmental audit report privilege
§ 25:17	Expungement records
§ 25:18	Guardian ad litem—Parent privilege of confidential communications
§ 25:19	Human trafficking victim confidentiality
§ 25:20	Informational privacy right
§ 25:21	Insurance audit privilege
§ 25:22	Interests of justice
§ 25:23	Journalist fair report privilege and privilege of confidential communications
§ 25:24	Judicial and legislative testimonial privileges
§ 25:25	Marital and family therapist privilege of confidential communications
§ 25:26	Marital privilege of confidential communications
§ 25:27	Marital privilege—Generally
§ 25:28	—Child abuse and termination of parental rights cases
§ 25:29	—Civil cases
§ 25:30	—Criminal cases
§ 25:31	—Express and implied waiver
§ 25:32	Mediation conference protection of confidential communications and testimonial privilege
§ 25:33	Medical peer review committee privilege of confidential information
§ 25:34	Mental health records in capacity proceedings
§ 25:35	Nurse-patient privilege
§ 25:36	Optometrist-patient privilege
§ 25:37	Peer support group counselor-client privilege
§ 25:38	Physician-patient privilege
§ 25:39	—Express and implied waiver
§ 25:40	—Statutory exceptions
§ 25:41	Privilege against self-incrimination and right to remain silent

## ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 25:42 —Juvenile
- § 25:43 —Silence
- § 25:44 —Waiver
- § 25:45 Psychologist-client privilege
- § 25:46 School counselor-student privilege
- § 25:47 Sexual assault evidence collection kit confidentiality
- § 25:48 Social worker-client privilege
- § 25:49 Spousal testimonial privilege
- § 25:50 —Spousal hearsay declarants

## CHAPTER 26. DISCOVERY AND INVESTIGATION

- § 26:1 Generally
- § 26:2 —Civil
- § 26:3 —Criminal
- § 26:4 Appeal of discovery orders
- § 26:5 Attorney work product
- § 26:6 Confidential informants, anonymous tips, and corroboration
- § 26:7 Court reporter certified trial transcriptions
- § 26:8 Depositions
- § 26:9 Electronic eavesdropping
- § 26:10 Eyewitness identification police procedures
- § 26:11 Ex parte communications with physicians in workers' compensation claims
- § 26:12 Expert witness discovery
- § 26:13 Freedom of Information Act and Public Records Act
- § 26:14 Juvenile government records
- § 26:15 Metadata
- § 26:16 Postconviction discovery and new evidence
- § 26:17 Protective orders against discovery
- § 26:18 Sexual assault examination kits
- § 26:19 Spoliation of evidence
- § 26:20 Subpoena duces tecum
- § 26:21 Tax returns

## CHAPTER 27. STANDARDS OF REVIEW ON APPEAL FOR EVIDENTIARY ERROR

- § 27:1 Generally
- § 27:2 Abuse of discretion
- § 27:3 Administrative appeals
- § 27:4 Attorney disciplinary hearings
- § 27:5 Contempt proceedings
- § 27:6 De Novo



## TABLE OF CONTENTS

§ 27:7	Grossly improper remarks during closing argument
§ 27:8	Ineffective assistance of counsel
§ 27:9	Dispositional orders, interlocutory orders, and final judgments
§ 27:10	Non-jury trials
§ 27:11	Plain Error
§ 27:12	Prejudicial error and harmless error
§ 27:13	State's right to appeal in a criminal proceeding
§ 27:14	Weight of appellate authority

### **Table of Laws and Rules**

### **Table of Cases**

### **Index**