

Table of Contents

CHAPTER 1. WITNESSES

- § 1:1 Competency of witnesses
- § 1:2 Questions for a competency challenge
- § 1:3 Testimony based upon personal knowledge of the witness
- § 1:4 Foundational questions to establish personal knowledge
- § 1:5 Lay opinion testimony
- § 1:6 Testimony identifying a defendant in a criminal case
- § 1:7 Foundational questions to introduce an out of court identification of the defendant
- § 1:8 Experts
- § 1:9 Use of deposition testimony to include video and telephone depositions
- § 1:10 Examples of foundational testimony for use of deposition at trial and for use in impeachment
- § 1:11 Testimony from other trials and proceedings
- § 1:12 Calling adverse party and agent of adverse party for cross-examination
- § 1:13 Sequestration of witnesses and effect of violation of rule
- § 1:14 Undisclosed and unidentified witnesses

CHAPTER 2. PRIVILEGES AND THEIR ASSERTION

- § 2:1 Attorney-client
- § 2:2 Patient-psychiatrist
- § 2:3 Physician-patient
- § 2:4 Spousal
- § 2:5 Priest-penitent
- § 2:6 Self incrimination
- § 2:7 Examination of police officer in *Jackson v. Denno* hearing
- § 2:8 Accountant-client
- § 2:9 Miscellaneous privileges

CHAPTER 3. IMPEACHMENT

- § 3:1 Prior inconsistent statement

- § 3:2 Examination of witness using prior inconsistent statement
- § 3:3 Disproving the witness' testimony
- § 3:4 Prior convictions
- § 3:5 Bad character
- § 3:6 Questions to impeach a witness for bad character
- § 3:7 Bias and prejudice of witness
- § 3:8 Impeaching one's own witness

CHAPTER 4. HEARSAY

- § 4:1 Definition—What is and what isn't
- § 4:2 Offering a statement for a purpose other than the truth of the matter asserted
- § 4:3 Admissions
- § 4:4 Examples of admissions by agents
- § 4:5 Present sense impressions, excited utterances, and statements of existing condition
- § 4:6 Dying declarations
- § 4:7 Residual exception
- § 4:8 Child hearsay statute
- § 4:9 Co-conspirator's statements
- § 4:10 *Bruton* cases
- § 4:11 Refreshed recollection and past recollection recorded
- § 4:12 Prior consistent statement

CHAPTER 5. DOCUMENTS AND PHYSICAL EVIDENCE

- § 5:1 Medical records to include statements of medical history and opinions
- § 5:2 Authentication of agreements, correspondence, deeds, ancient documents, medical bills, official documents, and judicial records
- § 5:3 E-mails, text messages, and other online content
- § 5:4 Business records
- § 5:5 Accident reports of law enforcement officers
- § 5:6 Best evidence rule
- § 5:7 Photographs, videotapes, x-rays, and computer demonstrations
- § 5:8 Summaries
- § 5:9 Computer records

TABLE OF CONTENTS

- § 5:10 Chain of custody
- § 5:11 Devices and tests to detect illegal
drugs, blood alcohol and speed

CHAPTER 6. OBJECTIONS

- § 6:1 Relevance
- § 6:2 Relevance outweighed by prejudice
- § 6:3 Offers of compromise
- § 6:4 Similar transactions or events in civil
cases
- § 6:5 Similar transactions in criminal cases
- § 6:6 Subsequent remedial measures
- § 6:7 Insurance and the collateral source rule
- § 6:8 Character evidence
- § 6:9 Financial condition of the parties
- § 6:10 Continuing witness objection
- § 6:11 Bolstering the credibility of a witness
- § 6:12 Rape shield statute and other evidence
of previous sexual conduct
- § 6:13 Timeliness and necessity of objections
and motions in limine
- § 6:14 Specificity of objections
- § 6:15 Offer of proof
- § 6:16 Spoliation of evidence

Table of Laws and Rules

Table of Cases

Index