

Index

ABATEMENT

Plea in abatement, **2:136**

ABSENCE OR PRESENCE

Business records, absence of entry,
10:65 to 10:68

Continuance. See index heading CON-
TINUANCE

Credibility of absent declarant, **9:374
to 9:378**

Public records, absence of, **9:271 to
9:274, 10:166**

Stay of execution, absence from state,
18:175

ABSTRACT OF JUDGMENT

Dormant judgments, lapse of
abstracts, **18:317**

Form of, **18:330**

Judgment liens. See index heading
JUDGMENT LIENS

ADDITIONAL INSTRUCTIONS

Request for, **15:236**

ADDRESSES

Abstracts of judgments, contents of,
18:19

Direct examination of witnesses, **7:80**

ADMINISTRATIVE LAW AND PROCEEDINGS

Appeal and review, **4:7, 14:142**

Findings of fact and conclusions of
law, request for, **14:142**

Judge, duties of, **3:270**

Judicial notice, **11:78 to 11:91**

Jury trial, right to, **4:7**

Mental health records, **10:127**

ADMISSIBILITY OF EVIDENCE

For detailed treatment see index
heading EVIDENCE

Abuse of discretion, **6:82**

Another document, **6:65**

ADMISSIBILITY OF EVIDENCE

—Cont'd

Applicability of Texas rules of evi-
dence, **6:33**

Character evidence, **6:108**

agreements, **6:109**

character and conduct of witness,
6:116

conviction of crime, **6:118**

definition, **6:112**

exceptions, **6:110**

moral turpitude, **6:111**

general rule, **6:115**

impeaching and rehabilitating wit-
nesses, **6:114**

juvenile adjudications, **6:121**

notice, **6:123**

pardon, probation, and annulment,
6:120

pending appeal, **6:122**

specific acts, **6:117**

time limit, **6:119**

victim of assaultive conduct, **6:113**

Compromise and offers to compro-
mise, **6:167 to 6:174**

bias, prejudice, and interest, **6:173**

classification as settlement offer,
6:171

exception, **6:168**

mary carter agreements, **6:172**

offered for other purposes, **6:169**

separate trials, **6:174**

trial court discretion, **6:170**

Conditional relevancy, **6:47**

Court not bound by rules of evidence,
6:45

Definition

probative, **6:69**

Determination of relevance, **6:81**

Distinguish materiality, **6:80**

Evidence not relevant under Rule 401
circumstances of meeting, **6:85**

ADMISSIBILITY OF EVIDENCE

—Cont'd

Evidence not relevant under Rule 401
 —Cont'd
 no evidence of negligence, **6:79**
 unrelated research, **6:78**
 Evidence of other wrongs or acts,
 6:124 to 6:130
 Fact of consequence, **6:70**
 ability to rebut, **6:72**
 collateral matters, **6:73**
 ultimate issue, **6:71**
 General rule
 irrelevant evidence, **6:84**
 relevant evidence, **6:83**
 Habit or routine practice, evidence of,
 6:134 to 6:143
 Hearing, **6:46**
 Inadmissible evidence, **6:144 to 6:147**
 Insurance, **6:106**
 Irrelevant evidence under Rule 402
 violation of bar rules, **6:86**
 Liability insurance, **6:185 to 6:194**
 employee status, **6:193**
 error analysis, **6:187**
 exception, **6:186**
 no per se error, **6:188**
 opening the door, **6:189**
 parental immunity doctrine, **6:190**
 proof of control, **6:192**
 property insurance, **6:191**
 suggestion of insurance, **6:194**
 Limited admissibility, **6:49 to 6:55**
 Loss of evidence used by expert,
 6:107
 Methods of proving character, **6:131 to 6:133**
 Payment of medical and similar
 expenses, **6:175**
 exception, **6:176**
 Pleas, plea discussions, and related
 statements, **6:177 to 6:184**
 Preliminary questions, **6:37 to 6:43**
 Prior accidents, **6:98**
 Psychological condition of plaintiff,
 6:97

ADMISSIBILITY OF EVIDENCE

—Cont'd

Relevancy, **6:66**
 definition, **6:67**
 probative value, **6:68**
 Relevant evidence under Rule 401,
 6:74
 duties of employment, **6:76**
 similar statements to others, **6:75**
 Rule of optional completeness, **6:59 to 6:64**
 Rules of civil evidence, **6:34 to 6:36**
 Special rules governing admission of
 relevant evidence, **6:87 to 6:107**
 Standard of review, **6:44**
 Statutory exceptions, **6:195**
 arbitration, **6:199**
 hearsay statement
 certain abuse victims, **6:196**
 child abuse victim, **6:197**
 notice and hearing requirements,
 6:198
 Subsequent remedial measures, **6:148 to 6:166**
 Waiver, **6:56 to 6:58**
 Weight and credibility, **6:48**

ADMISSIONS

General discussion, **7:144 to 7:152**
 Amendment, **7:149**
 Authentication of business records,
 10:41 to 10:43, 10:45
 Business records, sample predicate
 questions for admission of,
 form, **10:188**
 Cross-examination, **7:211**
 Hearsay evidence
 general discussion, **9:46, 9:81 to 9:115**
 for detailed treatment see index
 heading HEARSAY
 Judicial admissions, **9:131 to 9:151**
 Medical records, sample predicate
 questions for admission of,
 form, **10:190**
 Opening statement, **5:162**
 Pleadings, **7:145, 7:146**
 Recorded recollection of witness,
 7:123 to 7:126

INDEX

ADMISSIONS—Cont'd

- Request for admissions, sample form of, **10:187**
- Summaries, sample predicate questions for admission of, form, **10:189**
- Withdrawal of admissions, **7:149**

ADMONISHMENT OF JURY

- Opening statements, objections to, **5:233**

ADVERSE PARTY WITNESS

- Leading questions, **7:72, 7:73**

ADVISORY VERDICT

- Request for jury where jury's verdict is advisory, **2:138**

ADVOCACY TECHNIQUES

- Opening statements, **5:176 to 5:195**

AFFIDAVITS

- Business records
 - general discussion, **1:82 to 1:85, 10:33, 10:34, 10:74**
 - form of, generally, **1:187**
- Continuance, **2:70, 2:71, 2:83, 2:107 to 2:109**
- Foreign judgments, **18:319**
- Garnishment, application for writ of, **18:258**
- Hearsay exceptions, **9:235**
- Inability to pay jury fees, **14:29**
- Jury misconduct, **3:412**
- Jury service, exemption from, **4:85, 4:86**
- Medical records
 - authentication of, **10:98 to 10:120**
 - continuing services, **10:121**
 - deadlines, **10:122**
- Temporary restraining order, form of affidavit for, **18:335**

AFFIRMATION

- See index heading OATH OR AFFIRMATION

AFFIRMATIVE DEFENSES

- Conduct of trial, **3:130**

AGE

- Ancient documents, hearsay exceptions, **9:293 to 9:297**
- Direct examination of witnesses, **7:80**
- Elderly persons. See index heading ELDERLY PERSONS
- Jury and jurors. See index heading JURY AND JURORS
- Peremptory challenges, **4:419, 4:420, 4:422**

AGENCY

- Hearsay evidence, **9:49, 9:86, 9:87, 9:108 to 9:113**

AGREEMENTS

- See index heading CONTRACTS AND AGREEMENTS

ALCOHOLIC BEVERAGES

- Opinion testimony by lay witnesses as to intoxication, **8:23**

ALIAS WRITS

- Execution, **18:122**

ALLEGED POLICE REPORTS

- Business records, **10:28**

ALLOCATION

- Peremptory strikes, **4:237 to 4:264**

ALTERATION

- See index heading MODIFICATION OR CHANGE

AMBIGUOUS VERDICT

- Correction of verdict, **15:292**

AMENDMENT

- Admissions, **7:149**
- Findings of fact and conclusions of law, **14:173 to 14:188**
- Pleadings. See index heading AMENDMENT OF PLEADINGS

AMENDMENT OF PLEADINGS

- Additional claims or defenses, **1:25, 1:26**
- Conform the pleadings to proof, **12:13 to 12:19**
- Denial of motion, **12:36 to 12:42**
- Elimination of causes of action, **1:21, 1:22**

AMENDMENT OF PLEADINGS

—Cont'd

Elimination of parties, **1:18 to 1:20**
 Forms of motions, **12:105, 12:106**
 Governing rules, **12:9**
 Judgments, **16:63**
 Leave of court, **1:16**
 Motions for, generally, **12:7 to 12:42**
 Permission of court, **12:20 to 12:22**
 Prejudice, **12:23 to 12:30**
 Preparation for trial, generally, **1:14 to 1:26**
 Presumption if record does not show motion granted, **12:42**
 Pretrial conference, **1:121**
 Procedure, **12:33 to 12:35**
 Purposes, **12:10 to 12:19**
 Reasons for amendment, generally, **1:17 to 1:26**
 Surprise, **12:23 to 12:30**
 Time for filing, **12:31, 12:32**

AMERICANS WITH DISABILITIES ACT

Jury service, exclusion from, **4:54 to 4:56**

AMOUNT OR QUANTITY

Abstracts of judgments, contents of, **18:16**
 Cross-examination, number of questions, **7:181**
 Jury fees, **1:3, 2:168, 2:169, 4:12**
 Peremptory strikes, **3:94, 4:237 to 4:264**
 Proposed judgment, amount of award on, **17:23**
 Scheduling the trial, jury fee, **2:168, 2:169**
 Stay of execution, amount of bond, **18:149 to 18:163**
 Witness folders, **1:159**

ANCIENT DOCUMENTS

Documentary evidence, **10:179 to 10:181**
 Hearsay exceptions, **9:292 to 9:297**

ANIMAL BEHAVIOR

Judicial notice, **11:23**

ANNOUNCEMENT OF VERDICT

Structure of trial, **3:62**

ANNULMENT

Conviction of crime, impeaching witnesses, **7:307**

ANSWER OR RESPONSE

Closing argument, **13:23**
 Cross-examination, answers to questions, **7:202 to 7:205**
 Garnishment, answer by garnishee, **18:290 to 18:295**
 Hearsay exceptions, **9:166**
 Interrogatories, answers to, **7:143**
 Opening statements, responding to objections to, **5:238 to 5:249**

APPEAL AND ERROR

Administrative decision, appeal of right to jury trial, **4:7**
 Amended or additional findings, request for, **14:184 to 14:188**
 Batson procedures, **4:321 to 4:330, 4:448**
 Bench trials. See index heading BENCH TRIALS
 Closing argument, **13:32, 13:138**
 Conduct of trial, severance, **3:227**
 Continuance, **2:98**
 Conviction of crime, impeaching witnesses, **7:308**
 Directed verdict, motion for, **12:58 to 12:62**
 Execution. See index heading EXECUTION
 Finality of judgment, **16:96, 16:97, 16:109, 16:110**
 Harmless error, **2:181**
 Hearsay evidence, standard of review, **9:7**
 Interlocutory orders, **16:97**
 Judgment notwithstanding the verdict, **17:31, 17:37, 17:53 to 17:59**
 Judgment on the verdict, consequences on appeal, **17:10 to 17:12**
 Judgments nunc pro tunc, motions for, **17:187 to 17:189**

INDEX

APPEAL AND ERROR—Cont'd

- Judicial notice, **11:66, 11:85**
- Jury findings, motion to disregard, **17:66, 17:81, 17:96 to 17:98**
- New trial. See index heading NEW TRIAL
- Notice of appeal
 - drafting checklist, **17:237**
- Opening statements, remedies for misconduct during, **5:255**
- Opinion testimony by lay witnesses, standard of review, **8:28**
- Preservation of error for. See index heading PRESERVATION OF ERROR
- Proposed judgment, preserving substantive issue for appeal, form, **17:239**
- Reinstatement motions, appellate deadlines, **17:233**
- Sealing of court records, standard of review, **3:4**
- Sequestration of witnesses, **7:27**
- Stay of execution. See index heading STAY OF EXECUTION
- Sufficiency of verdict, **16:8**
- Turnover orders, **18:312**
- Voidable judgment, **16:87, 16:88**
- Void judgment, **16:80**

APPEARANCE

- Default judgments, attacks on, **17:191**
- Jury trial, waiver of, **14:36**

APPLICABLE LAW

- Opening statements, **5:212 to 5:216**

APPLICATION OR PETITION

- Garnishment. See index heading GARNISHMENT
- Temporary restraining order, form of petition, **18:334**

APPOINTMENT

- Appraisers, **8:181**
- Expert and opinion witnesses, **8:176 to 8:181**
- Guardians, temporary, **2:140**
- Paternity suits, court-appointed experts, **8:179**
- Surveyors, **8:180**

APPRAISERS

- Court-appointed experts, **8:181**

APPROVAL

- See index heading CONSENT OR APPROVAL

ARBITRATION

- Dismissal or nonsuit, motion for, **12:67**
- Scheduling the trial, jury request, **2:132**

ARGUMENTS AND ARGUMENTATION

- Closing argument
 - general discussion, **13:1 et seq.**
 - for detailed treatment see index heading CLOSING ARGUMENT
- Cross-examination, **7:190, 7:257**
- Judicial admissions, arguments to court, **9:145**
- New trial motion for error in argument to jury, **3:191**
- Opening statements, arguing the case, **5:210, 5:211**

ARRAY OF JURORS

- See index heading JURY SELECTION

ARREST

- Conviction of crime, impeaching witnesses, **7:299**

ASBESTOS LETTERS

- Hearsay exceptions, **9:222**

ASSAULT

- Sexual assault. See index heading SEXUAL ABUSE OR ASSAULT

ASSEMBLING PANEL OF JURORS

- General discussion, **4:29 to 4:99**

ASSERTIVENESS

- Closing argument, **13:40**

ASSIGNMENT OF CASES

- Agreement of the parties, **2:5**
- Contested cases, **2:2 to 2:5**
- Scheduling the trial, **2:1 to 2:5**

ASSOCIATIONS

See index heading **PARTNERSHIPS AND ASSOCIATIONS**

ASSUMING FACTS NOT IN EVIDENCE

Cross-examination, **7:191**

ATTACHMENT

Defined, **3:205**

ATTENDANCE

See index heading **ABSENCE OR PRESENCE**

ATTENTION AND ATTENTIVENESS

Batson challenge, proof of purposeful discrimination, **4:364**
Opening statements, **5:2, 5:81**

ATTITUDE

Hearsay evidence, **9:38**
Peremptory challenges, **4:394 to 4:406**

ATTORNEYS

Attacks on opposing counsel in closing argument, **13:133**
Closing argument
 general discussion, **13:1 et seq.**
 for detailed treatment see index heading **CLOSING ARGUMENT**
Communications between counsel and trial court's staff, **11:30**
Compensation. See index heading **ATTORNEYS' FEES**
Competency of witnesses, **7:38 to 7:41**
Continuance, absence of counsel, **2:72 to 2:80, 2:112**
Fees. See index heading **ATTORNEYS' FEES**
Fraud or false statements
 duties of attorneys
 false evidence, **3:307 to 3:312**
 false statements, **3:300 to 3:304**
 falsification of evidence, **3:319**
Hearsay evidence, **9:114, 9:144 to 9:148**
Judgments, **16:40, 16:41**

ATTORNEYS—Cont'd

Media coverage of attorney conferences, **3:16**
Opening statements
 general discussion, **5:1 et seq.**
 for detailed treatment see index heading **OPENING STATEMENTS**
Privileges. See index heading **PRIVILEGES AND PRIVILEGED INFORMATION**
Reprimand of counsel by court, remedies for misconduct during opening statement, **5:251**
Role of attorneys, duties of judge, **3:273**
Structure and conduct of trial, **3:289 to 3:371**
Time sheets, **10:12**
Venire panel, questions to, **4:104, 4:167**
Voir dire, responsibility on, **4:180**

ATTORNEYS' FEES

Expert and opinion witnesses, **8:20, 8:62**
Judicial notice, **11:22**
Medical Liability Act, attorney's fees as sanction for failure to comply with, **2:141**
Opinion as to reasonableness of, **3:330**

AUDITS AND AUDITORS

Business records, **10:13**
Expert and opinion witnesses, **8:171 to 8:181**
Pretrial conference, **1:133**

AUTHENTICATION AND AUTHENTICITY

Ancient documents, **9:297, 10:180**
Business records, **10:2, 10:32 to 10:48, 10:55, 10:70**
Foreign public documents, **10:152**
Government records, **10:139 to 10:160**
Hospital records, **10:195**
Market reports, **9:302 to 9:304**
Medical records, **10:96 to 10:121**
Preparation for trial, **1:68 to 1:85**
X-rays, **10:196**

INDEX

AUTOMOBILE

Expert and opinion witnesses, value,
8:19

AVAILABILITY OF WITNESSES

Hearsay evidence, **9:153, 9:346 to 9:373**

BAILIFFS

Conduct of trial, **3:387 to 3:389**

Deliberations of jury, **15:223**

BANKRUPTCY

Judicial notice, **11:20**

BANKS AND FINANCIAL INSTITUTIONS

Business records, **10:17**

Hearsay exceptions, **9:223**

Turnover orders, **18:305**

BAPTISMAL RECORDS

Documentary evidence, **10:176**

Hearsay exceptions, **9:278 to 9:282**

BATSON CHALLENGES

See index heading **JURY SELECTION**

BELIEF

See index heading **OPINION AND BELIEF**

BENCH CONFERENCES

Objections to direct examination of
witnesses, **7:98**

BENCH TRIALS

General discussion, **14:1 et seq.**

Agreed case, **14:74 to 14:76, 14:196**

Appeal and error

general discussion, **14:189 to 14:203**

agreed case, **14:196**

evidence, exposure to inadmissible
evidence, **14:86 to 14:88**

findings of fact and conclusions of
law

attacking, **14:211 to 14:218, 14:222 to 14:225**

request for, **14:142, 14:147**

trial court's failure to respond,
14:169 to 14:172

involuntary bench trial, **14:42 to 14:46**

BENCH TRIALS—Cont'd

Closing argument, **14:63 to 14:66**

Dismissal or nonsuit, **12:74**

Evidence

commenting on evidence, **14:89 to 14:92**

exposure to inadmissible evidence,
14:83 to 14:88

Expedited disposition, **14:52**

Failure to make court aware of
request, **14:35**

Findings of fact and conclusions of
law

general discussion, **14:77 to 14:80**

amended or additional findings,
request for, **14:173 to 14:188**

appellate review. See **Appeal and error, above**

attacking

conclusions of law, **14:220 to 14:225**

findings of fact, **14:204 to 14:219**

conflicts in findings or conclusions,
14:226 to 14:231

disregarding jury findings. See
index heading **JURY FINDINGS, MOTION TO DISREGARD**

format of, **14:152 to 14:163**

form of request for, **14:232**

motion to disregard jury findings.

See index heading **JURY FINDINGS, MOTION TO DISREGARD**

request for

general discussion, **14:115 to 14:151**

appeal and review of request,
14:195 to 14:203

form, **14:232**

Involuntary bench trial, **14:1 to 14:46**

Judge's role, **14:67 to 14:92**

Judgment

general discussion, **16:14 to 16:25**

motion for, **14:93 to 14:100**

Jury and jurors

failure to make court aware, **14:35**

payment of jury fee, failure to
make, **14:26 to 14:30**

BENCH TRIALS—Cont'd

Jury and jurors—Cont'd
 request for jury trial, failure to make, **14:3 to 14:25**
 voluntary bench trial, **14:49**
 waiver of jury trial, **14:31 to 14:36**
 withdrawal from jury docket, **14:37 to 14:40**

Motions

judgment, motion for, **14:93 to 14:100**
 new trial, motion for, **14:101 to 14:114**

New trial, motion for, **14:101 to 14:114**

Opening statements, **5:20**

Order of proceeding, **14:62**

Priority, **14:53**

Procedure, **14:61 to 14:66**

Questions by judge, **14:69 to 14:72**

Time or date

closing argument, **14:64**
 judgment, motion for, **14:100**
 new trial, motion for, **14:106, 14:107**

Voluntary bench trial, **14:47 to 14:54**

Withdrawal from jury docket, **14:37 to 14:40**

BIAS OR PREJUDICE

Amendment of pleading, motion for, **12:23 to 12:30, 12:39**

Attorneys, rights and duties of, **3:351 to 3:354**

Bifurcated trial, **3:232**

Comments on bias or interest of witnesses, **3:156**

Cross-examination, **7:195, 7:220 to 7:226**

Hearsay evidence, **9:19**

Impeaching and rehabilitating witnesses, **7:288**

Jurors, disqualification of, **4:96, 4:144, 4:195 to 4:202**

New trial, motion for, **15:269**

Opening statements, prejudice determined by appellate courts, remedies for misconduct during opening statement, **5:262**

BIAS OR PREJUDICE—Cont'd

Scientific knowledge of expert and opinion witnesses, **8:46**

BIFURCATED TRIALS

See index heading **SEPARATE TRIALS**

BILL OF EXCEPTIONS

Instructions to jury, **15:123**

BILL OF REVIEW

Default judgments. See index heading **DEFAULT JUDGMENTS**

Judgments, **16:88, 16:117**

Plenary power of court, **16:117**

BLACKBOARD

Closing argument, **13:60**

BLINDNESS

Excused from jury service, **4:53**

BLOOD ALCOHOL CONCENTRATION

Expert and opinion witnesses, **8:50**

BLOWUPS

Closing argument, use of visual aids, **13:54 to 13:62, 13:94, 13:95**

Demonstrative evidence, preparation for trial, **1:168**

BODY LANGUAGE

Closing argument, **13:39, 13:40**

BONDS AND UNDERTAKINGS

Conduct of trial, **3:210**

Execution. See index heading **EXECUTION**

Garnishment, bond or undertaking, **3:210, 18:262, 18:263**

Injunction bond, **18:184**

BOUNDARIES

Hearsay exceptions, **9:315, 9:329**

BRIEFS

Preparation for trial, **1:137 to 1:144**

BROAD-FORM SUBMISSION

Instructions to jury, **15:37 to 15:69**

BURDEN OF PROOF

Generally, **6:2 to 6:7**

INDEX

BURDEN OF PROOF—Cont'd

For detailed treatment see index
heading PRESUMPTIONS AND
BURDEN OF PROOF

Allocation as to every issue, **6:14**

Defendant, **6:17**

Definitions, **6:1**

Inferences, **6:29 to 6:32**

Persuasion does not shift, **6:13**

Plaintiff, **6:15**

Presumptions, **6:21 to 6:28**

Standards of proof, **6:18 to 6:20**

Title VII cases, **6:16**

Who bears burden, **6:9 to 6:12**

adverse party, knowledge of, **6:11**

affirmative evidence, **6:12**

pleading determination, **6:10**

BUSINESS ASPECTS

Expert and opinion witnesses, **8:51**

BUSINESS RECORDS

Absence of entry in record, **10:65 to 10:68**

Authentication, **10:32 to 10:48, 10:55, 10:70**

Authentication of records, **1:82, 1:83**

Compilation, **10:56**

Documentary evidence, generally, **10:1 to 10:94**

Exclusion of business records, **10:69 to 10:88**

Government records contrasted with, **10:135**

Hearsay exceptions, **9:218 et seq.**

Inspection, **10:54, 10:61**

Necessity of predicate, **10:58 to 10:61**

Objections, **10:62 to 10:64**

Sample predicate questions for admission of, form, **10:188**

Voluminous, **10:52, 10:60**

CAB DRIVERS

Peremptory challenges, **4:383**

CANCELLATION OF JUDGMENTS

See index heading SATISFACTION OF JUDGMENT

CANDOR TOWARD TRIBUNAL

Attorneys, duties of, **3:299 to 3:340**

CAPACITY

Opinion as to legal capacity, **8:89**

CAPITAL PUNISHMENT

Batson challenge, proof of purposeful discrimination, **4:370**

CARDS

Juror cards, **4:112**

Opening statements, **5:122 to 5:125**

CARETAKERS

Jury service, exemption from, **4:77**

CARTOONS

Compact disks, exhibits on, **1:100**

CATHOLICS

Peremptory challenges, **4:440**

CAUSATION

Expert testimony, **8:61**

Hearsay exceptions, **9:203**

Lay witnesses, opinion testimony by, **8:12**

CERTIFICATES AND CERTIFICATION

Authentication of records, **1:74 to 1:76**

Bench trial, trial certification form, **14:6**

Conduct of trial, certified copies, **3:119**

Conviction of crime, certificate of rehabilitation, **7:307**

Copies of public records, **10:156 to 10:161**

Expert and opinion witnesses, **8:105**

Foreign public documents, **10:153, 10:154**

Government records, **10:147**

Jury trial, trial certification form, **2:152**

Non-jury docket, certification for trial on, **14:22 to 14:24**

Scheduling the trial, jury request, **2:152**

CHALLENGES TO JURY

See index heading JURY SELECTION

CHANCE VERDICT

Deliberations of jury, **15:260**

CHANGE

See index heading MODIFICATION OR CHANGE

CHARACTER AND REPUTATION

Attorneys, rights and duties of, **3:352**

Cross-examination, **7:173**

Hearsay exceptions, **9:312 to 9:317**

Impeachment of witness. See index heading IMPEACHING AND REHABILITATING WITNESSES

Jurors, statutory qualifications of, **4:62**

Religious beliefs, impeachment of witnesses, **7:314**

CHARGE TO JURY

General discussion, **15:16 et seq.**

For detailed treatment see index heading INSTRUCTIONS TO JURY

CHARTS

Closing argument, use of visual aids, **13:54 to 13:62**

Hospital committee reports, **10:130**

Preparation for trial, **1:27 to 1:42**

CHECK KITING CONVICTION

Hearsay exceptions, **9:321**

CHECKLISTS

Appeal, notice of appeal, **17:237**

Cross-examination of witnesses, **7:249**

Directed verdict, **17:234**

Direct examination of witnesses, **7:64**

Judgment notwithstanding the verdict, **17:235**

Jury answers, motion to disregard, **17:236**

CHILD ABUSE

Hearsay evidence, **9:345**

CHILDREN OR MINORS

Abuse. See index heading CHILD ABUSE

CHILDREN OR MINORS—Cont'd

Competency of witnesses, **7:33**

Cross-examination, **7:168, 7:259**

Jury service, exemption from, **4:72 to 4:74**

Parental relationship. See index heading PARENT AND CHILD

Support. See index heading CHILD SUPPORT

CHILD SUPPORT

Arrearage, contents of abstracts, **18:17**

Revival of dormant judgments, **18:316**

CHOICE OF LAW

Judicial notice, **11:49 to 11:66**

CHURCH OF CHRIST MEMBERS

Peremptory challenges, **4:438**

CIRCULATION

Post-verdict and post-trial motions, **17:24**

CIRCUMSTANTIAL EVIDENCE

Rebuttal of peremptory challenges, **4:373**

CITIZENSHIP

Jurors, statutory qualifications of, **4:60**

CLAIM PROGRESS REPORTS

Business records, **10:27**

CLARITY

Closing argument, **13:66**

CLEAR AND CONVINCING STANDARD

Judgments nunc pro tunc, motions for, **17:186**

CLERICAL ERRORS

Judgments nunc pro tunc, motions for, **17:176 to 17:180**

CLERK OF COURT

Execution, **18:108**

Findings of fact and conclusions of law, request for, **14:119, 14:150**

INDEX

CLERK OF COURT—Cont'd

- Jury service, claiming exemption from, **4:81**
- Reinstatement motions, **17:221**
- Stay of execution, **18:148**
- Supersedeas bond, approval of, **18:134**

CLOSE OF EVIDENCE

- Directed verdict, motion for, **12:49, 12:51**

CLOSING ARGUMENT

- General discussion, **13:1 et seq.**
- Analogies, use of, **13:71**
- Analogizing civil case to criminal matter, **13:134**
- Appeal and error, **13:32, 13:138**
- Assertiveness, **13:40**
- Bench trials, **14:63 to 14:66**
- Blackboard, use of, **13:60**
- Blowups, use of visual aids, **13:54 to 13:62, 13:94, 13:95**
- Body language, **13:39, 13:40**
- Burdens of proof, **13:99, 13:100**
- Butcher paper, use of visual aids, **13:60**
- Clarity, **13:66**
- Common sense, **13:71**
- Conclusion, **13:149, 13:150**
- Conduct of trial, **3:154 to 3:161**
- Connecting with jury, **13:36 to 13:38**
- Credibility of witnesses, **13:35, 13:110**
- Damages, **13:118 to 13:125**
- Decency of lawyer, **13:150**
- Depositions and discovery, use of, **13:52, 13:53**
- Disclosure of visual aids to opposing counsel, **13:62**
- Duty to make, **13:14 to 13:20**
- Effective advocacy, **13:69 to 13:78**
- Effective communication, **13:63 to 13:68**
- Enlargements of exhibits, use of, **13:57, 13:95**
- Enlargements of jury instructions, use of, **13:58, 13:94**
- Enlargements of verdict forms, use of, **13:59**

CLOSING ARGUMENT—Cont'd

- Equivocation, **13:67**
- Ethnic matters, **13:131**
- Evidence, **13:101 to 13:128**
- Exhibits, use of, **13:50, 13:57, 13:95**
- Expert testimony, **13:113**
- Eye contact, **13:39, 13:40**
- Failure of opponent to produce evidence or witness, **13:112**
- Golden rule, **13:124**
- Graphs and charts, use of visual aids, **13:54 to 13:62**
- Impermissible arguments, generally, **13:129 to 13:139**
- Instructions to jury. See index heading **INSTRUCTIONS TO JURY**
- Insurance, **13:136 to 13:138**
- Introduction of argument, “breaking the ice,” **13:97**
- Latitude, **13:105**
- Length, **13:29 to 13:32, 13:64**
- Liberal rules, **13:2**
- Limitations and restrictions, **13:107**
- Mistrial, motion for, **12:98**
- Multiple parties, **13:24, 14:66**
- Objections, **13:140 to 13:148**
- Opening statements. See index heading **OPENING STATEMENTS**
- Opportunity, **13:4, 13:149**
- Opposing counsel, attacks on, **13:133**
- Order of argument, **13:22 to 13:28**
- Outline or outlines, **13:81, 13:88 to 13:95**
- Parameters, **13:3**
- Per diem award of damages, **13:123**
- Place or location, **13:47 to 13:49**
- Plans and planning, **13:80 to 13:87**
- Preparing, **13:79 to 13:148**
- Presentation, **13:33 to 13:49**
- Preservation of error, **13:27, 13:28, 13:140 to 13:148**
- Puffing, **13:106**
- Purpose, **13:1, 13:5 to 13:13**
- Race discrimination, **13:131**
- Reading, **13:34**
- Rebuttal argument by opposing counsel, **13:87**
- Refusal or denial, **13:18 to 13:20**

CLOSING ARGUMENT—Cont'd

Rehabilitating witnesses, **13:111**
 Rehearsal, **13:92**
 Religion and religious matters,
 13:132
 Respectfulness, **13:41 to 13:43**
 Response and close, **13:23**
 Reversible error, **13:26**
 Rhetorical questions, **13:75**
 Self-assurance, **13:43**
 Simplicity, **13:65**
 Speaking technique, **13:44 to 13:46**
 Standards of proof, **13:99**
 Structure of trial, **3:33**
 Substitution, **13:125**
 Tempo, **13:46**
 Theme of case, reiteration of, **13:98**
 Time, **3:161, 13:21**
 Transcripts of testimony during trial,
 use of, **13:51**
 Understatement, **13:76**
 Verdict forms, use of enlargements
 of, **13:59**
 Video depositions, use of, **13:53**
 Visual aids, **13:54 to 13:62, 13:74,**
 13:93
 Voir dire, **13:6**
 Waiver, **13:20**
 Weakness in case, **13:117**
 Wealth of party, **13:135**

CLOSURE OF COURTS

Conduct of trials, **3:24**

CO-CONSPIRATORS

Hearsay evidence, **9:88, 9:116 to**
 9:121

COERCION OR DURESS

Deadlocked jury, **3:391**

COLLATERAL ATTACK

Judgments, **16:79, 16:89**

COLLATERAL ESTOPPEL

General discussion, **16:122 to 16:124**
 Hearsay exceptions, **9:326**

COLLATERAL MATTERS

Cross-examination, **7:170 to 7:179**
 Impeachment on, **7:215**

COLLECTIONS OR COLLECTION PROCEEDINGS

Conduct of trial, **3:196 to 3:215**
 Structure of trial, **3:65**

COMMENTS OR REMARKS

Judge, comments during trial, **3:275**
 to **3:288**

COMMERCIAL ARTIST

Peremptory challenges, **4:388**

COMMERCIAL PAPER

Authentication of records, **1:81**

COMMERCIAL PUBLICATIONS

Documentary evidence, **10:170**

COMMON SENSE

Closing argument, **13:71**

COMMUNICATIONS BY JURORS

Deliberations of jury, **15:253, 15:254**

COMPACT DISKS

Demonstrative evidence, preparation
 for trial, **1:163 to 1:167**
 Exhibits on, **1:96 to 1:100**

COMPENSATION

Attorneys' fees. See index heading
 ATTORNEYS' FEES
 Cross-examination, **7:225**

COMPETENCY OF WITNESSES

General discussion, **7:29 to 7:52**
 Cross-examination, **7:216**
 Direct examination of witnesses,
 7:82, 7:83

COMPETENCY PROCEEDINGS

See index heading INSANE OR
 INCOMPETENT PERSONS

COMPILATIONS

Hearsay exceptions, **9:244**

COMPROMISE AND SETTLEMENT

Costs, entitlement to upon rejected
 offer of settlement, **16:126**
 Judge, duties of, **3:269**
 Opening statements, settlement
 offers, **5:207**

INDEX

COMPULSION

See index heading COERCION OR DURESS

COMPUTER RECORDS

Documentary evidence, **10:24**
Hearsay exceptions, **9:221**

CONCEALMENT

Jurors, disqualification of, **4:230**

CONCLUSIONS

Closing argument, **13:149, 13:150**
Defendant's case, conclusion of, **3:132**
Expert and opinion witnesses, **8:27, 8:82**
Lay witnesses, opinion testimony by, **8:13**
Opening statements, **5:114 to 5:117**

CONCLUSIONS OF LAW

See index heading FINDINGS OF FACT AND CONCLUSIONS OF LAW

CONDUCT, RULES OF

Deliberations of jury, **15:206 to 15:211**

CONDUCT OF TRIAL

General discussion, **3:1 et seq.**
For detailed treatment see index heading STRUCTURE AND CONDUCT OF TRIAL

CONFERENCES

Conduct of trial, charge conference, **3:143 to 3:152**
Instructions to jury, **15:100 to 15:106**
Media coverage of, **3:15, 3:16**
Pretrial conferences. See index heading PRETRIAL CONFERENCES

CONFIDENTIAL COMMUNICATION

Definition, **6:399**

CONFIDENTIAL INFORMATION

See index heading PRIVILEGES AND PRIVILEGED INFORMATION

CONFLICT OR INCONSISTENCY

Continuance, conflicting settings, **2:116 to 2:120**

CONFLICT OR INCONSISTENCY —Cont'd

Jury misconduct, conflicting evidence, **3:416**
Verdict of jury, **15:192 to 15:195, 15:293**

CONFORMITY TO PLEADINGS

Judgments, **16:58 to 16:60**

CONFRONTATION OF WITNESSES

Hearsay evidence, **9:12**

CONNECTING WITH JURY

Closing argument, **13:36 to 13:38**

CONSENT OR APPROVAL

Amendment of pleading, motion for, **12:20 to 12:22**
Judgment, approval of form of, **16:43**
Media coverage of trial, **3:4 to 3:13**
Witnesses, judge's questioning of, **7:19**

CONSERVATORSHIP

Amount of bond, deposit or security, **18:153, 18:154**

CONSPIRACY

Hearsay evidence, **9:88, 9:116 to 9:121**

CONSTABLE

See index heading SHERIFF OR CONSTABLE

CONSTITUTIONAL LAW

Continuance, attendance on legislature, **2:97**
Due process. See index heading DUE PROCESS
Equal protection, Batson challenges, generally, **4:292 to 4:310**
Judge, conduct of, **3:240**
Judgments, **16:55**
Scheduling the trial, **2:49 to 2:51**

CONSTRUCTION AND INTERPRETATION

Contracts interpretation by expert and opinion witnesses, **8:74**
Stipulations, **11:106**

CONSULTANTS

- Expert witnesses. See index heading
EXPERT AND OPINION WITNESSES
- Jury consultants. See index heading
JURY CONSULTANTS

CONTACTS WITH PARTIES OR WITNESSES

- Jury misconduct, **3:395 et seq.**

CONTEMPT

- Continuance, attendance on legislature, **2:96**
- Cross-examination, **7:161**
- Judge, duties of, **3:261**
- Jury trial, right to, **4:4**
- Opening statements, counsel cited for contempt for misconduct during opening statement, **5:252**

CONTINGENT INTERESTS

- Seizure of property, **18:60 to 18:62**

CONTINUANCE

- General discussion, **2:52 to 2:128**
- Absence or presence
 - counsel, absence of, **2:72 to 2:80, 2:112**
 - good grounds, **2:64**
 - legislature, attendance on, **2:81 to 2:98**
 - party, absence of, **2:62 to 2:68**
 - reasonable excuse, **2:64**
 - witness, absence of, **2:69, 2:70**
- Affidavits, **2:70, 2:71, 2:83, 2:107 to 2:109**
- Attendance on legislature, **2:81 to 2:98**
- Conflicting settings, **2:116 to 2:120**
- Discretion of court, **2:53, 2:90**
- Dismissal docket, **2:100**
- Form of motion, **2:184**
- Grounds, generally, **2:52**
- Jury request, **2:164**
- Motions, generally, **2:104 et seq.**
- Notice of trial setting, motion for continuance, **2:46**
- Preservation of error, **2:121 to 2:124**
- Resetting the case, **2:125 to 2:128**
- Sufficient cause, **2:59 to 2:80**

CONTINUANCE—Cont'd

- Time or date, **2:68, 2:76, 2:114**

CONTRACTS AND AGREEMENTS

- Assignment of cases, agreement of the parties, **2:5**
- Bench trials, **14:54, 14:74 to 14:76**
- Documentary evidence, **10:20**
- Expert and opinion witnesses, contract interpretation, **8:74**
- Hearsay exceptions, **9:226**
- Judgments, **16:65**
- Jury trial, waiver of, **2:133, 14:32 to 14:34**
- Opening statements, **5:27 to 5:36**
- Stipulations. See index heading STIPULATIONS

CONTROL

- Courtroom, judge's control of, **3:258 to 3:261**
- Cross-examination, **7:182**
- Witnesses, court control over, **7:4, 7:5**

CONVENIENCE OF WITNESSES

- Conduct of trial, **3:218**

CONVEYANCE

- Hearsay evidence, **9:50**

CONVICTION OF CRIME

- Documentary evidence, **10:168, 10:169**
- Hearsay exceptions, **9:318 to 9:328**
- Impeachment of witnesses, **7:238, 7:296 to 7:313**
- Jurors, statutory qualifications of, **4:67**
- Voir dire, impermissible inquiries during, **4:174 to 4:177**

COPIES

- Certificates and certification, **10:156 to 10:161**
- Findings of fact and conclusions of law, request for, **14:129**
- Opening statements, **5:35**
- Sealing of court records, notice of, **3:35**
- Trial briefs, copies of cases, **1:144**

INDEX

CORPORATIONS

- Batson challenges, **4:307**
- Jury selection, probe for anti-corporate bias, **4:144**
- Opening statements, references to size and wealth of corporate defendant, **5:206**
- Stock. See index heading STOCK AND STOCKHOLDERS

CORRECTION OF VERDICT

- Post deliberations proceedings, **15:290 to 15:294**

CORROBORATION

- Continuance, attendance on legislature, **2:84 to 2:92**

COSTS AND EXPENSES

- Affidavits of medical records, **10:99 to 10:101**
- Fees. See index heading FEES
- Garnishment, **18:299, 18:300**
- Judgments, **16:125 to 16:130**

COUNTER AFFIDAVITS

- Medical records, **10:112 to 10:118**

COUNTERCLAIMS

- Conduct of trial, **3:131**
- Judgment liens, plaintiff as counter defendant, **18:22**

COURTHOUSE DOOR

- Execution, place or location of sale, **18:198 to 18:201**

COURT REPORTER

- General discussion, **3:19 to 3:23**
- Findings of fact and conclusions of law, reporter's record, **14:156, 14:157**

COURTROOM

- Attorneys' location in, **3:291 to 3:294**
- Judge, duties of, **3:258 to 3:261**

COURTS

- Communications between counsel and trial court's staff, **11:30**

COURTS—Cont'd

- Deliberations, jury's communication with court during, **15:222 to 15:237**
- Discretion. See index heading DISCRETION OF COURT
- Execution, courts issuing, **18:103, 18:104**
- Experts, court appointment of, **8:176 to 8:181**
- Judges. See index heading JUDGES
- Supreme Court of Texas. See index heading SUPREME COURT OF TEXAS
- Supreme Court of United States, Batson challenges, **4:298 to 4:302**
- Trial to the court. See index heading BENCH TRIALS

COVER LETTER

- Jury trial request, **14:8**

CREDIBILITY OF WITNESSES

- Absent declarants, **9:374 to 9:378**
- Attorney's assertion of personal knowledge or opinion, **3:334**
- Closing argument, **13:35, 13:110**
- Cross-examination, **7:178**
- Impeaching and rehabilitating witnesses, **7:275 to 7:322**
- Judge, comments on credibility of witnesses by, **3:279**
- Opening statements, **5:3**
- Province of court and jury, **15:14**

CREED OF TEXAS LAWYERS

- General discussion, **3:290**

CRIMINAL LAW

- Arrest. See index heading ARREST
- Capital punishment, proof of purposeful discrimination, **4:370**
- Closing argument, analogizing civil case to criminal matter, **13:134**
- Co-conspirators, hearsay evidence, **9:88, 9:116 to 9:121**
- Conviction. See index heading CONVICTION OF CRIME
- Impeaching witnesses, **7:297 to 7:313**

CRIMINAL LAW—Cont'd

- Indictment or information, statutory qualifications of jurors, **4:68**
- Juvenile adjudications. See index heading JUVENILE ADJUDICATIONS
- Not guilty pleas, documentary evidence, **10:169**
- Pardon. See index heading PARDON

CRITICISM

- Attorneys, duties of, **3:325**

CROSS-EXAMINATION

- General discussion, **7:153 to 7:264**
- Admissions, **7:211**
- Arguments and argumentation, **7:190, 7:257**
- Batson challenges, **4:333**
- Bias or prejudice, **7:195, 7:220 to 7:226**
- Character and reputation, **7:173**
- Children or minors, **7:168, 7:259**
- Collateral matters, **7:170 to 7:179**
- Compensation, **7:225**
- Competency of witnesses, **7:216**
- Conduct of trial, **3:121, 3:122**
- Contempt, **7:161**
- Credibility of witnesses, **7:178**
- Cumulative questions, **7:193**
- Deaf or hearing impaired persons, **7:262**
- Definitions, **7:153**
- Demeanor, **7:253, 7:254**
- Discrediting witnesses, **7:227 to 7:236**
- Discretion of court
 - general discussion, **7:156, 7:157**
 - bias or prejudice, establishing, **7:226**
 - interruption by court, **7:164**
 - postponement, **7:163**
 - scope of cross-examination, **7:172**
 - timing, **7:162 to 7:164**
- Elderly persons, **7:168, 7:260**
- Evasive witnesses, **7:256**
- Exhibits, **7:210**
- Expert and opinion witnesses, **7:263, 8:153 to 8:170**

CROSS-EXAMINATION—Cont'd

- False testimony, duties of attorneys regarding, **3:311**
- Familiarity with witness, **7:199**
- Foreign language, **7:261**
- Forgetful witnesses, **7:258**
- Harassment, **7:9, 7:194**
- Hearsay, **9:378**
- Illiteracy, **7:168**
- Impeaching and rehabilitating witnesses, **7:212 to 7:215**
- Interest in subject matter, **7:224**
- Interruptions, **7:197**
- Leading questions, **7:185 to 7:188**
- Limitations and restrictions, **7:181**
- Materiality and relevancy, **7:171**
- Misstating evidence, **7:192**
- Motive or intent, **7:222**
- Number of questions, **7:181**
- Place or location, **7:251**
- Preliminary matters, **7:166 to 7:168**
- Problem witnesses, **7:255 to 7:263**
- Recross examination
 - general discussion, **7:265 to 7:274**
 - for detailed treatment see index heading REDIRECT AND RECROSS EXAMINATION
- Refreshing recollection of witness, **7:108, 7:167**
- Rehearsal, **7:248**
- Repetition, **7:198**
- Self-incrimination privilege, **7:160**
- Timing, **7:162 to 7:164**
- Witness folders, **1:157, 7:243**

CRYING

- Hearsay evidence, **9:27**

CULPABLE DRIVER

- Hearsay exceptions, **9:340**

CUMULATIVE QUESTIONS

- Cross-examination, **7:193**

CUSTODY AND CUSTODIANS

- Business records, **10:8, 10:9**
- Court reporter, **3:21**
- Deliberations of jury, **15:243 to 15:245**
- Hearsay exceptions, **9:236**

INDEX

CUSTODY AND CUSTODIANS

—Cont'd

Stay of execution, **18:153, 18:154**

DAMAGES

Amendment of pleadings, **1:23**

Bifurcated trial, **3:228**

Closing argument, **13:118 to 13:125**

Exemplary. See index heading EXEMPLARY DAMAGES

Instructions to jury, **15:47**

Interest on judgment, **16:133**

New trial, motion for

general discussion, **17:134 to 17:136**

bench trials, **14:109, 14:111**

inadequate or excessive damages, **3:190**

Opening statements, **5:77, 5:109 to 5:113**

DANGEROUS CONDITION

Warning of danger, attorneys' rights and duties, **3:361**

DATE

See index heading TIME OR DATE

DEADLINES

New trial, motions for, **17:104, 17:106**

Reinstatement motions, **17:222, 17:233**

Supplementation of discovery, **1:5 to 1:13**

DEADLOCKED JURY

Coercion, **3:391**

Conduct of trial, **3:169**

Dynamite charge, **3:393**

Mistrial, motion for, **12:96**

DEADMAN'S STATUTE

Competency of witnesses, **7:45 to 7:49**

DEAF OR HEARING IMPAIRED PERSONS

Cross-examination of witnesses, **7:262**

Excused from jury service, **4:53**

DEATH AND DEATH ACTIONS

Death penalty, proof of purposeful discrimination, **4:370**

Dying declarations. See index heading DYING DECLARATIONS

Interest on judgment, **16:132**

Suicide, hearsay exceptions, **9:183**

DECEIT

See index heading FRAUD AND DECEIT

DECENCY OF LAWYER

Closing argument, **13:150**

DECLARATIONS AGAINST INTEREST

Authentication of business records, **10:46**

Hearsay evidence, **9:89, 9:333 to 9:344**

DECORUM

Attorneys, conduct of, **3:289**

DEDUCTIONS FROM EVIDENCE

Attorneys, rights and duties of, **3:335**

DEEMED FINDINGS

Instructions to jury, **15:158**

DEFAULT JUDGMENTS

General discussion, **17:190 to 17:218**

Appearance failure, sanction for, **17:191**

Attacks on, generally, **17:190 to 17:218**

Bill of review
general discussion, **17:206 to 17:213**

trial on bill, **17:214 to 17:218**

Discretion of court, **17:205**

Entry of judgment, procedure for, **16:45**

Findings of fact and conclusions of law, request for, **14:139**

Justice court, **17:193 to 17:195**

Meritorious defense, **17:119**

New trial, motion for, **17:198 to 17:205**

Notice requirements
general discussion, **16:45**

DEFAULT JUDGMENTS—Cont’d

- Notice requirements—Cont’d
 - vacating justice court judgments, **17:194**
- Publication, **17:196, 17:197**
- Sanction for failure to appear, **17:191**
- Service of process
 - new trial motion, **17:200 to 17:202**
 - trial on bill of review, burden of proof, **17:216**
- Unintentional failure to answer, **17:118**
- Vacating justice court judgments, **17:194, 17:195**

DEFECTS OR IRREGULARITIES

- Instructions to jury, **15:135 to 15:138, 15:146**

DEFENDANT’S CASE IN CHIEF

- Conduct of trial, **3:125 to 3:132**
- Structure of trial, **3:51**

DEFINITENESS AND CERTAINTY

- Judgments, **16:57**

DEFINITIONS

- Admission, **9:82 to 9:86**
- Antagonistic, **4:256**
- Array, **4:30**
- Bias, **4:195**
- Bill of review, **17:207**
- Business, **9:245**
- Challenges for cause, **4:209**
- Controlling, **15:20**
- Cross-examination, **7:153**
- Declarant, **9:30**
- Equality, **4:261**
- Finality of judgment, **16:90, 16:92**
- Garnishment, **3:207, 18:242**
- Hearsay evidence, generally, **9:20 to 9:56**
- Instructions to jury, **3:139, 15:61 to 15:67**
- Judgment liens, **18:1**
- Jury, **4:32**
- Leading questions, **7:67**
- Matter asserted, **9:29**
- Medical practice, **8:103**
- Motions, **12:1**

DEFINITIONS—Cont’d

- Outside influence, **3:382, 17:130**
- Peremptory challenge, **4:289**
- Position, **4:325**
- Practicing medicine, **8:103**
- Prima facie case, **4:341**
- Side, **4:251**
- Stipulations, **11:101**
- Supersedeas bond, **18:132**
- Technical, **8:49**
- Unavailability, **9:348**
- Venire panel, **4:31**
- Wages, **18:249**

DELAY

- See index heading LACHES AND DELAY

DELIBERATIONS OF JURY

- General discussion, **15:196 to 15:271**
- Additional argument, **15:227**
- Additional instructions, request for, **15:236**
- Bailiff, jury’s communication through, **15:223**
- Bias or prejudice required for new trial, **15:269**
- Care and custody of jurors during, **15:243 to 15:245**
- Challenging misconduct, procedure for, **15:262 to 15:267**
- Chance verdict, **15:260**
- Communications by jurors, **15:253, 15:254**
- Conduct, rules of, **15:206 to 15:211**
- Conduct of trial, **3:162 to 3:169**
- Correction of verdict, **15:290 to 15:294**
- Court, jury’s communication with, **15:222 to 15:237**
- Demonstrative aids, taking into jury room, **15:220**
- Depositions, **15:210, 15:216**
- Disabled jurors, **15:273**
- Discretion of court, **15:204, 15:271**
- Duration of, **15:212**
- Duty to deliberate, **15:199 to 15:204**
- Dynamite charge, **15:250**
- Entry of verdict, **15:289**
- Exemplary damages, **15:276**

INDEX

DELIBERATIONS OF JURY

—Cont'd

- Exhibits taken into jury room, **15:213 to 15:221**
- Experiments and experimentation, **15:221, 15:257**
- Foreperson, selection of, **15:198**
- Harm analysis of communication with court, **15:228**
- Hearings, **15:203, 15:270**
- Inability to reach verdict, **15:248 to 15:251**
- Information from outside sources, **15:256**
- Instructions. See index heading INSTRUCTIONS TO JURY
- Jury room
 - general discussion, **15:197**
 - taking papers, exhibits and instructions to, **15:213 to 15:221**
- Length of time, **15:249**
- Limitations on, **3:394**
- Matters outside of record, consideration of, **15:258**
- Meals for jurors, **15:244**
- Misconduct of jury
 - duty to deliberate, **15:202 to 15:204**
 - juror misconduct during deliberations, **15:252 to 15:271**
- Mistrial
 - inability to reach verdict, **15:251**
 - prejudice required for, **15:269**
- New trial, prejudice required for, **15:269**
- Notice or knowledge
 - communication with court, notice to counsel and parties, **15:226**
 - on site viewing by jury, **15:242**
- On-site viewing, **15:238 to 15:242**
- Oral or written communication with court, **15:225**
- Papers taken into jury room, **15:213 to 15:221**
- Polling the jury, **15:284 to 15:288**
- Post deliberations proceedings
 - general discussion, **15:272 to 15:294**

DELIBERATIONS OF JURY

—Cont'd

- Post deliberations proceedings
 - Cont'd
 - correction of verdict, **15:290 to 15:294**
 - disabled jurors, **15:273**
 - entry of verdict, **15:289**
 - failure to return verdict, **15:277, 15:278**
 - polling the jury, **15:284 to 15:288**
 - receipt of verdict, **15:279 to 15:283**
 - signing verdict, **15:275**
 - vote required for verdict, **15:272 to 15:276**
- Prejudice required for new trial, **15:269**
- Quotient verdict, **15:261**
- Receipt of verdict, **15:279 to 15:283**
- Replacing jurors before deliberations, **15:246, 15:247**
- Rereading testimony, **15:209, 15:210**
- Review of testimony or other evidence, request for, **15:229 to 15:235**
- Room for deliberations, **15:197**
- Secrecy, **15:205**
- Separation during deliberations, **15:255**
- Sequestering arrangements, **15:245, 15:255**
- Signing verdict, **15:275**
- Structure of trial, **3:61**
- Taking papers, exhibits and instructions to jury room, **15:213 to 15:221**
- View by jury, **15:238 to 15:242**
- Vote required for verdict, **15:272 to 15:276**

DELIVERY

- Garnishment, delivery to officer, **18:267**
- Reinstatement motions, delivery to judge, **17:226**

DEMAND

- See index heading REQUEST OR DEMAND

DEMEANOR

- Cross-examination or style, **7:253, 7:254**
- Opening statements, **5:134 to 5:163, 5:194**
- Voir dire, explain demeanor towards jurors during trial, **4:131**

DEMOGRAPHICS

- Opening statements, **5:60**

DEMONSTRATIONS

- Expert and opinion witnesses, **8:149 to 8:152**
- Opening statements, **5:108**

DEMONSTRATIVE EVIDENCE

- General discussion, **1:163 to 1:171**
- Blowups, **1:168**
- Closing argument, **13:54 to 13:62, 13:74, 13:93**
- Compact disks. See index heading **COMPACT DISKS**
- Exhibits. See index heading **EXHIBITS**
- Graphs. See index heading **GRAPHS AND ILLUSTRATIONS**
- Opening statements, use of visual aids during, **5:126, 5:127**
- Videos. See index heading **VIDEOS AND VIDEOTAPING**

DENIAL

- See index heading **REFUSAL OR DENIAL**

DEPOSITIONS

- General discussion, **7:131 to 7:152**
- Closing argument, **13:52, 13:53**
- Deliberations of jury, **15:210, 15:216**
- Exhibits on compact disk, **1:99**
- Expert and opinion witnesses, **8:166**
- Form of deposition, **7:133 to 7:139**
- Hearsay evidence, **9:94, 9:122 to 9:130, 9:360**
- Joinder of parties, **7:135**
- Preparation for trial, **1:66**
- Reading, **7:137 to 7:139**
- Suppress, motions to, **7:140 to 7:142**
- Waiver, **7:142**
- Witness folders, **1:146 to 1:154**

DEPOSITS

- Jury trial request, deposit of fee, **14:9**
- Stay of execution, deposit in lieu of bond, **18:136 to 18:142**

DESCRIPTION OR IDENTIFICATION

- Batson challenges, **4:322 to 4:326**
- Challenges for cause, **4:222**
- Entry of judgment, **16:36**
- Hearsay evidence, **9:78, 9:157, 9:202**
- Judgment liens, **18:11**
- Opening statements, **5:92 to 5:98**
- Recorded recollection of witness, **7:128**
- Refreshing recollection of witness, **7:112**
- Stay of execution, description of property in notice of, **18:193, 18:194**

DESIGNATION

- Amount recovered, designation in judgment, **16:37**
- Stay of execution, designation right denied, **18:181 to 18:183**

DESTRUCTION OF DOCUMENTS

- Attorneys, duties of, **3:318**

DESTRUCTION OF WITNESS

- Cross-examination, **7:218**

DILIGENCE

- Continuance, **2:66**

DIRECTED VERDICT

- General discussion, **12:43 to 12:62**
- Appeal and review, **12:58 to 12:62**
- Drafting checklist, **17:234**
- Findings of fact and conclusions of law, request for, **14:136**
- Formal guidelines, **12:53 to 12:55**
- Forms of motion for, **12:107**
- Governing rule, **12:43**
- Grounds, **12:47, 12:55**
- Judgment notwithstanding the verdict, motion for, **17:40, 17:43**
- Motion for, generally, **12:43 to 12:62**
- Preservation of error, **12:45**
- Purpose, **12:46**

INDEX

DIRECTED VERDICT—Cont'd

- Structure of trial, **3:50**
- Test of jury issue, **12:57**
- Time for, **12:48 to 12:52**

DIRECT EXAMINATION OF WITNESSES

- See index heading **WITNESSES AND TESTIMONY**

DISABLED PERSONS

- Deliberations of jury, **15:273**
- Hearing impaired persons. See index heading **DEAF OR HEARING IMPAIRED PERSONS**
- Jury service, excuse from, **4:52 to 4:57**

DISCHARGE OF COUNSEL

- Continuance, **2:74**

DISCLOSURE

- Attorneys, duties of, **3:305, 3:306, 3:313, 3:314, 3:370**
- Discovery proceedings. See index heading **DISCOVERY**
- Expert and opinion witnesses, **8:125, 8:131 to 8:135**
- Hospital committee reports, **10:132**
- Impeaching and rehabilitating witnesses, **7:284**
- Privileges. See index heading **PRIVILEGES AND PRIVILEGED INFORMATION**

DISCOVERY

- Closing argument, **13:52, 13:53**
- Conduct of trial, **3:213 to 3:215**
- Court records, **3:28**
- Depositions
 - general discussion, **7:131 to 7:152**
 - for detailed treatment see index heading **DEPOSITIONS**
- Interrogatories. See index heading **INTERROGATORIES**
- Local court rules, **1:173**
- Preparation for trial, generally, **1:4 to 1:13**
- Pretrial conference, **1:122**
- Satisfaction of judgments, **18:94, 18:95**

DISCOVERY—Cont'd

- Structure of trial, motions, **3:73, 3:419**
- Witness folders, **1:155 to 1:157**

DISCREDITING WITNESSES

- Cross-examination, **7:227 to 7:236**

DISCRETION OF ATTORNEY

- False testimony, **3:312**

DISCRETION OF COURT

- Bench trials, **14:43, 14:44**
- Challenges for cause, **4:223**
- Competency of witnesses, **7:34, 7:35**
- Conduct of trial, **3:217**
- Continuance, **2:53, 2:90**
- Costs of action, **16:127**
- Cross-examination. See index heading **CROSS EXAMINATION**
- Default judgments, attacks on, **17:205**
- Deliberations of jury, **15:204, 15:271**
- Expert and opinion witnesses, **8:31 to 8:34, 8:70, 8:144**
- Instructions to jury. See index heading **INSTRUCTIONS TO JURY**
- Judicial notice, **11:34, 11:35**
- Jury selection, disqualification for unfitness, **4:205, 4:206**
- Jury trial, right to, **2:161 to 2:163**
- Leading questions, cross-examination, **7:187**
- New trial, motions for, **17:122, 17:123**
- Opening statements, **5:44, 5:203**
- Peremptory challenges, **4:252**
- Province of court and jury, **15:3**
- Scheduling the trial, jury request, **2:161 to 2:163**
- Sequestration or separation of jurors, **3:372 to 3:377**
- Voir dire, **4:118**

DISCRIMINATION

- Gender discrimination, Batson challenges, **4:302**
- Race discrimination. See index heading **RACE DISCRIMINATION**

DISMISSAL OR NONSUIT

- General discussion, **12:63 to 12:88**
- Appealable judgment, **12:88**
- Bench trials, **12:74**
- Continued viability of claim, **12:83 to 12:86**
- Docket, **2:100 to 2:102**
- Finality, **12:88**
- Findings of fact and conclusions of law, request for, **14:135**
- Governing rules, **12:63**
- Mandamus, **12:87**
- Motion for, generally, **12:63 to 12:88**
- Pending claims of defendant, **12:81**
- Procedure, **12:68 to 12:79**
- Refiling suit, **12:85, 12:86**
- Reinstatement motions, **17:220, 17:221**
- Right to take nonsuit, **12:64 to 12:67**
- Sanctions, **12:82**
- Statute of limitations, **12:86**
- Strategic reasons, **12:80**
- Temporary restraining order, **12:75**
- Time for filing, **12:70 to 12:75**
- Unqualified and absolute right to take nonsuit, **12:64 to 12:67**

DISOBEDIENCE

- Attorneys, duties of, **3:19, 3:321**

DISQUALIFICATION

- See index heading **QUALIFICATION OR DISQUALIFICATION**

DISREGARDING JURY FINDINGS

- See index heading **JURY FINDINGS, MOTION TO DISREGARD**

DISSOLUTION HEARING

- Garnishment, **18:281 to 18:289**

DISTRACTIONS

- Opening statements, **5:148 to 5:150, 5:191 to 5:193**

DISTRIBUTION OF PROCEEDS

- Execution, **18:240**

DIVORCE AND DIVORCED PERSONS

- Hearsay exceptions, **9:180, 9:272 to 9:274**

DIVORCE AND DIVORCED PERSONS—Cont'd

- Peremptory challenges, **4:430**

DOCKETS AND DOCKETING

- Dismissal docket, **2:100 to 2:102**
- Findings of fact and conclusions of law, **14:157**
- Garnishment, **18:265**
- Non-jury docket, certification for trial on, **14:22 to 14:24**
- Withdrawal from jury docket, **14:37 to 14:40**

DOCUMENTARY EVIDENCE

- General discussion, **10:1 et seq.**
- Ancient documents, **10:179 to 10:181**
- Baptismal records, **10:176**
- Batson challenges, **4:334**
- Business records. See index heading **BUSINESS RECORDS**
- Commercial publications, **10:170**
- Computer records, **10:24**
- Contracts, **10:20**
- Conviction of crime, **10:168, 10:169**
- Family records, **10:175**
- Foreign public documents, **10:151 to 10:155**
- Forms, **10:187 to 10:196**
- Government records, **10:134 to 10:186**
- Hospital committee reports, **10:129 to 10:133**
- Hospital records, authenticating, **10:195**
- Interest in subject matter, **10:171, 10:172**
- Invoices of subcontractors, **10:14**
- Judgments, **10:150, 10:168, 10:169**
- Learned treatises, **10:182 to 10:185**
- Market reports, **10:170**
- Marriage records, **10:176**
- Medical records, **10:22, 10:95 to 10:133**
- Mental health, **10:125 to 10:128**
- Not guilty pleas, **10:169**
- Passports, **10:149**
- Photographs, **10:186**

INDEX

DOCUMENTARY EVIDENCE

—Cont'd

- Real property, **10:173, 10:174**
- Religion and religious matters, **10:177**
- Reports, **10:23**
- Stipulation as to admission of records or documentary evidence, **10:193, 10:194**
- Subcontractors, invoices of, **10:14**
- Test score results, **10:21**
- Video recordings, **10:186**
- Vital statistics, **10:178**
- X-rays, **10:196**

DOMESTIC VIOLENCE PROTECTIVE ORDER

- Generally, **2:137, 4:8**

DORMANT JUDGMENTS

- Revival of, **18:314 to 18:317**

DOUBLE HEARSAY

- General discussion, **9:266**

DRAMATIC IMPACT

- Opening statements, **5:82 to 5:91**

DRESS CODES

- Opening statements, **5:135 to 5:139**

DUE PROCESS

- Batson challenges, **4:296**
- Dress or clothing, **5:138**
- Judge, duties of, **3:271**
- Judicial notice, **11:43**
- Notice of trial setting, **2:50**

DUPLICATES

- See index heading COPIES

DURATION OR LENGTH

- Array of jurors, length of service of, **4:46, 4:47**
- Deliberations of jury, **15:212**
- Jury service, exemption from, **4:83**
- Vacate, motions to, **17:166, 17:167**
- Voir dire, **4:178**

DURESS

- See index heading COERCION OR DURESS

DYING DECLARATIONS

- Admissibility, **9:365 to 9:370**
- Authentication of business records, **10:48**

DYNAMITE CHARGE

- Deadlocked jury, **3:393**
- Deliberations of jury, **15:250**

ECONOMICS

- Jury service, excusal from, **4:51**

EDUCATION

- Expert and opinion witnesses, **8:161**
- Jury selection, educating the jurors, **4:145**
- Students, exemption from jury service, **4:73, 4:74**

ELDERLY PERSONS

- Cross-examination, **7:168, 7:260**

ELECTED OFFICIALS

- See index heading PUBLIC OFFICERS AND EMPLOYEES

ELECTION AGAINST WILL

- Hearsay exceptions, **9:337**

ELECTIONS OR VOTING

- Jury trial in election contests, **4:5**
- Verdict, vote required for, **15:272 to 15:276**

ELECTRONIC RECORDING

- Reporting of proceedings, **3:23**

EMBARRASSMENT

- Jurors, **4:136**
- Witnesses, **7:9**

EMERGENCY ROOM NURSE

- Hearsay exceptions, **9:198**

EMOTIONS AND FEELINGS

- Hearsay exceptions, **9:174 to 9:188**
- Opening statements, **5:145 to 5:147**

EMPLOYMENT RELATIONS

- Business records, **10:26**
- Hearsay evidence, **9:86**
- Public employees. See index heading PUBLIC OFFICERS AND EMPLOYEES

ENDORSEMENTS

Instructions to jury, **15:111 to 15:115**

ENFORCEMENT OF JUDGMENT

Conduct of trial, **3:197 to 3:202**

Continuance, attendance on
legislature, **2:95**

ENGLISH LANGUAGE

Judicial notice, **11:73**

Jurors, statutory qualifications of,
4:63 to 4:65

Opening statements, **5:180 to 5:195**

ENTRY OF JUDGMENT

See index heading JUDGMENTS

ENTRY OF VERDICT

Post deliberations proceedings,
15:289

EQUALIZATION

Peremptory challenges, **4:250**

EQUAL PROTECTION

Batson challenges, **4:293**

EQUIVOCATION

Closing argument, **13:67**

Opening statements, **5:184 to 5:186**

ESTOPPEL

See index heading WAIVER AND ESTOPPEL

ETHICAL CONSIDERATIONS

Impeaching and rehabilitating witnesses, **7:280**

ETHNIC MATTERS

Closing argument, **13:131**

EVASIVE WITNESSES

Cross-examination, **7:256**

EVIDENCE

Admissibility of evidence

attorneys, duties of, **3:326, 3:327**

business records, **10:1 to 10:31, 10:49 to 10:64**

judge, duties of, **3:247 to 3:251**

medical records, **10:95 to 10:122**

Batson challenges, evidence of violation, **4:331 to 4:336**

EVIDENCE—Cont'd

Bench trials. See index heading

BENCH TRIALS

Burden of proof

for detailed treatment see index

heading PRESUMPTIONS AND

BURDEN OF PROOF

Certified copies, **3:119**

Challenges for cause, **4:212, 4:224**

Character evidence. See index heading CHARACTER AND REPUTATION

Closing argument, **13:101 to 13:128**

Comments on evidence, duties of
judge, **3:279**

Demonstrative evidence

general discussion, **1:163 to 1:171**

for detailed treatment see index

heading DEMONSTRATIVE EVIDENCE

Discovery abuse, striking evidence
for, **3:419 to 3:421**

Documentary evidence

general discussion, **10:1 et seq.**

for detailed treatment see index

heading DOCUMENTARY EVIDENCE

Exclusion of evidence

form of motion to exclude evidence, **1:189**

opening statements, excluded matters, **5:197**

False evidence, attorney's duties in
relation to, **3:307 to 3:312**

Habit or routine practice

for detailed treatment see index

heading HABIT OR ROUTINE PRACTICE

Hearsay

general discussion, **9:1 et seq.**

for detailed treatment see index

heading HEARSAY

Instructions to jury. See index heading INSTRUCTIONS TO JURY

Introduction of evidence, generally,
3:103 to 3:134

Judge, duties of, **3:247 to 3:251**

Judgments, sufficiency of evidence,
16:66

INDEX

EVIDENCE—Cont'd

- Judicial notice
 - general discussion, **1:102 to 1:117, 11:1 et seq.**
 - for detailed treatment see index heading JUDICIAL NOTICE
- Materiality. See index heading MATERIALITY AND RELEVANCY
- Opening statements, **5:199 to 5:204**
- Parol evidence. See index heading PAROL OR EXTRINSIC EVIDENCE
- Presumptions
 - for detailed treatment see index heading PRESUMPTIONS AND BURDEN OF PROOF
- Producing evidence
 - conviction of crime, impeaching witnesses by production of record, **7:311**
 - refreshing recollection of witness, production of writing, **7:102 to 7:109**
- Relevancy. See index heading MATERIALITY AND RELEVANCY
- Rules of evidence
 - closing argument, **13:119**
 - Rule 203.6(b), **9:124**
 - Rule 245, **14:18 to 14:20**
 - Rule 269, **13:103**
 - Rule 510(d), **10:126**
 - Rule 703, **8:127**
 - Rule 803(6), **10:97**
- Sealing of court records, hearing on, **3:38**
- Subsequent remedial measures
 - for detailed treatment see index heading SUBSEQUENT REMEDIAL MEASURES
- Sufficiency. See index heading WEIGHT AND SUFFICIENCY OF EVIDENCE
- Testimony. See index heading WITNESSES AND TESTIMONY
- Trial briefs, **1:140 to 1:142**
- View by jury, **11:100**
- Voir dire, impermissible inquiries during, **4:172**
- Weight of. See index heading WEIGHT AND SUFFICIENCY OF EVIDENCE

EVIDENCE—Cont'd

- Witnesses. See index heading WITNESSES AND TESTIMONY

EXAGGERATION

- Opening statements, **5:178**

EXAMINATION

- See index heading INSPECTION OR EXAMINATION

EXAMINATION OF WITNESSES

- See index heading WITNESSES AND TESTIMONY

EXCEPTIONS, EXEMPTIONS AND EXCLUSIONS

- Business records, **10:69 to 10:88, 10:94**
- Competency of witnesses, **7:31 to 7:33**
- Conviction of crime, impeaching witnesses, **7:313**
- Enforcement of judgment, exempt property, **3:198**
- Evidence, exclusion of. See index heading EVIDENCE
- Execution, seizure of property, **18:87 to 18:93**
- Expert and opinion witnesses, **8:177 to 8:181**
- Hearsay rule
 - general discussion, **9:152 to 9:345**
 - for detailed treatment see index heading HEARSAY
- Judgments, generally, **16:64, 16:65**
- Judgments nunc pro tunc, motions for, **17:189**
- Jury service, exemption from, **4:69 to 4:89**
- Lay witnesses, opinion testimony by, **8:2**
- Leading questions, **7:69 to 7:74**
- Medical records, exclusion, **10:124**
- Mental health records, **10:126**
- New trial, motions for, **17:154, 17:155**
- Objections. See index heading OBJECTIONS AND EXCEPTIONS
- Recorded recollection of witness, **7:117**

EXCEPTIONS, EXEMPTIONS AND EXCLUSIONS—Cont’d

Turnover orders, **18:310**

EXCITED UTTERANCES

Authentication of business records, **10:47**

Hearsay evidence, **9:15, 9:163 to 9:173**

EXCLUSION OF EVIDENCE

Admitted without objection, **6:457**

Harmless error, **6:460**

Motion for summary judgment, **6:471**

definition, **6:474**

no evidence, **6:472**

request for admission, **6:475**

conclusively established, **6:476**

no further proof, **6:477**

stipulations of liability, **6:473**

Motion in limine, **6:478 to 6:484**

Pleadings, **6:462 to 6:464**

Pretrial devices, **6:461**

Special exceptions, **6:465 to 6:470**

Support of finding of fact, **6:458**

incompetent evidence, **6:459**

Trial devices for exclusion of evidence

formal bill of exception, **6:511 to 6:525**

mistrial, **6:507 to 6:510**

objections, **6:486 to 6:494**

preserving error for appeal, **6:496 to 6:506**

EXCLUSIONS

See index heading EXCEPTIONS, EXEMPTIONS AND EXCLUSIONS

EXCUSE

Reasonable excuse, continuance, **2:64**

EXCUSE OR JUSTIFICATION

Jury trial, untimely request for, **14:19, 14:20**

Service on jury, excuses from, **4:50 to 4:55**

EXECUTION

General discussion, **18:96 to 18:126**

EXECUTION—Cont’d

Absence from state, injunction, **18:175**

Additional writs, **18:121 to 18:126**

Alias writs, **18:122**

Alternate security, **18:143**

Amount of bond, deposit or security, **18:149 to 18:163**

Appeal and error

effect of appeal, **18:129**

suspension of enforcement of judgment pending, **18:130 to 18:169**

Associations, seizure of property, **18:54 to 18:59**

Bids and bidding, **18:198 to 18:201**

Bond

injunction, bond for, **18:184**

supersedeas bond. See Supersedeas, below

Clerks of court, duties, generally, **18:108, 18:148**

Conservatorship, amount of bond, deposit or security, **18:153, 18:154**

Contingent interests, seizure of property, **18:60 to 18:62**

Continuing trial court jurisdiction, **18:164**

Courthouse door, place or location of sale, **18:198 to 18:201**

Courts issuing, **18:103, 18:104**

Custody, amount of bond, deposit or security, **18:153, 18:154**

Debtor, duty of, generally, **18:165**

Delaying enforcement, **18:127**

Deposit in lieu of bond, **18:136 to 18:142**

Description of property in notice, **18:193, 18:194**

Designation right denied, **18:181 to 18:183**

Distribution of proceeds, **18:240**

Effect of sale, **18:229 to 18:231**

Enforcement of judgment, **3:203, 3:204**

Exemptions from seizure of property, **18:87 to 18:93**

Foreign judgments, **18:321**

INDEX

EXECUTION—Cont'd

- Formal requirements for writ of execution, **18:109, 18:110**
- Form of writ of execution, **18:331**
- Fraudulent transfers, **18:64 to 18:70**
- Future interests, **18:63**
- Holder in due course, defenses, **18:80**
 - good faith, **18:81, 18:82**
- Homesteads
 - exemptions from seizure, **18:88 to 18:92**
 - sale proceeds, **18:49 to 18:51**
- Immovable (real) property, seizure of, **18:45, 18:46**
- Injunctions to stay execution of judgment
 - general discussion, **18:170 to 18:179**
 - affidavit in support of motion, form of, **18:335**
 - bond or undertaking, **18:184**
 - judgment granting permanent injunction, form of, **18:337**
 - order to show cause, form of, **18:336**
 - petition, form of, **18:334**
 - writ of injunction, form of, **18:336, 18:338**
- Installment payments, **18:221**
- Interest, deposit in lieu of bond, **18:138**
- Joint interests in marital property, **18:52**
- Judicial review, scope of, **18:53**
- Letter of credit, deposit in lieu of bond, **18:142**
- Levy. See Seizure of property, below
- Liability, conditions of, **18:144 to 18:147**
- Livestock, seizure of, **18:74**
- Marital property, seizure of, **18:52**
- Money judgments, **18:102, 18:331**
- Mortgage of goods, **18:75, 18:77**
- Multiple parcels, sale of, **18:207 to 18:212**
- Newspaper notice requirements, **18:188, 18:189**
- New trial, motion for, **18:106**

EXECUTION—Cont'd

- Notice requirements
 - general discussion, **18:187 to 18:196**
 - failure to give notice, **18:180**
 - multiple parcels, notice of sale of, **18:208**
 - personal property, notice of sale of, **18:216**
- Officer, execution of writ by, **18:111 to 18:115**
- Ownership by debtor, **18:42 to 18:44**
- Partnerships and associations, **18:54 to 18:59**
- Payment, **18:218 to 18:228**
- Personal property
 - exemptions from seizure, **18:93**
 - sale of, **18:213 to 18:216**
 - seizure of property, generally, **18:47 to 18:63**
- Place or location of sale, **18:197 to 18:202, 18:214**
- Pledge of goods, **18:75, 18:78**
- Pluries writs, **18:123**
- Power to enforce, **18:97**
- Process to satisfy judgment, **18:98 to 18:100**
- Purchaser, conveyance to, **18:217**
- Real property
 - sale of, **18:186**
 - seizure of, **18:45, 18:46**
- Removal of property, **18:107**
- Resale of failure to pay, **18:222 to 18:228**
- Return of sheriff, **18:241**
- Sale of property, generally, **18:186 to 18:241**
- Seizure of property
 - general discussion, **18:42 to 18:93**
 - associations, **18:54 to 18:59**
 - contingent interests, **18:60 to 18:62**
 - defenses, **18:79 to 18:86**
 - exemptions from seizure, **18:87 to 18:93**
 - fraudulent transfers, **18:64 to 18:70**
 - future interests, **18:63**

EXECUTION—Cont'd

Seizure of property—Cont'd
holder in due course, defenses,
18:80
good faith, **18:81, 18:82**
homesteads. See Homesteads,
above
immovable (real) property, **18:45,**
18:46
joint interests in marital property,
18:52
judicial review, scope of, **18:53**
levy of property, generally, **18:71**
to **18:78**
livestock, **18:74**
marital property, **18:52**
mortgage of goods, **18:75, 18:77**
ownership by debtor, **18:42 to**
18:44
partnerships and associations,
18:54 to 18:59
personal property. See Personal
property, above
pledge of goods, **18:75, 18:78**
real property, **18:45, 18:46**
shares of stock, **18:73**
types of property subject to
seizure, **18:42 to 18:93**
Shares of stock, seizure of, **18:73**
Sheriff or constable
duty to pay over, **18:232 to 18:239**
execution of writ by, **18:111 to**
18:115
return, **18:241**
Stay of execution, generally, **18:127**
to **18:185**
Supersedeas
bond, generally, **18:131 to 18:134**
effect of, **18:128**
forms of bond, **18:332, 18:333**
Temporary orders, **18:167**
Time requirements
injunction, time for, **18:174**
issuance of execution, **18:105 to**
18:107
limitations of time, **18:116 to**
18:120
notice, time of, **18:190**

EXECUTION—Cont'd

Types of judgments subject to,
18:101
Void judgment, injunction, **18:176,**
18:177
Void sale, failure to comply with
order, **18:203**

EXEMPLARY DAMAGES

Deliberations of jury, **15:276**
Expert and opinion witnesses, **8:60**

EXEMPTIONS

See index heading EXCEPTIONS,
EXEMPTIONS AND EXCLUSIONS

EXHIBITS

Cartoons, **1:100**
Closing argument, **13:50, 13:57,**
13:95
Compact disk, exhibits on, **1:96 to**
1:100
Cross-examination, **7:210**
Deliberations of jury, exhibits taken
into jury room, **15:213 to**
15:221
Depositions, **1:99**
Direct examination of witnesses, **7:90**
to **7:94**
Exchanging exhibits before trial, **1:89**
Exhibit list, **1:86 to 1:89**
Exhibit notebooks, **1:94, 1:95**
Jury consultants, **1:46**
Marking, **1:111**
Numbering, **1:88**
Number of sets of exhibits, **1:93**
Preadmission of exhibits, **1:90 to**
1:92
Preparation for trial, **1:86 to 1:101,**
1:111
Pretrial conference, **1:131**
Proof charts, **1:35, 1:39**
Witness folders, **1:158 to 1:160**

EX PARTE COMMUNICATIONS

Judge, duties of, **3:268**

EXPEDITED DISPOSITION

Bench trials, **14:52**

INDEX

EXPENSES

See index heading **COSTS AND EXPENSES**

EXPERIENCE

Expert and opinion witnesses, **8:95, 8:104, 8:160**
Lay witnesses, opinion testimony by, **8:8**

EXPERIMENTS AND EXPERIMENTATION

Deliberations of jury, **15:221, 15:257**
Expert and opinion witnesses, **8:149 to 8:152**
Opening statements, **5:108**

EXPERT AND OPINION WITNESSES

General discussion, **8:1 et seq.**
Admissibility, generally, **8:29 et seq.**
Appointment, **8:176 to 8:181**
Appraisers, **8:181**
Attorneys' fees, **8:20, 8:62**
Audits and auditors, **8:171 to 8:181**
Automobile, value of, **8:19**
Bias or prejudice, **8:46**
Blood alcohol concentration, **8:50**
Capacity, legal capacity, **8:89**
Cause of accident, **8:61**
Certificates and certification, **8:105**
Closing argument, **13:113**
Competency of witnesses, **7:54**
Conclusions, **8:27, 8:82**
Conduct of trial, **3:74, 3:110 to 3:114**
Contract interpretation, **8:74**
Court-appointed experts, **8:176 to 8:181**
Cross-examination, **7:174, 7:175, 7:263, 8:153 to 8:170**
Demonstrations, **8:149 to 8:152**
Depositions, **8:166**
Direct examination, **8:146 to 8:152**
Disclosure, **8:125, 8:131 to 8:135**
Discretion of court, **8:31 to 8:34, 8:70, 8:144**
Education, **8:161**
Exceptions, exemptions and exclusions, **8:177 to 8:181**

EXPERT AND OPINION

WITNESSES—Cont'd

Excluding expert testimony, form of motion, **3:422**
Excluding lay testimony, **3:23**
Exemplary damages, **8:60**
Experience, **8:94, 8:104, 8:160**
Experiments and experimentation, **8:149 to 8:152**
Finances and financing, **8:170**
Foreign law, **8:87**
Foundation for testimony
 general discussion, **8:92 to 8:117**
 cross-examination, **8:156 to 8:159**
 direct examination, conduct of, **8:147**
Hypothetical questions, **8:136 to 8:145, 8:163**
Lay witnesses, opinion testimony by, generally, **8:1 to 8:28**
Learned treatises
 general discussion, **10:183, 10:184**
 attack on expert's opinion, **8:169**
 hearsay exceptions, **9:305 to 9:311**
Legal capacity, **8:89**
Legal conclusions, **8:82**
Licensing requirements, **8:97 to 8:100**
Malpractice cases, **8:101 to 8:109**
Materiality and relevancy, **3:79, 8:116**
Medical diagnosis or treatment, **8:33, 8:78, 8:101 to 8:109**
Models, **8:149 to 8:152**
Motive or intent, **8:68**
Names, **8:112**
Net worth, **8:52**
Non-scientific expertise, **8:53**
Notice or knowledge, **8:114**
Objections, **8:109, 8:118 to 8:120**
Occupation, **8:113**
Opening statements, **5:97**
Outrageousness of conduct, **3:64**
Paternity suits, **8:179**
Physicians and surgeons, **8:101 to 8:109, 8:128**
Pretrial conference, **1:128**

**EXPERT AND OPINION
WITNESSES—Cont'd**

Prior inconsistent statements, **8:164 to 8:170**
Products liability, **8:34**
Psychological autopsy, **8:66**
Public speeches, **8:168**
Published works, **8:168**
Punitive damages, **8:60**
Qualification of expert, **8:93 to 8:110**
Real estate value, **8:76**
Reconstruction of accident, **8:77**
Reliability, **3:78, 8:43, 8:126, 8:151**
Scientific knowledge, **8:37 to 8:47**
Sequestration of, **7:24**
Skill, **8:94, 8:160**
Specialized knowledge, **8:54 to 8:56**
Striking designation of expert, form of motion, **3:422**
Surveyors, **8:180**
Technical knowledge, **8:48 to 8:56**
Training, **8:96, 8:104**
Treatises. See Learned treatises, above
Truthfulness of witness, **8:88**
Ultimate issues, **8:90**
Value and valuation
 automobile, value of, **8:19**
 lay witnesses, opinion testimony by, generally, **8:17, 8:18**
 market value, **8:64**
 real estate, **8:76**
 relationship, value of, **8:67**
 services, value of, **8:76**
Voir dire, **8:117, 8:121**

EXPLANATIONS

Hearsay exceptions, **9:157**
Opening statements, **5:187**

EXPLORING ISSUES

Redirect and recross examination, **7:270, 7:271**

EXTRINSIC EVIDENCE

See index heading PAROL OR EXTRINSIC EVIDENCE

EYE CONTACT

Batson challenge, proof of purposeful discrimination, **4:313**
Closing argument, **13:39, 13:40**
Opening statements, **5:151 to 5:153**
Peremptory challenges, **4:402**
Voir dire, establish eye contact, **4:134**

EYEWITNESS STATEMENTS

Hearsay evidence, **9:17**

FAIR AND IMPARTIAL TRIAL

Attorneys, rights and duties of, **3:344**
Judge, duties of, **3:262 to 3:288**

FAIRNESS

Attorneys, duties of, **3:315 to 3:320**

FALSE OR FALSITY

See index heading FRAUD AND DECEIT

FAMILIARITY WITH CASE

Peremptory challenges, **4:441, 4:442**

FAMILIARITY WITH WITNESS

Cross-examination, **7:199**

FAMILY OR RELATIVES

Children. See index heading CHILDREN OR MINORS

Documentary evidence, family records as, **10:175**

Hearsay evidence rule
 judgment concerning family history, **9:329**

 personal statement by declarant as to family history, **9:371 to 9:373**

 religious records, **9:275 to 9:277**
 reputation concerning family history, **9:312 to 9:314**

Husband and wife. See index heading HUSBAND AND WIFE

Jurors, disqualification of, **4:93, 4:184, 4:190, 4:191**

Parents. See index heading PARENT AND CHILD

FAMILY VIOLENCE

PROTECTIVE ORDER

Generally, **2:137, 4:8**

INDEX

FEEDBACK

Opening statements, **5:131**

FEES

Attorneys' fees. See index heading
ATTORNEYS' FEES

Foreign judgment enforcement,
18:322

Garnishment, **18:299, 18:300**

Jury fees. See index heading JURY
FEES

Withdrawal from jury docket, **14:40**

FELONY CONVICTION

See index heading CONVICTION OF
CRIME

FIFTH AMENDMENT

See index heading SELF-INCRIMINATION
PRIVILEGE

FILING

Affidavits of medical records, **10:109**

Counter affidavits of medical records,
10:113

Dismissal or nonsuit, motion for,
12:69 to 12:75

Judgment liens. See index heading
JUDGMENT LIENS

Post deliberation proceedings, receipt
of verdict, **15:280**

Reinstatement motions, filing
deadline, **17:222**

FINAL ARGUMENTS

Structure of trial, **3:59**

FINALITY OF JUDGMENT

General discussion, **16:90 to 16:110**

Bifurcated trial, **3:238**

Conduct of trial, **3:177**

Determination of finality, **16:108**

Dismissal or nonsuit, motion for,
12:88

Form of final judgment, **16:136,**
16:138

Garnishment, **18:253, 18:254**

Guardianship cases, **16:94**

Presumptions, **16:105 to 16:108**

Probate cases, **16:94**

Stay of execution, **18:163**

FINANCES AND FINANCING

Business records, **10:18**

Expert and opinion witnesses, **8:170**

Opening statements, **5:33**

Peremptory challenges, **4:421**

FINANCIAL INSTITUTIONS

See index heading BANKS AND
FINANCIAL INSTITUTIONS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Bench trials. See index heading
BENCH TRIALS

Judgments, request for findings and
conclusions, **16:15 to 16:22**

Jurisdiction, **14:140, 14:141**

Motion to disregard jury findings.
See index heading JURY FINDINGS,
MOTION TO DISREGARD

Sealing of court records, hearing on,
3:39

Verdict, conflict in findings, **15:192**
to 15:195

FIREARMS

Batson challenge, proof of purposeful
discrimination, **4:369**

FORECLOSURE

Judgment liens, **18:38**

FOREIGN STATE OR COUNTRY

Authentication of records, **1:73, 1:74**

Cross-examination in foreign
language, **7:261**

Documentary evidence, foreign pub-
lic documents, **10:151 to 10:155**

Enforcing judgments

generally, **18:318 to 18:329**

affidavit requirement, **18:319**

fees, **18:322**

foreign country judgments, **18:323**
to 18:329

effect of recognition, **18:327**

limitations, **18:329**

personal jurisdiction, defendant,
18:325

procedure, **18:326**

standards for recognition,
18:324

**FOREIGN STATE OR COUNTRY
—Cont'd**

- Enforcing judgments—Cont'd
 - foreign country judgments, **18:323 to 18:329**—Cont'd
 - stay pending appeal, **18:328**
 - notice, **18:320**
 - stay, **18:321**
- Expert and opinion witnesses on foreign law, **8:87**
- Interlocutory versus final foreign judgments, **16:98**
- Judicial notice of law
 - foreign country, **11:67 to 11:76**
 - marriage or parent-child relationship, **11:77**
 - foreign state, **1:112 to 1:117, 11:48 to 11:66, 11:118**
 - marriage or parent-child relationship, **11:77**
- Preparation for trial, notice of foreign law, **1:112 to 1:117**

FOREPERSON OF JURY

- Selection, **15:198**

FORGETFUL WITNESSES

- Cross-examination, **7:258**

FORMER PARTY

- Hearsay, statements of former party, **9:100**

FORMER TESTIMONY

- Hearsay evidence, **9:358 to 9:364**

FORMS

- Abstract of judgment, **18:330**
- Admissions
 - business records, sample predicate questions for admission of, **10:188**
 - medical records, sample predicate questions for admission of, **10:190**
 - request for admissions, **10:187**
 - summaries, sample predicate questions for admission of, **10:189**
- Affidavits
 - form of, generally, **1:187**

FORMS—Cont'd

- Affidavits—Cont'd
 - temporary restraining order, affidavit for, **18:335**
- Amendment of pleadings, motions, **12:105, 12:106**
- Appeal and error
 - supersedeas bond pending appeal of judgment, **18:333**
- Bifurcate trial, motion, **3:423**
- Bonds, supersedeas bond, **18:332, 18:333**
- Business records, sample predicate questions for admission of, **10:188**
- Confidential matters, jury questionnaire, **4:453**
- Continuance, motion, **2:184**
- Cure, amendment of pleadings, **12:106**
- Damages, judgment granting permanent injunction with damages, **18:337**
- Directed verdict, motion, **12:107**
- Discovery, striking evidence or pleadings for discovery abuse, **3:419 to 3:421**
- Documentary evidence
 - affidavit, sample form, **10:191, 10:192**
 - authenticating hospital records, **10:195**
 - authenticating X-rays, **10:196**
 - business records, predicate questions for admission of, **10:188**
 - hospital records, authenticating, **10:195**
 - medical records, predicate questions for admission of, **10:190**
 - request for admission, **10:187**
 - stipulations, **10:193, 10:194**
 - summaries, predicate questions for admission of, **10:189**
 - x-rays, authenticating, **10:196**
- Exclude evidence, motion, **1:189**
- Execution writ, **18:331**
- Experts, striking designation of expert or excluding expert testimony, **3:422**

INDEX

FORMS—Cont'd

Final judgment, **16:136, 16:138**

Findings of fact and conclusions of law, **14:232**

Garnishment. application for writ of, **18:339**

Injunction

affidavit in support of motion, **18:335**

judgment granting permanent injunction, **18:337**

order to show cause, **18:336**

petition, **18:334**

writ of injunction, **18:336, 18:338**

Judgment notwithstanding the verdict generally, **16:137**

motion for judgment, **17:238**

Judgments

abstract of judgment, **18:330**

final judgment, **16:136, 16:138**

injunction, judgment granting permanent injunction, **18:337**

notwithstanding the verdict. See index heading JUDGMENT NOTWITHSTANDING THE VERDICT

proposed judgment, preserving substantive issue for appeal, **17:239**

writ of execution on money judgment, **18:331**

Judicial notice

adjudicative facts, **11:117**

laws of sister state, **11:118**

stipulation as to certain facts, **11:119**

Jury and jurors

complex cases, juror questionnaires, **4:455**

confidential jury questionnaire, **4:453**

questionnaires, **4:453 to 4:455**

request for jury, **2:183**

verdict. See index heading VERDICT

Medical records, sample predicate questions for admission of, **10:190**

Mistrial, motion, **12:108**

FORMS—Cont'd

Motions

amendment of pleadings, **12:105, 12:106**

continuance, **2:182**

directed verdict, **12:107**

exclude evidence, **1:189**

in limine, **1:188**

mistrial, **12:108**

nonsuit, **12:109**

Nonjury trial, final judgment, **16:138**

Nonsuit

motion, **12:109**

order granting, **12:110**

Order to show cause, **18:336**

Petitions, temporary restraining order, **18:334**

Pleadings, amendment of pleadings, **12:105, 12:106**

Preparation for trial

affidavit, **1:187**

motion in limine, **1:188**

motion to exclude evidence, **1:189**

trial subpoena, **1:190**

Questionnaires

confidential jury questionnaire, **4:453**

jury questionnaires, **4:453 to 4:455**

Records and recording, affidavit, **1:187**

Request or demand

admissions, sample of request for, **10:187**

Show cause order, injunction, **18:336**

Stipulations

documentary evidence, **10:193, 10:194**

judicial notice, **11:119**

setting aside stipulation, **11:120, 11:121**

Subpoena, trial subpoena, **1:190**

Summaries, sample predicate questions for admission of, **10:189**

Supersedeas bond, **18:332, 18:333**

Temporary restraining order

affidavit in support of motion, **18:335**

order to show cause, **18:336**

FORMS—Cont'd

- Temporary restraining order—Cont'd
petition, **18:334**
- Trial devices for exclusion of evidence, **6:526**
- Trial setting, request for, **2:182**
- Trial subpoena, **1:190**
- Verdict
 - directed verdict, **12:107**
 - judgment notwithstanding the verdict. See index heading
JUDGMENT NOTWITHSTANDING
THE VERDICT
- Writ of execution, **18:331**
- Writ of garnishment, form of application, **18:339**
- Writ of injunction, **18:336, 18:338**
- X-rays, authenticating, **10:196**

FOUNDATION

- Expert testimony. See index heading
EXPERT AND OPINION WITNESSES
- Hearsay exceptions, **9:229 to 9:235, 9:257**
- Public records, **9:257, 10:137**

FRAUD OR DECEIT

- Attorneys. See index heading
ATTORNEYS
- Default judgments, attacking, **17:210**
- Jurors, disqualification of, **4:230**

FRAUDULENT TRANSFERS

- Seizure of property, **18:64 to 18:70**

FUTURE DAMAGES

- Interest on judgment, **16:133**

FUTURE INTERESTS

- Seizure of property, **18:63**

GAG ORDERS

- Attorneys, rights and duties of, **3:346**

GARNISHMENT

- General discussion, **18:242 to 18:300**
- Affidavits, application for writ, **18:258**
- Answer by garnishee, **18:290 to 18:295**

GARNISHMENT—Cont'd

- Application for writ
 - general discussion, **18:257 to 18:259**
 - form of, **18:339**
- Availability of remedy at commencement of trial, **3:206 to 3:210**
- Bond or undertaking, **3:210, 18:262, 18:263**
- Costs, **18:299, 18:300**
- Current wages, **18:248 to 18:251**
- Definition, **3:207, 18:242**
- Delivery to officer, **18:267**
- Dissolution hearing, **18:281 to 18:289**
- Dockets and docketing, **18:265**
- Fees and costs, **18:299, 18:300**
- Final judgment, **18:253, 18:254**
- Form of application for writ, **18:339**
- Hearings
 - conduct of trial, **3:208**
 - dissolution, hearing on, **18:281 to 18:289**
- Issuance of, **18:252 to 18:269**
- Issue presented, **18:244**
- Notice and hearing, **3:208**
- Prejudgment writ, **18:260 to 18:264**
- Purpose, **18:243**
- Replevy by defendant, **18:278 to 18:280**
- Request for issuance, **18:266**
- Service of
 - defendant, service on, **18:273 to 18:277**
 - garnishee, service on, **18:270 to 18:272**
- Strict compliance, **18:246, 18:247**
- Three parties, **18:245**
- Waiver of service on defendant, **18:275**

GENDER DISCRIMINATION

- Batson challenges, expansion of principles, **4:302**

GENERAL ARRAY OF JURORS

- General discussion, **4:38 to 4:41**

INDEX

GENERAL OR SPECIAL VERDICTS

General discussion, **15:188 to 15:192**

GEOGRAPHIC ORIGIN

Peremptory challenges, **4:443 to 4:445**

GEOGRAPHY

Judicial notice, **11:28**

GESTURES

Hearsay evidence, **9:25, 9:45**

GOLDEN RULE

Closing argument, **13:124**

GOOD CAUSE

Default judgment, **17:118, 17:119**

Exception, meritorious defense,
17:120

Grant of new trial, **17:121**

Grounds, motion for new trial,
17:117 to 17:121

Meritorious defense, **17:119**

Supplementation of discovery, **1:6 to 1:11**

Unintentional failure to answer,
17:118

GOOD FAITH

Opening statements, **5:198**

GOVERNMENT OFFICIALS

See index heading **PUBLIC OFFICERS
AND EMPLOYEES**

GOVERNMENT RECORDS

Documentary evidence, **10:134 to 10:186**

GRAND JURY

Hearsay evidence, **9:351**

Qualification of jurors, previous service on grand jury, **4:193**

GRAPHS AND ILLUSTRATIONS

Closing argument, use of visual aids,
13:54 to 13:62

Demonstrative evidence, preparation for trial, **1:169**

Opening statements, **5:126, 5:127, 5:164 to 5:175**

GROUND

Good ground, continuance, **2:64**

GUARANTEES

Request for jury trial, **2:131 to 2:140**

Twelve person jury, **4:282**

GUARDIANS

Appointment of temporary guardian,
2:140

Finality of judgment, **16:94**

Opening statements, **5:106**

GUM CHEWING

Peremptory challenges, **4:404**

GUN OWNERS

Batson challenge, proof of purposeful discrimination, **4:369**

HABIT OR ROUTINE PRACTICE

Opening statements, **5:148 to 5:150**

HAIRCUT

Batson challenge, proof of purposeful discrimination, **4:365**

HAITIANS

Peremptory challenges, **4:445**

HANDICAPPED PERSONS

See index heading **DISABLED PERSONS**

HANDWRITING

Opinion testimony by lay witnesses,
8:16

HARASSMENT

Cross-examination of witnesses, **7:9, 7:194**

HARMLESS REMARKS DURING TRIAL

Judge, duties of, **3:278**

HEAD NODS

Hearsay evidence, **9:24**

HEALTH

See index heading **PHYSICAL CONDITION OR HEALTH**

HEARING IMPAIRED PERSONS

See index heading **DEAF OR HEARING IMPAIRED PERSONS**

HEARINGS

- Array of jurors, challenges to, **4:44**
- Batson challenges, **4:332 to 4:335**
- Deliberations of jury, **15:203, 15:270**
- Findings of jury, motion to disregard, **17:79**
- Garnishment. See index heading
GARNISHMENT
- Judgment notwithstanding the verdict, motion for, **17:36, 17:37**
- Judgments nunc pro tunc, motions for, **17:183**
- Judicial notice, **11:42**
- Jury misconduct, **3:413**
- Media coverage of trial, motion for, **3:11, 3:12**
- Misconduct of jury, **15:270**
- New trial, motions for, **17:114, 17:115, 17:127**
- Reinstatement motions, **17:227**
- Scientific knowledge of expert and opinion witnesses, **8:38**
- Sealing of court records, **3:34**

HEARSAY

- General discussion, **9:1 et seq.**
- Admissions and declarations, generally, **9:46, 9:81 et seq.**
- Affidavits, **9:235**
- Agency, **9:49, 9:86, 9:87, 9:108 to 9:113**
- Ancient documents, **9:292 to 9:297**
- Appeal, standard of review, **9:7**
- Attitude, evidence offered to prove, **9:38**
- Baptismal records, **9:278 to 9:282**
- Bias or prejudice, **9:19**
- Boundaries, **9:315, 9:329**
- Business records, **9:218 et seq.**
- Cause of injury, **9:203**
- Character and reputation, **9:312 to 9:317**
- Child abuse, **9:345**
- Civil cases, **9:80, 9:324**
- Co-conspirators, **9:88, 9:116 to 9:121**
- Collateral estoppel, **9:326**
- Compliance, evidence offered to prove, **9:43**
- Computer records, **9:221**

HEARSAY—Cont'd

- Confrontation of witnesses, **9:12**
- Conspiracy, **9:88, 9:116 to 9:121**
- Contracts and agreements, **9:226**
- Conviction of crime, **9:318 to 9:328**
- Credibility of absent declarants, **9:374 to 9:378**
- Cross-examination, **9:378**
- Crying, **9:27**
- Custody and custodians, **9:236**
- Declarations against interest, **9:16, 9:90, 9:333 to 9:344**
- Definitions of hearsay, **9:20 to 9:56**
- Depositions, **9:94, 9:122 to 9:130, 9:360**
- Description or identification, **9:64, 9:78, 9:157, 9:202**
- Divorce, **9:180, 9:272 to 9:274**
- Double hearsay, **9:266**
- Dying declarations, **9:365 to 9:370**
- Election against will, **9:337**
- Employment relations, **9:86**
- Exceptions to hearsay rule
 - general discussion, **9:9, 9:10, 9:152 to 9:345**
 - admissions, **7:147**
 - ancient documents, **9:292 to 9:297**
 - boundaries, **9:315, 9:329**
 - burden of establishing exception, **9:152**
 - business records, **9:218 et seq.**
 - character and reputation, **9:312 to 9:317**
 - child abuse victims, **9:345**
 - declarations against interest, **9:16, 9:90, 9:333 to 9:344**
 - excited utterances, **9:15, 9:163 to 9:173**
 - family history, **9:278 to 9:284, 9:312 to 9:314, 9:329 to 9:332**
 - foundation, **9:229 to 9:235, 9:257**
 - impeaching and rehabilitating witnesses, **7:282**
 - judgments, **9:315, 9:318 to 9:332**
 - learned treatises, **9:305 to 9:311**
 - market reports, **9:298 to 9:304**
 - medical diagnosis or treatment, **9:189 to 9:205**

INDEX

HEARSAY—Cont'd

Exceptions to hearsay rule—Cont'd
present sense impression, **9:154 to 9:162**
property rights or interests, **9:285 to 9:291, 9:315, 9:329**
public records, generally, **9:246, 9:255 to 9:274**
recorded recollection of witness, **7:117, 9:206 to 9:216**
records of regularly conducted activity, generally, **9:217 to 9:274**
religious organizations, beliefs or events, **9:275 to 9:284**
statutory exception to hearsay, **9:10**
then existing mental, emotional, or physical condition, **9:174 to 9:188**
unavailability of declarant, **9:153**
vital statistics, **9:267 to 9:270**
Excited utterances, **9:15, 9:163 to 9:173**
Existence, evidence offered to prove, **9:40**
Eyewitness statements, **9:17**
Family matters. See index heading
FAMILY OR RELATIVES
Former party, statements of, **9:100**
Gestures, **9:25, 9:45**
Grand jury, **9:351**
Hearsay within hearsay, **9:14 to 9:19**
Income tax returns, **9:225**
Inheritance, **9:336 to 9:338**
Interpreters, **9:35**
Interrogatories, **9:68**
Investigations, **9:263, 9:264**
Invoices, **9:220**
Judgments, **9:315, 9:318 to 9:332**
Judicial admissions, **9:131 to 9:151**
Learned treatises, **9:305 to 9:311**
License, business operating without, **9:45**
Market reports, **9:298 to 9:304**
Marriage records, **9:278 to 9:282**
Materiality and relevancy, **9:290, 9:344**

HEARSAY—Cont'd

Medical diagnosis or treatment, **9:189 to 9:205**
Mental state or processes, **9:42, 9:174 to 9:188**
Murder conviction, **9:320**
Nolo contendere, **9:319**
Nonverbal conduct, **9:23 to 9:293**
Notice or knowledge, **9:41, 9:212, 9:231, 9:237, 9:258**
Oath or affirmation, **9:67**
Offer or acceptance, **9:48**
Opinion or belief, **9:44, 9:366**
Parol or extrinsic evidence, **9:22**
Partnerships and associations, **9:225**
Patent application, **9:99**
Physical condition or health, **9:174 to 9:188**
Present sense impression, **9:154 to 162**
Presumptions and burden of proof, **9:112, 9:152**
Prior consistent statements, **9:63, 9:72 to 9:77**
Prior inconsistent statements, **9:65 to 9:71**
Prior injury, **9:93**
Privileges and privileged information, **9:349 to 9:351**
Privity, statements of persons in, **9:101**
Property rights or interests, **9:34, 9:285 to 9:291, 9:315, 9:329 to 9:332, 9:341**
Psychotherapists, **9:196**
Public officers and employees, **9:115**
Religious organizations, beliefs or events, **7:315, 9:275 to 9:282**
Rent or rentals, **9:33**
Retrial, use of former testimony, **9:361**
Self-incrimination privilege, **9:349 to 9:351**
Silence, **9:26**
State of mind, **9:42, 9:174 to 9:188**
Statutory exceptions to hearsay rule, **9:10**
Stipulations, judicial admissions in, **9:148**

HEARSAY—Cont'd

- Subsequent conduct, **9:185**
- Suicide, **9:183**
- Tenor of statement, **9:168**
- Then-existing mental, emotional, or physical condition, **9:174 to 9:188**
- Time or date
 - business records, **9:232**
 - excited utterance, **9:167 to 9:173**
 - marriage or similar records, **9:282**
 - personal or family history, statement of, **9:372**
 - present sense impression, **9:154, 9:159**
 - prior consistent statements, **9:77**
 - recorded recollection, **9:210**
 - statement against interest, **9:338**
- Title and ownership, **9:34, 9:341**
- Transcripts, **9:95**
- Trustworthiness, **9:213, 9:248, 9:265**
- Verbal acts, generally, **9:47 to 9:51**
- Vital statistics, **9:267 to 9:270**
- Wills, **9:181, 9:188, 9:295**

HEARSAY EVIDENCE

- Former testimony, **9:358 to 9:364**

HOLDER IN DUE COURSE

- Seizure of property, **18:80**

HOLIDAYS

- Judicial notice, **11:18**

HOMESTEADS

- See index heading **EXECUTION**

HOSPITALS

- Documentary evidence, hospital committee reports, **10:129 to 10:133**
- Peremptory challenges to hospital workers, **4:386**

HOSTILE WITNESSES

- Leading questions, **7:70**

HUMOR

- Jury selection, **4:135**
- Opening statements, **5:183**

HUSBAND AND WIFE

- Divorce. See index heading **DIVORCE AND DIVORCED PERSONS**
- Documentary evidence, marriage records, **10:176**
- Hearsay exceptions, marriage records, **9:278 to 9:282**
- Peremptory challenges, **4:426 to 4:431**
- Seizure of marital property, **18:52**

HYPOTHETICAL QUESTIONS

- Expert and opinion witnesses, **8:136 to 8:145, 8:163**

IDENTIFICATION

- See index heading **DESCRIPTION OR IDENTIFICATION**

ILLITERACY

- Cross-examination, **7:168**

ILLUSTRATIONS

- See index heading **GRAPHS AND ILLUSTRATIONS**

IMMOVABLE PROPERTY

- See index heading **REAL PROPERTY**

IMMUNITY

- See index heading **PRIVILEGES AND PRIVILEGED INFORMATION**

IMPEACHING AND REHABILITATING WITNESSES

- General discussion, **7:275 to 7:322**
- Bias, interest or motive, **7:288**
- Character evidence
 - impeaching witnesses, **7:289 to 7:296**
 - rehabilitating witnesses, **7:319 to 7:322**
- Closing argument, **13:111**
- Conviction of crime, **7:238, 7:296 to 7:313**
- Cross-examination, **7:212 to 7:215**
- Prior consistent statements, rehabilitating witnesses, **7:316 to 7:318**
- Prior inconsistent testimony, **7:281 to 7:287**

INDEX

IMPEACHING AND REHABILITATING WITNESSES—Cont'd

- Redirect and recross examination,
7:268, 7:269
- Rehabilitating witnesses, generally,
7:315 to 7:322
- Religious beliefs or opinions, **7:314**
- Who may impeach, **7:276 to 7:280**

IMPLIED AND INHERENT POWERS

- Judge, conduct of, **3:241, 3:242**

IN CAMERA PROCEEDINGS

- Media coverage of, **3:17**

INCOME TAX RETURNS

- Business records, **10:19**
- Hearsay exceptions, **9:225**

INCOMPETENT PERSONS

- See index heading **INSANE OR
INCOMPETENT PERSONS**

INCONSISTENCY

- See index heading **CONFLICT OR INCON-
SISTENCY**

INDEX AND INDEX CARDS

- Judgment liens, **18:30 to 18:36**
- Opening statements, **5:122 to 5:125**

INDICTMENT OR INFORMATION

- Jurors, statutory qualifications of,
4:68

INFANTS

- See index heading **CHILDREN OR
MINORS**

INFERENCES

- See index heading **PRESUMPTIONS AND
BURDEN OF PROOF**

INFORMATION FROM OUTSIDE SOURCES

- Deliberations of jury, **15:256**

INHERITANCE

- Hearsay exceptions, **9:336 to 9:338**

INJUNCTIONS

- Execution of judgment, injunctions to
stay. See index heading **EXECU-
TION**

IN LIMINE

- See index heading **MOTIONS IN LIMINE**

INQUIRIES

- See index heading **QUESTIONS AND
INQUIRIES**

INSANE OR INCOMPETENT PERSONS

- Competency of witnesses, **7:32**

INSPECTION OR EXAMINATION

- Business records, **10:54**
- Post deliberation proceedings, receipt
of verdict, **15:280**
- Refreshing recollection of witness,
7:105

INSTALLMENT PAYMENTS

- Execution, **18:221**

INSTRUCTED VERDICT

- General discussion, **3:126 to 3:128,
12:44, 12:56**

INSTRUCTIONS TO JURY

- General discussion, **15:16 et seq.**
- Adoption by reference, **15:159**
- Amount of instructions, limitations
on, **15:97**
- Announcement of ruling on objec-
tion, **15:148**
- Belt and suspenders approach to
objection or request, **15:144**
- Bifurcated trial, limiting instructions,
3:233
- Bill of exceptions, **15:123**
- Broad-form submission, **15:37 to
15:69**
- Closing argument
 - enlargements of jury instructions,
use of, **13:58, 13:94**
 - explaining charge in, **13:126**
 - outline of closing argument, **13:81**
 - purpose of, generally, **13:9 to
13:13**

INSTRUCTIONS TO JURY—Cont'd

Closing argument—Cont'd
 use of charge in, **13:58, 13:94, 15:34**
 Conduct of trial, **3:137 to 3:153**
 Conferences, **15:100 to 15:106**
 Controlling issues, **15:19 to 15:24**
 Damages, **15:47, 15:93 to 15:95**
 Deadman's statute, **7:49**
 Deemed findings, **15:158**
 Defective or erroneous instructions, **15:135 to 15:138, 15:146**
 Definitions, **15:61 to 15:67**
 Deliberations of jury
 additional instructions, request for, **15:236**
 dynamite charge, **15:250**
 Discretion of court
 general discussion, **3:253**
 definitions, **15:62**
 form of questions, instructions and omissions, **15:52, 15:53**
 scope and extent of, **15:24**
 subject matter in pleading and evidence, **15:71**
 Drafting the charge, **15:25 to 15:28, 15:96 to 15:117**
 Endorsements, **15:111 to 15:115**
 Evidence
 weight and sufficiency. See weight and sufficiency of evidence, below
 Exclusion of business records, **10:84 to 10:87**
 Form of questions, instructions, omissions, **15:35 to 15:95**
 Judge, duties of, **3:252 to 3:257**
 Judicial notice, **1:110, 11:45, 11:46**
 Jury room, instructions taken into, **15:213 to 15:221**
 Limitations
 amount of instructions, limitations on, **15:97**
 bifurcated trial, limiting instructions, **3:233**
 Method of objection, **15:150, 15:151**
 Modification of, **15:177**

INSTRUCTIONS TO JURY—Cont'd

Motions
 instructed verdict, motion for, **3:126 to 3:128**
 Noting an objection, **15:149**
 Objection or request
 general discussion, **15:129 to 15:144**
 dilemma as to, **15:129 to 15:144**
 examination of objections, **15:108, 15:109**
 objection, generally, **15:145 to 15:162**
 opening statements, objections to, **5:235**
 request, generally, **15:163 to 15:173**
 timing of objections, **15:125 to 15:128**
 Omissions
 form of, generally, **15:77 to 15:80**
 preservation of error, **15:139 to 15:143**
 Opening statements
 objections to, **5:235**
 use of charge in, **15:32, 15:33**
 Pattern jury charge, **15:86 to 15:92**
 Post deliberation proceedings, **15:278**
 Preparation of draft of, **15:25 to 15:28**
 Preservation of error
 general discussion, **15:118 to 15:177**
 endorsements, **15:111 to 15:115**
 Presumptions and burden of proof, **15:68, 15:69, 15:130 to 15:138**
 Pretrial conference, **1:130, 15:28, 15:100 to 15:102**
 Province of court and jury, **15:4**
 Questions of law and fact, **3:140, 3:142, 15:73 to 15:76, 15:90**
 Refusal to submit, **15:23, 15:59, 15:176**
 Request. See Objection or request, above
 Ruling by court, **15:174 to 15:177**
 Separation of objections and requests, **15:166**
 Signature, **15:116**

INDEX

INSTRUCTIONS TO JURY—Cont'd

- Simplicity, **15:17**
- Specificity of objection, **15:152 to 15:156**
- Statutory language, **15:98**
- Structure of trial, generally, **3:55 to 3:58, 3:60**
- Sufficiency of evidence. See Weight and sufficiency of evidence, below
- Time requirements
 - examination of charge, **15:122 to 15:124**
 - objections, **15:125 to 15:128, 15:156**
 - ruling by court, timing of, **15:174 to 15:177**
- Use of charge at trial, **15:29 to 15:34**
- Verdict. See index heading VERDICT
- Voir dire, use of charge in, **15:30, 15:31**
- Voluminous requests, **15:168**
- Waiver of submission of defective or erroneous instructions, **15:137**
- Weight and sufficiency of evidence
 - general discussion, **15:81 to 15:83**
 - judge, duties of, **3:256**
 - judicial notice, **11:46**
- Writing, requirement of
 - findings, **15:157**
 - requests, **15:165**

INSURANCE

- Closing argument, **13:136 to 13:138**
- Liability insurance. See index heading LIABILITY INSURANCE
- Opening statements, **5:209**
- Voir dire, impermissible inquiries during, **4:170, 4:171**

INTELLIGENCE

- Jury service, excuse from, **4:57**
- Peremptory challenges, **4:407 to 4:414**

INTENT

- See index heading MOTIVE OR INTENT

INTEREST, DECLARATIONS AGAINST

- See index heading DECLARATIONS AGAINST INTEREST

INTEREST IN SUBJECT MATTER

- Cross-examination, **7:224**
- Documentary evidence, **10:171, 10:172**
- Impeaching and rehabilitating witnesses, **7:288**
- Jurors, disqualification of, **4:92, 4:187 to 4:189**

INTEREST ON MONEY

- Judgments, generally, **16:131 to 16:135**
- Judicial notice as to interest rates, **11:25**
- Lien of judgment, **18:18**
- Stay of execution, **18:138**
- Time for interest on judgment, **16:134**
- Verdict, judgment on, **17:18**

INTERLOCUTORY JUDGMENTS OR ORDERS

- Appealable interlocutory orders, **16:97**
- Final versus interlocutory judgment, **16:95 to 16:100**
- Findings of fact and conclusions of law, request for, **14:144**
- Notice of, **16:45**

INTERPRETATION

- See index heading CONSTRUCTION AND INTERPRETATION

INTERPRETERS

- Hearsay evidence, **9:35**
- Opening statements, **5:105**
- Witnesses, **7:11 to 7:16**

INTERROGATORIES

- Answers to, **7:143**
- Hearsay evidence, **9:68**

INTERRUPTIONS

- Cross-examination, **7:197**
- Opening statements, **5:192, 5:222**

INTERVENORS

- Opening statements, **3:102, 5:15, 5:19**

INTOXICATING LIQUORS

See index heading **ALCOHOLIC BEVER-
AGES**

INTRODUCTION OF EVIDENCE

Conduct of trial, **3:103 to 3:134**

INVESTIGATIONS

Attorneys, rights and duties of, **3:358**
Hearsay exceptions, **9:258, 9:264**

INVOICES

Business records, **10:16**
Documentary evidence, **10:14, 10:16**
Hearsay exceptions, **9:220**

INVOLUNTARY BENCH TRIAL

Bench trials, **14:1 to 14:46**
Failure to make court aware, **14:35**

IRREBUTTABLE PRESUMPTIONS

See index heading **PRESUMPTIONS AND
BURDEN OF PROOF**

IRRELEVANT MATTERS

See index heading **MATERIALITY AND
RELEVANCY**

ISSUES IN CASE

Attorney's comments on, **3:367**

ITEMIZATION

Affidavits of medical records, **10:108**

JOINDER OF PARTIES

Depositions, **7:135**

JOINT CONDUCT

Hearsay exceptions, **9:186**

JOINT INTERESTS

Marital property, seizure of, **18:52**

JUDGES

Bench trials. See index heading
BENCH TRIALS
Competency of witnesses, **7:37**
Findings. See index heading **FINDINGS
OF FACT AND CONCLUSIONS OF LAW**
Judgments, qualification of judges,
16:52 to 16:56
Recusal, grounds for, **16:54**
Structure and conduct of trial, gener-
ally, **3:239 to 3:288**

JUDGES—Cont'd

Witnesses, calling by judge, **7:17 to
7:19**

JUDGMENT LIENS

General discussion, **18:1 to 18:38**
Abstracts
form of abstract of judgment,
18:330
preparation of abstract judgment,
18:5 to 18:22
purpose of abstracting judgment,
18:4
Addresses, contents of abstracts,
18:19
Amount of judgment, contents of
abstracts, **18:16**
Cause number, contents of abstracts,
18:12
Child support arrearage, contents of
abstracts, **18:17**
Contents of abstracts, **18:9 to 18:18**
Counter defendant, plaintiff as, **18:22**
Creation of, **18:2, 18:3**
Credits in index, space for, **18:36**
Date of judgment, contents of
abstracts, **18:15**
Definition, **18:1**
Filing
effect of, **18:37**
place of, **18:23, 18:24**
requirements for, **18:25 to 18:29**
Foreclosure on a judgment lien,
18:38
Identification of defendant, contents
of abstracts, **18:11**
Index, **18:30 to 18:36**
Interest rate, contents of abstracts,
18:18
Justice court abstracts, **18:6**
Missing information, **18:20, 18:21**
Names
abstracts, contents of, **18:10**
index, **18:35**
Place of filing, **18:23, 18:24**
Sale
judgment, **18:40**
not credit on judgment, **18:41**
Satisfaction of lien, **18:39**

INDEX

JUDGMENT LIENS—Cont'd

- Substantial compliance with abstracting judgment, **18:7, 18:8**
- Transfer of judgment, **18:40**

JUDGMENT NOTWITHSTANDING THE VERDICT

- General discussion, **17:26 to 17:59**
- Appeal and review, **17:31, 17:37, 17:53 to 17:59**
- Directed verdict, **17:40, 17:43**
- Drafting checklist, **17:235**
- Findings of fact and conclusions of law, request for, **14:137**
- Formal guidelines, generally, **17:44 to 17:48**
- Forms
 - judgment, **16:137**
 - motion for judgment, **17:238**
- Granting motion, **17:41 to 17:43**
- Grounds supporting, **17:39, 17:40**
- Hearing, **17:36, 17:37**
- Motion for
 - general discussion, **17:26 to 17:59**
 - conduct of trial, **3:181 to 3:183**
 - form, **17:238**
- Notice requirements, **17:35, 17:37**
- Preservation of error, **17:30**
- Procedure, **17:32 to 17:38**
- Purpose, **17:27 to 17:31**
- Sufficiency of verdict, **16:5 to 16:9**
- Time, **17:49 to 17:51**
- Title, **17:47**

JUDGMENT ON THE VERDICT

- General discussion, **17:1 to 17:18**
- Advantages, **17:5 to 17:8**
- Effect of, **17:9 to 17:14**
- Interest, calculation of, **17:18**
- Jury findings, combination with motion to disregard, **17:14**
- Ministerial act, **17:3**
- Motion for, generally, **17:1 to 17:18**
- Necessity, **17:2**
- Parties, preparation by, **17:4**
- Post-verdict and post-trial motions, **17:1 to 17:18**
- Purpose, **17:1**
- Responding to, **17:15 to 17:18**

JUDGMENTS

- General discussion, **16:1 et seq.**
- Abstract of. See index heading
ABSTRACT OF JUDGMENT
- Additional findings, **16:23**
- Agreed judgment, **16:65**
- Amendment of pleadings, **16:63**
- Approval of form of, **16:43**
- Attack on, **16:77 to 16:79, 16:85 to 16:89**
- Attorney, preparation by, **16:40, 16:41**
- Bench trials. See index heading
BENCH TRIALS
- Bill of review, **16:88, 16:117**
- Cancellation. See index heading
SATISFACTION OF JUDGMENT
- Collateral attack, **16:79, 16:89**
- Collateral estoppel. See index heading
COLLATERAL ESTOPPEL
- Collection of judgment, **3:65**
- Conduct of trial, **3:173 to 3:178**
- Conformity to pleadings, **16:58 to 16:60**
- Constitutional law, qualification of judge, **16:55**
- Contents of judgment, **16:33 to 16:38**
- Costs of action, **16:125 to 16:130**
- Default judgments, **16:101**
 - general discussion, **17:190 to 17:218**
 - for detailed treatment see index heading
DEFAULT JUDGMENTS
- Definiteness and certainty, **16:57**
- Description of property, contents of judgment, **16:36**
- Designation of amount recovered, contents of judgment, **16:37**
- Direct attack on, **16:78**
- Documentary evidence, **10:150, 10:168, 10:169**
- Duty of court, **16:2 to 16:10**
- Effect of judgment, **16:119 to 16:124**
- Entry of judgment
 - general discussion, **16:26 to 16:46**
 - motion for, **16:11 to 16:13**
- Evidence, sufficiency of, **16:66**
- Exceptions, **16:64, 16:65**

JUDGMENTS—Cont'd

Execution

general discussion, **18:96 to 18:126**

for detailed treatment see index
heading EXECUTION

Finality of judgment

general discussion, **16:90 to 16:110**

for detailed treatment see index
heading FINALITY OF JUDGMENT

Findings and conclusions, request for, **16:15 to 16:22**

Foreign state or country, enforcing

generally, **18:318 to 18:329**

affidavit requirement, **18:319**

fees, **18:322**

foreign country judgments, **18:323 to 18:329**

effect of recognition, **18:327**

limitations, **18:329**

personal jurisdiction, defendant, **18:325**

procedure, **18:326**

standards for recognition, **18:324**

stay pending appeal, **18:328**

notice, **18:320**

stay, **18:321**

Future damages, interest on judgment, **16:133**

Hearsay exceptions, **9:315, 9:318 to 9:332**

Interest, **16:131 to 16:135**

Interlocutory judgments. See index
heading INTERLOCUTORY JUDGMENTS OR ORDERS

Invalid judgments, **16:67 to 16:89**

Judge, qualification of, **16:52 to 16:56**

Judgment notwithstanding verdict

general discussion, **17:26 to 17:59**

for detailed treatment see index
heading JUDGMENT

NOTWITHSTANDING THE VERDICT

Judgment on jury verdict. See index
heading JUDGMENT ON THE VERDICT

JUDGMENTS—Cont'd

Jurisdiction

enforcement of judgment, **3:199**

stipulations, **11:108**

validity of judgment, **16:47 to 16:66**

void judgments, **16:71 to 16:73**

Jury verdict. See Verdict, below

Liens

general discussion, **18:1 to 18:38**

for detailed treatment see index
heading JUDGMENT LIENS

Mandamus

availability of, **16:13**

compelling entry of judgment, **16:46**

Memorandum, **16:31**

Mother Hubbard clause, **16:103 to 16:108**

Names of parties, contents of judgment, **16:34, 16:35**

New trial, motion for, **16:86**

Notice of judgment, **16:44, 16:45**

Nunc pro tunc

general discussion, **17:173 to 17:189**

for detailed treatment see index
heading JUDGMENTS NUNC PRO TUNC

Official misinformation, **16:76**

Omitted findings, **16:22**

Open court, rendition of judgment in, **16:28 to 16:30**

Personal injury, interest on judgment, **16:132**

Personal jurisdiction, requirement of, **16:48**

Pleadings

conformity to, **16:58 to 16:60**

sufficiency of, **16:61 to 16:65**

Plenary power of court, **16:111 to 16:118**

Prejudgment interest, **16:131 to 16:135**

Preparation by counsel, **16:40, 16:41**

Procedure for entry of judgment, **16:39 to 16:46**

Property damage, interest on judgment, **16:132**

INDEX

JUDGMENTS—Cont'd

- Proposed judgment, preserving substantive issue for appeal, form, **17:239**
- Public announcement, **16:32**
- Qualification of judge, **16:52 to 16:56**
- Rendition of judgment, **16:27 to 16:31**
- Requirements of valid judgment, **16:47 to 16:66**
- Res judicata. See index heading RES JUDICATA
- Revival of dormant judgments, **18:314 to 18:317**
- Satisfaction. See index heading SATISFACTION OF JUDGMENT
- Service on other parties, **16:41**
- Signature or signing, **3:174, 16:38, 16:42**
- Stipulations as to, **11:107 to 11:110**
- Structure of trial, **3:63**
- Subject matter jurisdiction, requirement of, **16:49**
- Sufficiency of verdict, **16:4 to 16:9**
- Summary judgment. See index heading SUMMARY JUDGMENT
- Verdict
 - judgment notwithstanding verdict. See index heading JUDGMENT NOTWITHSTANDING THE VERDICT
 - judgment on. See index heading JUDGMENT ON THE VERDICT
- Voidable judgments
 - general discussion, **16:82 to 16:89**
 - distinction between void and voidable judgments, **16:67**
- Void judgments
 - general discussion, **16:68 to 16:80**
 - distinction between void and voidable judgments, **16:67**
 - partially void judgment, **16:81**
 - stay of execution, **18:176, 18:177**
- Wrongful death, interest on judgment, **16:132**

JUDGMENTS NUNC PRO TUNC

- General discussion, **17:173 to 17:189**
- Appellate timetable, **17:187 to 17:189**

JUDGMENTS NUNC PRO TUNC—Cont'd

- Clear and convincing standard, **17:186**
- Clerical errors, **17:176 to 17:180**
- Hearing, **17:183**
- Invocation by court or litigants, **17:174, 17:175**
- Judicial errors, **17:176 to 17:180**
- Motions for, generally, **17:173 to 17:189**
- Notice requirements, **17:182**
- Plenary power of court, **16:118**
- Presumptions and burden of proof, **17:185**
- Procedure to correct, **17:181 to 17:189**
- Questions of law, **17:180**
- Time or date, **17:184, 17:187 to 17:189**

JUDICIAL ADMISSIONS

- Hearsay evidence, **9:131 to 9:151**

JUDICIAL NOTICE

- General discussion, **1:102 to 1:117, 11:1 et seq.**
- Adjudicative facts, **11:8 to 11:28, 11:117**
- Agency rules, **11:78 to 11:91**
- Animal behavior, **11:23**
- Attorneys' communications with trial court's staff, **11:30**
- Attorneys' fees, **11:22**
- Bankruptcy, **11:20**
- Categories, generally, **11:7**
- Choice of law, **11:49 to 11:66**
- Conduct of trial, **3:117**
- Definition, **11:2**
- Discretion of court, **11:34, 11:35**
- Due process, **11:43**
- Foreign law. See index heading FOREIGN STATE OR COUNTRY
- Forms
 - adjudicative facts, **11:117**
 - sister state, laws of, **11:118**
 - stipulations, **11:119 to 11:121**
- Geography, **11:28**
- Hearings, **11:42**

JUDICIAL NOTICE—Cont'd

Holidays, **11:18**
 Illness, degree of, **11:32**
 Instructions to jury, **1:110, 11:45, 11:46**
 Interest rates, **11:25**
 Judge, duties of, **3:250**
 Legal matters, **11:47 to 11:91**
 Legislative facts, **11:91**
 Local court rules, **11:31**
 Mandatory judicial notice, **11:36 to 11:46**
 Market reports, hearsay exceptions, **9:304**
 Necessities, **11:21**
 Opportunity to be heard, **11:41 to 11:43, 11:64, 11:84**
 Ordinances, **11:86 to 11:91**
 Other causes of action, **11:33**
 Pleadings, **11:52, 11:71**
 Population, **11:19**
 Preparation for trial, **1:102 to 1:111**
 Purpose, **11:1**
 Requirement, **11:4**
 Speed, **11:26**
 Statistical facts, **11:27**
 Stopping distance, **11:26**
 Strategy considerations, **11:4**
 Summary judgment, **11:69**
 Texas Register, **11:78 to 11:91**
 Truth of allegations in pleadings, **11:15**
 Unpublished appellate opinions, **11:16**

JUDICIAL PROCEEDINGS

Mental health records, **10:127**

JUDICIAL REVIEW

See index heading **APPEAL AND ERROR**

JURISDICTION

Findings of fact and conclusions of law, request for, **14:140, 14:141**
 Judgments. See index heading **JUDGMENTS**
 Stipulations, **11:108**

JURY AND JURORS

Admonishment of jury, **5:233**

JURY AND JURORS—Cont'd

Age
 exemption from jury service, **4:71**
 statutory qualifications of jurors, **4:59**
 Appearance, request for jury trial, **2:143**
 Arbitration, **2:132**
 Attorneys' contacts with jurors, **3:369, 3:370**
 Bench trial. See index heading **BENCH TRIAL**
 Burden of proof. See index heading **PRESUMPTIONS AND BURDEN OF PROOF**
 Cards for jurors, **4:329, 4:410**
 Certification request form, request for jury, **2:152**
 Challenges to jurors. See index heading **JURY SELECTION**
 Charge to jury. See index heading **INSTRUCTIONS TO JURY**
 Competency of witnesses, **7:42, 7:43**
 Conduct of jurors during trial, **3:372 to 3:418**
 Confidential jury questionnaire, form of, **4:453**
 Consultants. See index heading **JURY CONSULTANTS**
 Deadlocks. See index heading **DEADLOCKED JURY**
 Definitions, **4:32**
 Deliberations
 general discussion, **15:196 to 15:271**
 for detailed treatment see index heading **DELIBERATIONS OF JURY**
 Disqualification. See index heading **JURY SELECTION**
 Expert and opinion witnesses as assisting trier of fact, **8:57 to 8:69**
 Family violence protective order, request for jury, **2:137**
 Fees. See index heading **JURY FEES**
 Findings. See index heading **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
 Grand jury. See index heading **GRAND JURY**

INDEX

JURY AND JURORS—Cont'd

- Guardian, appointment of temporary guardian, **2:140**
- Instructions
 - general discussion, **15:16 et seq.**
 - for detailed treatment see index heading INSTRUCTIONS TO JURY
- List of jurors, Batson challenges, **4:328**
- Misconduct of jury
 - deliberations. See index heading DELIBERATIONS OF JURY
 - new trial, motions for, **17:126 to 17:130**
- Motion to disregard jury findings.
 - See index heading JURY FINDINGS, MOTION TO DISREGARD
- New trial motion for error in jury argument, **3:191**
- Non-jury trial. See index heading BENCH TRIAL
- Notice or knowledge
 - findings, motion to disregard, **17:79**
 - trial setting, notice of, **4:20**
- Opening statements, jury admonition, remedies for misconduct during opening statement, **5:250, 5:260**
- Order of jury trial, **3:43 to 3:65**
- Outside influence
 - defined, **3:382, 15:266, 17:130**
 - evidence of outside influence, **15:265**
- Polling of jurors. See index heading POLLING OF JURORS
- Preparation for trial, **1:1 to 1:3**
- Preservation of error. See index heading PRESERVATION OF ERROR
- Presumptions. See index heading PRESUMPTIONS AND BURDEN OF PROOF
- Previous jury service
 - disqualification, generally, **4:97**
 - exemption from jury, **4:76**
 - peremptory challenges, **4:434**
 - specific examples of disqualification, **4:192 to 4:194**
 - statutory qualifications, **4:66**

JURY AND JURORS—Cont'd

- Province of court and jury. See index heading PROVINCE OF COURT AND JURY
- Qualification of disqualification. See index heading JURY SELECTION
- Questionnaires
 - general discussion, **4:113**
 - Batson challenges, **4:330**
 - confidential jury questionnaire, form of, **4:453**
 - consultants, **1:46**
 - forms of, generally, **4:453 to 4:55**
- Request for jury trial
 - general discussion, **1:1**
 - failure to make request for jury trial as warranting bench trial, **14:3 to 14:25**
 - form of request, **2:183, 14:4 to 14:9**
 - reasonable time, **1:2**
 - scheduling the trial, **2:129 to 2:181, 2:183**
 - timeliness of request, **14:10 to 14:20**
 - written request, **1:1, 4:14 to 4:16**
- Right to jury trial, generally, **2:129 to 2:131**
- Selection of jury
 - general discussion, **4:1 et seq.**
 - for detailed treatment see index heading JURY SELECTION
- Time or date
 - findings, motion to disregard, **17:91 to 17:93**
 - jury fee, **2:172**
 - request for jury trial, **2:155 to 2:160, 4:17 to 4:21, 14:10 to 14:20**
 - scheduling the trial, jury fee, **2:172**
- Usual order of jury trial, **3:43 to 3:65**
- Venue, motion to transfer venue, **2:139**
- Verdict
 - general discussion, **15:178 to 15:195**
 - for detailed treatment see index heading VERDICT

JURY AND JURORS—Cont'd

- View by jury
 - general discussion, **11:93 to 11:100**
 - for detailed treatment see index heading VIEW BY JURY
- Voir dire
 - general discussion, **4:106 to 4:162**
 - for detailed treatment see index heading JURY SELECTION
- Waiver and estoppel
 - disqualification of jurors, **4:177**
 - findings, motion to disregard, **17:100**
 - jury trial, waiver of, **2:133, 2:174, 4:28, 14:31 to 14:36**
 - polling the jury, **15:286**
- Withdrawal from jury docket, **14:37 to 14:40**
- Witnesses, jurors questioning, **7:264**

JURY CONSULTANTS

- Demonstrative exhibits, **1:46**
- Jury selection, **1:48, 4:114**
- Opening statements, **1:47, 5:130**
- Preparation for trial, **1:43 to 1:51, 1:56**
- Voir dire, **4:114**
- Witness preparation, **1:43 to 1:45**

JURY FEES

- General discussion, **2:167 to 2:173**
- Amount, **1:3, 2:163, 2:164, 4:12**
- Cover letter for, **2:151**
- Failure to pay, **14:26 to 14:30**
- Oath of inability to pay, **2:171**
- Payment, **4:10 to 4:13, 14:26 to 14:30**
- Preparation for trial, **1:3**

JURY FINDINGS, MOTION TO DISREGARD

- General discussion, **3:180, 17:60 to 17:100**
- Appeal and error, **17:66, 17:81, 17:96 to 17:98**
- Basis for motion, **17:82, 17:83, 17:89**
- Breadth of motion, **17:65**
- Cross point, **17:99, 17:100**

JURY FINDINGS, MOTION TO DISREGARD—Cont'd

- Distinguishing characteristics, **17:64 to 17:74**
- Drafting checklist, **17:236**
- Formal matters, generally, **17:84 to 17:90**
- Hearing, **17:79**
- Judgment on the verdict, combination with motion to disregard jury findings, **17:14**
- Notice requirements, **17:79**
- Preservation of error, **17:63**
- Procedure for filing, **17:75 to 17:81**
- Purposes, **17:61 to 17:63**
- Remaining findings, judgment on, **17:71 to 17:74**
- Time for filing, **17:91 to 17:93**
- Title, **17:87**
- Trial court standard of review, **17:70, 17:94, 17:95**
- Waiver and estoppel, **17:100**

JURY ROOM

- See index heading DELIBERATIONS OF JURY

JURY SELECTION

- General discussion, **4:1 et seq.**
- Americans With Disabilities Act, effect of, **4:54 to 4:56**
- Array of jurors
 - challenges to, generally, **4:42 to 4:45**
 - definitions, **4:30**
 - exemptions, **4:69 to 4:89**
 - length of service of, **4:46, 4:47**
 - local rules, **4:47**
 - qualifications, **4:48 to 4:68, 4:90 to 4:95**
 - statutory qualifications, **4:58 to 4:68**
 - summons, **4:48 to 4:57**
 - voir dire, challenges for cause before, **4:100 to 4:105**
- Assembling panel of jurors, generally, **4:29 to 4:99**
- Attorneys, rights and duties of, **3:366**
- Batson challenges
 - general discussion, **4:292 to 4:310**

INDEX

JURY SELECTION—Cont'd

- Batson challenges—Cont'd
 - procedures applicable to, **4:312 to 4:452**
- Challenges
 - array of jurors, challenges to, **4:42 to 4:45**
 - Batson challenges. See Batson challenges, above
 - cause, challenges for
 - general discussion, **4:163 to 4:233**
 - prior to voir dire, **4:100 to 4:105**
 - peremptory challenges. See Peremptory challenges or strikes, below
 - structure of trial, **3:89 to 3:94**
- Confidential jury questionnaire, form, **4:453**
- Consultants, **1:48, 4:114**
- Disqualification. See Qualification or disqualification, below
- Family violence protective order, **4:8**
- Forms, **4:453 to 4:455**
- Friendship, **4:94**
- Government employees, **4:95**
- Media coverage of, **3:18**
- Panel of jurors, assembling of, **4:29 to 4:99**
- Peremptory challenges or strikes
 - general discussion, **4:234 to 4:283**
 - Americans With Disabilities Act, effect of, **4:56**
 - restrictions on peremptory strikes, **4:284 to 4:311**
 - structure of trial, **3:92 to 3:94**
- Procedures to obtain jury trial, **4:9 to 4:28**
- Qualification or disqualification
 - array of jurors, **4:48 to 4:57**
 - challenges for cause, **4:163 to 4:233**
 - specific examples of disqualification, **4:183 to 4:206**
- Questionnaire, juror questionnaire, **4:453 to 4:455**
- Right to civil jury trial, **4:2 to 4:8**
- Structure of trial, **3:45, 3:84 to 3:94**

JURY SELECTION—Cont'd

- Voir dire
 - general discussion, **4:106 to 4:162**
 - challenges. See Challenges, above
 - closing argument, **13:6**
 - expert and opinion witnesses, **8:117, 8:121**
 - information documents, **4:111 to 4:113**
 - instructions to jury, **15:30, 15:31**
 - scope, **4:116 to 4:120**
- Witnesses, disqualification from jury, **4:91, 4:186**

JUSTICE COURT ABSTRACTS

- Judgment liens, **18:6**

JUSTIFICATION

- See index heading EXCUSE OR JUSTIFICATION

JUVENILE ADJUDICATIONS

- Conviction of crime, impeaching witnesses, **7:306**

KEY WORDS

- Hearsay evidence, **9:53**

KNOWLEDGE

- See index heading NOTICE OR KNOWLEDGE

LACHES AND DELAY

- Opening statement, **5:231**

LAWYERS

- See index heading ATTORNEYS

LEADING QUESTIONS

- Conduct of trial, **3:108, 3:113**
- Cross-examination, **7:185 to 7:188**
- Direct examination of witnesses, **7:66 to 7:74**

LEARNED TREATISES

- Documentary evidence, **10:182 to 10:185**
- Experts. See index heading EXPERT AND OPINION WITNESSES
- Hearsay exceptions, **9:305 to 9:311**

LEAVE OF COURT

- Amendment of pleadings, **1:16**

LECTERNS

Opening statements, **5:157**

LEGAL CONCLUSIONS

Expert and opinion witnesses, **8:82**

LEGISLATURE

Continuance, attendance on
legislature, **2:81 to 2:98**

Judicial notice of legislative facts,
11:91

Jury service, exemption from, **4:75**

LENGTH

See index heading DURATION OR
LENGTH

LETTER OF CREDIT

Stay of execution, **18:142**

LETTERS

Findings of fact and conclusions of
law, **14:154**

Hearsay exceptions, **9:294**

**LEVY AND SEIZURE OF
PROPERTY**

See index heading EXECUTION

LIABILITY INSURANCE

Opening statements, **5:209**

Voir dire, impermissible inquiries
during, **4:170**

LIBRARIAN

Peremptory challenges, **4:389**

LICENSING REQUIREMENTS

Expert and opinion witnesses, **8:97 to
8:100**

LIENS

Interlocutory versus final judgment,
16:99

Judgment liens. See index heading
JUDGMENT LIENS

LIMITATION OF ACTIONS

See index heading STATUTE OF LIMITA-
TIONS

**LIMITATIONS AND
RESTRICTIONS**

Challenges for cause, **4:210**

LIMITATIONS AND

RESTRICTIONS—Cont'd

Closing argument, **13:107**

Cross-examination, **7:181**

Impeaching and rehabilitating wit-
nesses, **7:293**

Instructions to jury. See index head-
ing INSTRUCTIONS TO JURY

Opening statements, **5:48 to 5:54,
5:196**

Peremptory challenges, **4:284 to
4:311**

Time limitations. See index heading
STATUTE OF LIMITATIONS

Witnesses, **7:28**

LIVESTOCK

Seizure of property, **18:74**

LOCAL RULES

Array of jurors, **4:47**

Judicial notice, **11:31**

Preparation for trial, **1:172 to 1:185**

Scheduling the trial, **2:27 to 2:29**

LOCATION

See index heading PLACE OR LOCATION

LOW INCOME EMPLOYEE

Peremptory challenges, **4:391**

MALPRACTICE CASES

Expert and opinion witnesses, **8:101
to 8:109**

MANAGEMENT OF TRIAL

Judge, conduct of, **3:245**

MANDAMUS

Availability of, **16:13**

Compelling entry of judgment, **16:46**

Dismissal or nonsuit, motion for,
12:87

Jury request, **2:179**

Motions for new trial

order by review, **17:156**

Scheduling the trial, jury request,
2:179

MANDATORY JUDICIAL NOTICE

General discussion, **11:36 to 11:46**

INDEX

MARITAL RELATIONSHIP

See index heading HUSBAND AND WIFE

MARKET REPORTS

Documentary evidence, **10:170**

Hearsay exceptions, **9:298 to 9:304**

MARKET VALUE

See index heading VALUE AND VALUATION

MARRIAGE

See index heading HUSBAND AND WIFE

MASTER

Pretrial conference, **1:133**

MASTER LIST

Jurors, master list of, **4:34 to 4:37**

MATERIALITY AND RELEVANCY

Attorneys, duties of, **3:323, 3:324**

Business records, **10:71**

Continuance, **2:65**

Cross-examination, **7:171**

Direct examination of witnesses, **7:81**

Expert and opinion witnesses, **3:79, 8:116**

Hearsay, **9:290, 9:344**

Opening statements, irrelevant matters, **5:205 to 5:209**

Scientific knowledge of expert and opinion witnesses, **8:42**

MEALS FOR JURORS

Deliberations of jury, **15:244**

MEDIA

See index heading NEWSMEDIA AND NEWSPAPERS

MEDICAL DIAGNOSIS OR TREATMENT

Continuance, **2:67**

Expert and opinion witnesses, **8:33, 8:78, 8:101 to 8:109**

Hearsay exceptions, **9:189 to 9:205**

MEDICAL LIABILITY ACT

Attorney's fees as sanction for failure to comply with, **2:141**

MEDICAL RECORDS

Affidavits

continuing services, **10:121**

deadlines, **10:122**

Documentary evidence, **10:22, 10:95 to 10:133, 10:190**

Sample predicate questions for admission of, form, **10:190**

MEDICATION

Peremptory challenges, **4:418**

MEETING

Attorneys, meeting court personnel, **3:295**

MEMBERSHIP

Hospital committee reports, **10:133**

MEMORANDUM

Judgments, **16:31**

MENTAL HEALTH

Documentary evidence, **10:125 to 10:128**

Opinion testimony by lay witnesses, **8:22**

MENTAL STATE OR PROCESSES

Emotions. See index heading EMOTIONS AND FEELINGS

Hearsay evidence, **9:42, 9:174 to 9:188**

Jurors, testimony as to mental processes of, **3:380**

Opinion testimony by lay witnesses, **8:24**

MILITARY PERSONNEL

Jury service, **4:78**

MINORS

See index heading CHILDREN OR MINORS

MISSTATEMENTS OF THE LAW

Opening statements, **5:215**

MISSTATING EVIDENCE

Cross-examination, **7:192**

MISTAKES

Peremptory challenges, **4:447**

MISTRIAL

- General discussion, **12:89 to 12:104**
- Alternatives to motion for mistrial, **12:94**
- Deadlocked jury, **12:96**
- Deliberations. See index heading DELIBERATIONS OF JURY
- Effect, **12:104**
- Form of motion, **12:108**
- Grounds, **12:95 to 12:99**
- Inadmissible evidence, exposure to, **12:97**
- Juror's withholding of information, **12:99**
- Motion for, generally, **12:89 to 12:104**
- Opening or closing statement, **5:236, 12:98**
- Opening or closing statements, **5:253**
- Preservation of error, **12:102**
- Procedure, **12:101**
- Purpose, **12:90**
- Strategy considerations, **12:91 to 12:94**
- Timeliness, **12:100**

MODELS

- Expert and opinion witnesses, **8:149 to 8:152**

MODIFICATION OR CHANGE

- Amendment. See index heading AMENDMENT
- Instructions to jury, **15:177**
- Motions to modify, correct or reform judgment, **17:157 to 17:163**

MONEY JUDGMENTS

- Execution, **18:102, 18:331**

MORAL TURPITUDE

- Conviction of crime, impeaching witnesses, **7:303, 7:305**

MORTGAGE OF GOODS

- Seizure of property, **18:75, 18:77**

MOTHER HUBBARD CLAUSE

- Judgments, **16:103 to 16:108**

MOTIONS

- General discussion, **12:1 et seq.**

MOTIONS—Cont'd

- Amendment of pleading, motion for. See index heading AMENDMENT OF PLEADINGS
- Bifurcated trial, **3:80 to 3:83**
- Content, **12:5, 12:6**
- Continuance. See index heading CONTINUANCE
- Directed verdict, motion for. See index heading DIRECTED VERDICT
- Dismissal or nonsuit, motion for. See index heading DISMISSAL OR NONSUIT
- Disregarding jury findings. See index heading JURY FINDINGS, MOTION TO DISREGARD
- Exclusion of evidence, motions for, **1:32, 1:189**
- Instructions to jury. See index heading INSTRUCTIONS TO JURY
- Judgment notwithstanding the verdict. See index heading JUDGMENT NOTWITHSTANDING THE VERDICT
- Judgment on verdict. See index heading JUDGMENT ON THE VERDICT
- Judgments nunc pro tunc. See index heading JUDGMENTS NUNC PRO TUNC
- Judicial notice, **11:53, 11:60, 11:81**
- Jury trial, request for, **2:135**
- In limine. See index heading MOTIONS IN LIMINE
- Local court rules, preparation for trial, **1:178**
- Media coverage of trial, **3:5, 3:6, 3:9 to 3:12**
- Mistrial, motion for. See index heading MISTRIAL
- New trial, motions for. See index heading NEW TRIAL
- Post-judgment motions. See index heading POST-VERDICT AND POST-TRIAL MOTIONS
- Procedure, **12:2**
- Reinstatement motions
 - general discussion, **17:219 to 17:233**
 - for detailed treatment see index heading REINSTATEMENT MOTIONS

INDEX

MOTIONS—Cont'd

- Sealing of court records, **3:25 et seq.**
- Structure of trial, post-judgment motions, **3:64**
- Suppression of evidence, motions for, **7:140 to 7:142**
- Venue, motion to transfer venue, **2:139**

MOTIONS IN LIMINE

- Business records, exclusion of, **10:79 to 10:83**
- Form, **1:188**
- Preparation for trial, **1:27 to 1:31, 1:188**
- Structure of trial, **3:67 to 3:72**

MOTIVE OR INTENT

- Cross-examination, **7:222**
- Expert and opinion witnesses, **8:68**
- Finality of judgments, intent of court, **16:102**
- Hearsay, former testimony, **9:363**
- Impeaching and rehabilitating witnesses, **7:288**

MOTOR VEHICLES

- Expert and opinion witnesses, value, **8:19**

MULTIPLE PARCELS

- Execution sale of, **18:207 to 18:212**

MULTIPLE PARTIES

- Amendment of pleadings, **1:20**
- Bench trials, **14:66**
- Closing argument, **13:24, 14:66**
- Conduct of trial, **3:219**
- Opening statements, **5:16, 5:24, 5:42 to 5:46**
- Peremptory strikes, **4:249 to 4:257**

MUNICIPAL ORDINANCES

- Judicial notice, **11:88**

MURDER CONVICTION

- Hearsay exceptions, **9:320**

MUTUALITY

- Collateral estoppel, **16:124**

NAMES

- Challenges for cause, removal of name, **4:217**
- Direct examination of witnesses, **7:80**
- Expert and opinion witnesses, **8:112**
- Judgment liens. See index heading JUDGMENT LIENS
- Judgments, contents of, **16:34, 16:35**
- Voir dire, address jurors by name, **4:126**

NARCOTICS

- See index heading DRUGS AND NARCOTICS

NECESSARY INFORMATION

- Judicial notice, **11:37**

NECESSITIES

- Judicial notice, **11:21**

NEGLIGENCE

- Continuance, **2:73, 2:77**
- Lay witnesses, opinion testimony by, **8:11**

NEGOTIABLE INSTRUMENTS

- Authentication of records, **1:81**

NET WORTH

- Expert and opinion witnesses, **8:52**

NEUTRALITY

- Judge, duties of, **3:264**

NEWLY DISCOVERED EVIDENCE

- New trial, motions for, **3:192, 17:131 to 17:133**

NEWSMEDIA AND NEWSPAPERS

- Authentication of records, **1:78**
- Publicity. See index heading PUBLICITY
- Stay of execution, newspaper notice requirements, **18:188, 18:189**

NEWSPAPERS

- See index heading NEWSMEDIA AND NEWSPAPERS

NEW TRIAL

- General discussion, **17:101 to 17:155**

NEW TRIAL—Cont'd

Appeal and error
 appealability, generally, **17:153 to 17:155**
 deadlines, **17:106**
 prerequisites for appeal, **17:137 to 17:143**
 reversal, relief on, **17:107**
 standard of review, **17:108**
 Bench trials, **14:101 to 14:114**
 Conduct of trial, **3:185 to 3:193**
 Damages. See index heading DAMAGES
 Deadline, **17:104, 17:106**
 Default judgments, attacks on, **17:198 to 17:205**
 Definition of outside influence, **17:130**
 Deliberations of jury, **15:269**
 Denial of motion, **17:155**
 Discretion of court, **17:122, 17:123**
 Distinguishing characteristics, **17:103 to 17:108**
 Exceptions, **17:154, 17:155**
 Execution, **18:106**
 Extension of time, **17:145, 17:146**
 Good cause, **17:117 to 17:120**
 Grounds, **17:116 to 17:136**
 Hearing, **17:114, 17:115, 17:127**
 Judgments, **16:86**
 Misconduct of jury, **17:126 to 17:130**
 Motions for, generally, **17:101 to 17:155**
 Newly discovered evidence, **17:131 to 17:133**
 Notice, **17:123, 17:146**
 Opening statements, remedies for misconduct during, **5:254**
 Order, **17:151**
 Order by mandamus, review, **17:156**
 Own motion of court, **17:109, 17:110**
 Party, motion by, **17:109, 17:110**
 Publication, **17:123**
 Purpose, **17:102**
 Remittitur, **17:135, 17:136, 17:170, 17:172**
 Scheduling the trial, **2:47**
 Specificity, **17:111, 17:112**

NEW TRIAL—Cont'd

Time requirements, **14:106, 14:107, 17:104, 17:106, 17:144 to 17:149**
 Waiver, appeal and error, **17:140**

NEW YORKERS

Peremptory challenges, **4:444**

NIGHTCLUB EMPLOYEE

Peremptory challenges, **4:390**

NOLO CONTENDERE

Hearsay exceptions, **9:319**

NON-ENGLISH SPEAKING WITNESSES

Cross-examination, **7:261**

NON-JURY TRIALS

See index heading BENCH TRIALS

NON-MONEY JUDGMENTS

Enforcement of, **18:313'**

NON-SCIENTIFIC EXPERTISE

Expert and opinion witnesses, **8:53**

NONSUIT

General discussion, **12:63 to 12:88**
 For detailed treatment see index heading DISMISSAL OR NONSUIT
 Form of motion, **12:109**
 Form of order granting motion for nonsuit, **12:110**

NONVERBAL CONDUCT

Hearsay evidence, **9:23 to 9:27**

NOTEBOOKS

Exhibit notebooks for witnesses, **1:94**

NOTE-TAKING

Jury, rights and duties of, **3:403 to 3:406**

NOT GUILTY PLEAS

Documentary evidence, **10:169**

NOTICE OR KNOWLEDGE

Appeal
 drafting checklist for notice of, **17:237**
 Authentication of business records, **10:37**

INDEX

NOTICE OR KNOWLEDGE

—Cont'd

- Business records, **10:7 to 10:13**
- Competency of witnesses, **7:53 to 7:57**
- Continuance, **2:71**
- Conviction of crime, impeaching witnesses, **7:312**
- Default judgments. See index heading **DEFAULT JUDGMENTS**
- Deliberations of jury. See index heading **DELIBERATIONS OF JURY**
- Discovery in aid of satisfying judgment, **18:95**
- Dismissal docket, **2:102**
- Execution. See index heading **EXECUTION**
- Expert and opinion witnesses, **8:114**
- Foreign judgment, **18:320**
- Garnishment, **3:208**
- General array of jurors, **4:41**
- Hearsay evidence, **9:39, 9:41, 9:212, 9:233, 9:237, 9:258**
- Judgment notwithstanding the verdict, motion for, **17:35, 17:37**
- Judgments, notice of, generally, **16:44, 16:45**
- Judgments nunc pro tunc, motions for, **17:182**
- Judicial notice
 - general discussion, **1:102 to 1:117, 11:1 et seq.**
 - for detailed treatment see index heading **JUDICIAL NOTICE**
- Jury. See index heading **JURY AND JURORS**
- Lay witnesses, opinion testimony by, **8:7**
- New trial, motions for, **17:146**
- Preparation for trial. See index heading **PREPARATION FOR TRIAL**
- Proposed judgment, **17:22**
- Public records, **9:258**
- Reinstatement motions, **17:228**
- Scheduling the trial. See index heading **SCHEDULING THE TRIAL**
- Sealing of court records, **3:35 to 3:37**
- Stay of execution. See index heading **EXECUTION**

NUMBER OR AMOUNT

- See index heading **AMOUNT OR QUANTITY**

NUMBERS OR NUMBERING

- Exhibits, **1:88, 1:93**

NUNC PRO TUNC

- Plenary power of court, **16:118**

NURSES AND NURSING

- Hearsay exceptions, **9:198**

OATH OR AFFIRMATION

- Direct examination of witnesses, **7:78**
- Hearsay evidence, **9:67**
- Interpreters, **7:16**
- Jury fee, **2:171**
- Witnesses, **7:58 to 7:61**

OBJECTIONS AND EXCEPTIONS

- Batson challenges, **4:318 to 4:320**
- Business records, **10:62 to 10:64, 10:75, 10:76**
- Closing argument, **13:140 to 13:148**
- Competency of witnesses, **7:51**
- Conduct of trial, **3:149 to 3:152**
- Direct examination of witnesses, **7:95 to 7:99**
- Expert and opinion witnesses, **8:109, 8:118 to 8:120**
- Instructions to jury. See index heading **INSTRUCTIONS TO JURY**
- Opening statements, **5:193, 5:218 to 5:249, 5:260 to 5:262**
- Verdict, **15:185**
- Withdrawal from jury docket, **14:38**

OCCUPATION

- Expert and opinion witnesses, **8:113**

OFFER OR ACCEPTANCE

- Hearsay evidence, **9:48**

OFFICERS

- Public officers. See index heading **PUBLIC OFFICERS AND EMPLOYEES**

OFFICIAL MISINFORMATION

- Judgments, **16:76**

OLD PERSONS

- See index heading **ELDERLY PERSONS**

OMISSIONS

Instructions to jury. See index heading **INSTRUCTIONS TO JURY**

OPEN COURT

Batson challenges, **4:336**
 Conduct of trial, **3:1**
 Continuance, **2:105**
 Rendition of judgment in, **16:28 to 16:30**

OPENING OF CASE

Voir dire, **4:115**

OPENING STATEMENTS

General discussion, **5:1 et seq.**
 Admissions, **5:162**
 Admonishment of jury, **5:233**
 Appeal, remedies for misconduct during opening statement, **5:255**
 Attention of jury, **5:2, 5:81**
 Belief and opinion, statements of, **5:217**
 Case story, **5:73**
 Closing argument
 pattern for closing argument, **5:5**
 purpose of closing argument, **13:7**
 Complex cases, **5:65**
 Conclusion, **5:78, 5:114 to 5:117**
 Contempt, counsel cited for, **5:252**
 Conversational manner, **5:182**
 Credibility, **5:3**
 Curable jury verdict constituting reversibly harmful error, **5:256**
 Damages, **5:77, 5:109 to 5:113**
 Demeanor, **5:134 to 5:163, 5:194**
 Demographics, **5:60**
 Deposition testimony, **5:96**
 Discretion of court, **5:44, 5:203**
 Distractions, **5:148 to 5:150, 5:191 to 5:193**
 Dramatic impact, **5:82 to 5:91**
 Dress codes, **5:135 to 5:139**
 Emotional displays, **5:145 to 5:147**
 Equivocation, **5:184 to 5:186**
 Evidence, **5:199 to 5:204**
 Exaggeration, **5:178**
 Experiments and experimentation, **5:108**
 Expert witnesses, **5:97**

OPENING STATEMENTS—Cont'd

Explanation, **5:72**
 Eye contact, **5:151 to 5:153**
 Feedback, **5:131**
 Graphs and illustrations, **5:126, 5:127, 5:164 to 5:175**
 Guardians, **5:106**
 Humor, **5:183**
 Identification of players, **5:92 to 5:98**
 Improper opening statement
 general discussion, **5:196 to 5:249**
 objection to, **5:218 to 5:249**
 Inadmissible matters, **5:49**
 Incurable jury argument, **5:257, 5:258, 5:261**
 Index cards, **5:122 to 5:125**
 Instructions to jury. See index heading **INSTRUCTIONS TO JURY**
 Interpreters, **5:105**
 Interruptions, **5:192, 5:222**
 Intervenors, **5:15, 5:19**
 Introduction, **5:71, 5:79**
 Jury admonition, remedies for misconduct during opening statement, **5:250, 5:260**
 Jury consultants, **1:47, 5:130**
 Limitations and restrictions, **5:48 to 5:54, 5:196**
 Misstatements of the law, **5:215**
 Mistrial, **5:236, 5:253, 12:98**
 Multi-party cases, **5:24, 5:43 to 5:46**
 New trial, remedies for misconduct during opening statement, **5:254**
 Nonjury trials, **5:20**
 Objections and exceptions, **5:193, 5:218 to 5:249, 5:260 to 5:262**
 Order of, generally, **5:9 to 5:36**
 Outline, **5:118 to 5:125**
 Pausing for emphasis, **5:189**
 Persuasion, first chance to persuade, **5:4**
 Plain English, **5:180 to 5:195**
 Prejudice determined by appellate courts, remedies for misconduct during opening statement, **5:262**
 Preparation of, generally, **5:58 to 5:133**
 Presentation, **5:134 to 5:195**

INDEX

OPENING STATEMENTS—Cont'd

Preservation of error, **5:228 to 5:237**
Presumptions and burden of proof, **3:100, 5:11, 5:34, 5:104**
Problems, topics and order of presentation, **5:75**
Procedure, topics and order of presentation, **5:76**
Purpose of opening statement, **5:7, 5:8**
Reading the opening statement or pleadings, **5:158 to 5:163**
Realignment of parties, **5:25**
Records and recording, **5:55 to 5:57**
Rehearsal, **5:128 to 5:133, 5:150**
Remedies for misconduct during opening statement
 general discussion, **5:250 to 5:262**
 appeal, **5:255**
 contempt, counsel cited for, **5:252**
 curable jury verdict constituting reversibly harmful error, **5:256**
 incurable jury argument, **5:257, 5:258, 5:261**
 jury admonition, **5:250, 5:260**
 mistrial, **5:253**
 new trial, **5:254**
 objections and exceptions, **5:260 to 5:262**
 prejudice determined by appellate courts, **5:262**
 record considered in its entirety, **5:259**
 reprimand of counsel by court, **5:251**
Reprimand of counsel by court, remedies for misconduct during opening statement, **5:251**
Reservation of right, **5:17 to 5:19, 5:37 to 5:47**
Review standard, **5:54**
Right to make an opening statement, **5:6**
Sanctions, **5:237**
Significance, **5:1**
Simplicity, **5:179**
Small cases, **5:64**

OPENING STATEMENTS—Cont'd

Structure of trial, **3:46 to 3:48, 3:95 to 3:102**
Summary of case theme, **5:80, 5:81**
Support, topics and order of presentation, **5:74**
Theme of case, **5:58, 5:80, 5:81**
Time, **5:22, 5:63 to 5:67, 5:230, 5:231**
Tone of voice, **5:140 to 5:144**
Videotape, **5:133**
View by jury, **5:107**
Waiver, **5:23**
Weaknesses in case, **5:99 to 5:102**

OPINION AND BELIEF

Dying declarations, belief of declarant, **9:366**
Hearsay evidence, **9:44, 9:366**
Judge, duties of, **3:280**
Opening statements, **5:217**

OPINION WITNESSES

General discussion, **8:1 et seq.**
For detailed treatment see index heading EXPERT AND OPINION WITNESSES

OPPORTUNITY TO BE HEARD

Closing argument, **13:4, 13:149**
Judicial notice, **11:41 to 11:43, 11:64, 11:84**

ORAL EVIDENCE

See index heading PAROL OR EXTRINSIC EVIDENCE

ORAL STIPULATIONS

General discussion, **11:115**

ORDERS OF COURT

Bifurcated trial, **3:234**
Interlocutory orders. See index heading INTERLOCUTORY JUDGMENTS OR ORDERS
Media coverage of trial, **3:13**
Protective orders. See index heading PROTECTIVE ORDERS
Scheduling the trial, jury request, **2:175**
Sealing of court records, **3:40**
Show cause order, form of, **18:336**

ORDERS OF COURT—Cont'd

Temporary restraining orders. See index heading TEMPORARY RESTRAINING ORDERS
Turnover orders. See index heading TURNOVER ORDERS

ORDINANCES

Judicial notice, **11:86 to 11:91**

OUTLINE OR OUTLINES

Closing argument, **13:81, 13:88 to 13:95**
Opening statements, **5:118 to 5:125**

OUTSIDE INFLUENCE

Defined, **3:382, 15:266, 17:130**
Evidence of outside influence, **15:265**
Jury misconduct, **3:398**

OWNERSHIP

See index heading TITLE AND OWNERSHIP

OWN MOTION OF COURT

See index heading SUA SPONTE

PANEL OF JURORS

Assembling of. See index heading JURY SELECTION

PAPERLESS TRIAL

Compact disks, exhibits on, **1:96 to 1:100**

PARDON

Impeaching witnesses, **7:307**

PARENT AND CHILD

Paternity suits, court-appointed experts, **8:179**
Peremptory challenges, parental status, **4:426 to 4:431**

PAROL OR EXTRINSIC EVIDENCE

Hearsay evidence, **9:22**
Impeaching and rehabilitating witnesses, **7:285**

PARTIES

Impeaching and rehabilitating witnesses, **7:277 to 7:279**

PARTIES—Cont'd

Judgment on the verdict, preparation by parties, **17:4**
Multiple parties. See index heading MULTIPLE PARTIES
Third parties. See index heading THIRD PARTIES
Witnesses, responsibilities of parties as to, **7:3**

PARTNERSHIPS AND ASSOCIATIONS

Hearsay exceptions, **9:225**
Income tax returns, **10:19**
Seizure of property, **18:54 to 18:59**

PASSPORTS

Documentary evidence, **10:149**

PATENTS

Hearsay, **9:99**

PATERNITY SUITS

Court-appointed experts, **8:179**

PATIENTS

Hearsay exceptions, **9:200**

PAUSING FOR EMPHASIS

Opening statements, **5:189**

PAYMENT

Execution, **18:218 to 18:228**
Jury fees, **4:10 to 4:13, 14:26 to 14:30**

PAYROLL AUDIT RECORDS

Business records, **10:13**

PERCEPTION

Discrediting cross-examination, **7:228 to 7:230**

PER DIEM AWARD OF DAMAGES

Closing argument, **13:123**

PEREMPTORY CHALLENGES

General discussion, **4:234 to 4:283**
For detailed treatment see index heading JURY SELECTION

PERSONAL HISTORY

Hearsay, **9:371 to 9:373**

INDEX

PERSONAL INJURY LIABILITY

- Hearsay exceptions, **9:335**
- Interest on judgment, **16:132**

PERSONAL JURISDICTION

- Foreign country judgment enforcement, **18:325**
- Requirement of, **16:48**

PERSONAL PROPERTY

- Execution. See index heading EXECUTION

PERSONNEL OF COURT

- Attorneys, rights and duties of, **3:371**

PETITION

- See index heading APPLICATION OR PETITION

PHOTOGRAPHS

- Documentary evidence, **10:186**

PHYSICAL CONDITION OR HEALTH

- Disabled persons. See index heading DISABLED PERSONS
- Hearing impaired persons. See index heading DEAF OR HEARING IMPAIRED PERSONS
- Hearsay exceptions, **9:174 to 9:188**
- Judicial notice, degree of illness, **11:32**
- Opinion testimony by lay witnesses, **8:21**
- Peremptory challenges, **4:417 to 4:425**

PHYSICIAN

- Definition, **6:398**

PHYSICIANS AND SURGEONS

- Business records, physician's reports as, **10:27**
- Diagnosis or treatment by. See index heading MEDICAL DIAGNOSIS OR TREATMENT
- Expert and opinion witnesses, **8:101 to 8:109, 8:128**
- Jury service, exemption on basis of physicians' statement, **4:85, 4:86**

PLACE OR LOCATION

- Ancient documents, **10:181**
- Attorneys location in courtroom, **3:291 to 3:294**
- Closing argument, **13:47 to 13:49**
- Cross-examination, **7:251**
- Execution sale, **18:197 to 18:202, 18:214**
- Judgment liens, place of filing, **18:23, 18:24**
- Opening statements, **5:154 to 5:158**

PLAIN ENGLISH

- Opening statements, **5:180 to 5:195**

PLAINTIFF'S CASE IN CHIEF

- Conduct of trial, **3:104 to 3:107**
- Structure of trial, **3:49**

PLANS AND PLANNING

- Closing argument, **13:80 to 13:87**

PLEADINGS

- Admissions, **7:145, 7:146**
- Amendment of pleadings. See index heading AMENDMENT OF PLEADINGS
- Counterclaims. See index heading COUNTERCLAIMS
- Discovery abuse, striking pleadings for, **3:419 to 3:421**
- Discovery in aid of satisfying judgment, **18:95**
- Judgments. See index heading JUDGMENTS
- Judicial notice, **11:52, 11:71**
- Jury trial, request for, **4:16, 14:7**
- Opening statement, reading pleadings, **5:160 to 5:163**
- Peremptory challenges, **4:254**
- Preparation for trial. See index heading PREPARATION FOR TRIAL

PLEA IN ABATEMENT

- Scheduling the trial, jury request, **2:136**

PLEAS

- Not guilty pleas, documentary evidence, **10:169**

PLEDGE OF GOODS

Seizure of property, **18:75, 18:78**

PLENARY POWER OF COURT

Judgments, **16:111 to 16:118**

Reinstatement motions, **17:231**

Vacate, motions to, **17:165**

PLURIES WRITS

Execution, **18:123**

POLICE REPORTS

Business records, **10:28**

POLITICAL STATEMENTS

Batson challenges, **4:309**

POLLING OF JURORS

Conduct of trial, **3:172**

Deliberations of jury, **15:284 to 15:288**

PONYTAILS

Peremptory challenges, **4:425**

POPULATION

Judicial notice, **11:19**

POSTAL WORKERS

Peremptory challenges, **4:387**

POST DELIBERATION PROCEEDINGS

See index heading **DELIBERATIONS OF JURY**

POST-JUDGMENT MATTERS

Discovery, **3:213 to 3:215**

Findings of fact and conclusions of law, request for post-judgment hearing, **14:143**

Motions. See index heading **POST-VERDICT AND POST-TRIAL MOTIONS**

POST-VERDICT AND POST-TRIAL MOTIONS

General discussion, **17:1 et seq.**

Adverse judgment, submitting of, **17:25**

Checklists, **17:234 to 17:237**

Conduct of trial, generally, **3:179 to 3:195**

Default judgments. See index heading **DEFAULT JUDGMENTS**

POST-VERDICT AND POST-TRIAL MOTIONS—Cont'd

Directed verdict. See index heading **DIRECTED VERDICT**

Disregarding jury findings. See index heading **JURY FINDINGS, MOTION TO DISREGARD**

Drafting checklists, **17:234 to 17:237**

Judgment notwithstanding the verdict. See index heading **JUDGMENT NOTWITHSTANDING THE VERDICT, MOTION FOR**

Judgment on the verdict. See index heading **JUDGMENT ON THE VERDICT, MOTION FOR**

Jury findings. See index heading **JURY FINDINGS, MOTION TO DISREGARD**

Modify, correct or reform judgment, motions to, **17:157 to 17:163**

Names of parties, proposed judgment, **17:20**

New trial. See index heading **NEW TRIAL**

Notice of appeal, drafting checklist, **17:237**

Nunc pro tunc. See index heading **JUDGMENTS NUNC PRO TUNC, MOTIONS FOR**

Proposed judgment, **17:19 to 17:25**

Reinstatement motions. See index heading **REINSTATEMENT MOTIONS**

Remittitur, motions for, **17:169 to 17:172**

Signature on proposed judgment, **17:21**

Structure of trial, **3:64**

Vacate, motions to, **17:164 to 17:168**

PREJUDGMENT INTEREST

General discussion, **16:131 to 16:135**

PREJUDGMENT WRIT

Garnishment, **18:260 to 18:264**

PREJUDICE

See index heading **BIAS OR PREJUDICE**

PRELIMINARY MATTERS

Competency of witnesses, **7:52**

Cross-examination, **7:166 to 7:168**

INDEX

PRELIMINARY MATTERS

—Cont'd

Direct examination of witnesses, **7:79 to 7:83**

Hearsay evidence, **9:28**

PREPARATION FOR TRIAL

General discussion, **1:1 et seq.**

Affidavit, form of, **1:187**

Amendment of pleadings. See index heading **AMENDMENT OF PLEADINGS**

Briefs, **1:137 to 1:144**

Demonstrative evidence, **1:163 to 1:171**

Discovery. See index heading **DISCOVERY**

Exhibits, **1:86 to 1:101**

Foreign state law, notice of, **1:112 to 1:117**

Forms

affidavit for business records, **1:187**

exclusion of evidence, motion, **1:189**

motion in limine, **1:188**

Judicial notice, **1:102 to 1:111**

Jury and jurors, **1:1, 1:3**

Jury consultants, **1:43 to 1:51**

Local and court rules, **1:172 to 1:185**

Notebook for trial, **1:186**

Notice

foreign state law, notice of, **1:112 to 1:117**

judicial notice, **1:102 to 1:111**

witnesses, notification of trial setting, **1:53**

Opening statements, preparation of.

See index heading **OPENING STATEMENTS**

Opponent's pleadings, review of, **1:27 to 1:32**

Pleadings

amendment of pleadings. See index heading **AMENDMENT OF PLEADINGS**

opponent's pleadings, review of, **1:27 to 1:32**

Pretrial conference, **1:118 to 1:136**

PREPARATION FOR TRIAL

—Cont'd

Proof charts, **1:33 to 1:42**

Records, **1:67 to 1:85**

Supplementation of discovery, **1:4 to 1:13**

Witnesses, **1:52 to 1:66**

Witness folders, **1:145 to 1:162**

PREREQUISITES TO TESTIFYING

Witnesses and testimony, **7:28 to 7:61**

PRESENCE

See index heading **ABSENCE OR PRESENCE**

PRESERVATION OF ERROR

Bench trials, **14:41**

Business records, **10:89 to 10:94**

Challenges for cause, **4:207 to 4:233**

Closing argument, **13:27, 13:28, 13:140 to 13:148**

Continuance, scheduling the trial, **2:121 to 2:124**

Directed verdict, motion for, **12:45**

Endorsements, **15:111 to 15:115**

Exclusion of business records, **10:81**

Findings of fact and conclusions of law, **14:164**

Instructions to jury. See index heading **INSTRUCTIONS TO JURY**

Judgment notwithstanding the verdict, motion for, **17:30**

Jury and jurors

challenges for cause, **4:207 to 4:233**

directed verdict, motion for, **12:45**

disqualification from jury, **4:99**

instructions to jury. See index heading **INSTRUCTIONS TO JURY**

judgment notwithstanding the verdict, motion for, **17:30**

motion to disregard jury findings, **17:63**

peremptory challenges, **4:276 to 4:283**

scheduling the trial, jury request, **2:176 to 2:181**

voir dire, **4:120**

PRESERVATION OF ERROR

—Cont'd

- Jury and jurors—Cont'd
 - withdrawal of case for jury trial, **4:27**
- Mistrial, motion for, **12:102**
- New trial motion, conduct of trial, **3:187 to 3:192**
- Opening statements, objections to, **5:228 to 5:237**
- Peremptory challenges, **4:276 to 4:283**
- Scheduling the trial, jury request, **2:176 to 2:181**
- Structure of trial, in limine motions, **3:72**
- Voir dire, **4:120**
- Withdrawal of case for jury trial, **4:27**

PRESIDING JUROR

- Election of, **3:165**

PRESUMPTIONS AND BURDEN OF PROOF

- Amendment of pleadings, presumption if record does not show motion granted, **12:42**
- Batson challenges, **4:251 to 4:352**
- Bench trials, **14:45, 14:87**
- Bill of review, trial on, **17:215, 17:216**
- Challenges for cause, preservation of error, **4:208**
- Closing argument, **13:99, 13:100**
- Competency of witnesses, **7:35**
- Continuance, **2:108**
- Finality of judgments, **16:105 to 16:108**
- Findings of fact and conclusions of law, **14:166**
- Hearsay exceptions, **9:112, 9:152**
- Hypothetical questions, **8:141**
- Instructions to jury, **15:68, 15:69, 15:130 to 15:138**
- Judgments nunc pro tunc, motions for, **17:185**
- Judicial notice, **11:50, 11:51**
- Jury and jurors
 - disqualification of jurors, **4:232**

PRESUMPTIONS AND BURDEN OF PROOF—Cont'd

- Jury and jurors—Cont'd
 - instructions to jury, **15:68, 15:69, 15:130 to 15:138**
 - misconduct of jury, **3:415**
 - request for jury, **2:156, 4:18, 4:19, 14:14**
 - voir dire, explain burdens of proof, **4:149**
- Opening statements, **3:100, 5:11, 5:34, 5:104**
- Scheduling the trial, **2:9 to 2:14, 2:48**
- Sealing of court records, **3:41**
- Stipulations, **11:113**

PRETRIAL MATTERS

- Business records, exclusion of, **10:88**
- Instructions to jury, **15:28, 15:100 to 15:102**
- Preparation for trial, **1:118 to 1:136**
- Structure of trial, **3:44, 3:66 to 3:102**

PREVIOUS JURY SERVICE

- See index heading JURY AND JURORS

PRIMA FACIE CASE

- Batson challenges, **4:338 to 4:348**

PRIOR CONSISTENT STATEMENTS

- Hearsay evidence, **9:63, 9:72 to 9:77**

PRIOR INCONSISTENT STATEMENTS

- Discrediting cross-examination, **7:232 to 7:236**
- Expert and opinion witnesses, **8:164 to 8:170**
- Hearsay evidence, **9:65 to 9:71**
- Impeaching and rehabilitating witnesses, **7:281 to 7:287**
- Religious beliefs, impeachment of witnesses, **7:314**

PRIOR INJURY

- Hearsay evidence, **9:93**

PRIORITY

- Bench trials, **14:53**

PRIOR TRIAL TESTIMONY

- Hearsay evidence, **9:92**

INDEX

PRIVILEGES

- Attorney generals corporate, **6:235**
- Breach of duty by lawyer or client, **6:315**
- Burden of proof, **6:201**
- Cause of action for breach, **6:427**
- Ceremonial marriage, **6:328**
 - common-law marriage, **6:330**
 - agreement, **6:332**
 - declaration, **6:331**
 - divorce, **6:329**
- Claimants through same deceased client, **6:314**
- Claim the privilege, **6:383**
- Clergy, communications to, **6:343 to 6:359**
- Client privilege, lawyer, **6:288**
- Communications
 - between citizens and elected officials, **6:236**
- Confidential communication, **6:295 to 6:299, 6:399, 6:401, 6:424**
- Constitution, provided by
 - journalists privilege, **6:211**
 - free flow of Information Act, **6:213**
 - holding privilege exists, **6:212**
 - against self-incrimination, **6:210**
- Definition, **6:200, 6:285**
 - burden of proof, **6:287**
 - subject matter test, **6:286**
- Document attested by a lawyer, **6:316**
- Exceptions, **6:384**
 - voluntary disclosure, **6:385, 6:386**
- Exceptions in court and administrative proceedings, **6:425**
- Exceptions to privilege, **6:412 to 6:422**
- Exceptions to the privilege, **6:337 to 6:342**
- Facility quality assessment and assurance committee, **6:233**
- Granted by statute, **6:214**
 - banking department records, **6:215 to 6:223**
- Husband-wife privilege, **6:323**
 - acts are not privileged, **6:325**

PRIVILEGES—Cont'd

- Husband-wife privilege, **6:323**
 - Cont'd
 - definition of confidential communication, **6:324**
 - distinction between civil and criminal cases, **6:326**
- Identity of informer, **6:378 to 6:393**
 - only identity, **6:379**
 - predicate, **6:380**
 - in camera inspection, **6:382**
 - form of proof, **6:381**
- Information possessed received or gathered, **6:224**
- Informer as witness, **6:387**
- Joint clients, **6:317**
- Lawyer-client privilege, **6:278**
 - definition, **6:279**
 - client, **6:280**
 - insured and insurance carrier, **6:283**
 - nonprofit corporation, **6:282**
 - representative of client, **6:284**
 - trustee, **6:281**
 - exceptions to, **6:310**
 - furtherance of crime or fraud, **6:311**
 - intent, **6:313**
 - prima facie proof required, **6:312**
- Marriage, definition, **6:327**
- Medical
 - committee, **6:227**
 - construing together, **6:229**
 - exceptions, **6:231**
 - peer review, **6:228**
 - regular course of business, **6:230**
- Mental health information, **6:428 to 6:456**
 - definition
 - confidential communication, **6:432**
 - patient, **6:430**
 - professional, **6:429**
 - representative of patient, **6:431**
- Must plead and prove privilege, **6:441 to 6:455**
- No fraud or injustice, **6:365**
- Not all records, **6:403**

PRIVILEGES—Cont'd

- Nursing peer review, **6:232**
- Offensive use doctrine not applicable, **6:423**
- Ongoing criminal investigation, **6:234**
- Other proceedings, exceptions, **6:426**
- Party must plead specific source of privilege, **6:237**
- Patents not included, **6:364**
- Physician, definition, **6:398**
- Physician-patient privilege, **6:394**
 - capacity of patient, **6:397**
 - definition, **6:395**
 - nature of relationship, **6:396**
- Physicians records, **6:402**
- Pleading and proof, **6:404**
- Political vote
 - self-incrimination, **6:361**
- Procedural safeguards, **6:248 to 6:257**
- Provided by rules, **6:204**
 - attorney work product, **6:207**
 - consulting, nontestifying expert, **6:208**
 - discovery privileges, **6:206**
 - evidentiary privileges, **6:205**
- Purpose, **6:433**
- Recognized only as provided, **6:202**
 - coverage, **6:203**
- Relationship required
 - representative, **6:305**
- Relationship required, lawyer client, **6:304**
- Reports regarding court-ordered, **6:226**
- Representative of lawyer, **6:289**
 - accountant, **6:291**
 - assistant, **6:290**
 - private investigator, **6:294**
 - proof, **6:293**
 - psychiatrist, **6:292**
- Scope, **6:300, 6:333, 6:400 to 6:405, 6:434**
 - common interest privilege, **6:303**
 - communication, **6:435**
 - joint defense privilege, **6:302**
 - not restricted to parties, **6:334**

PRIVILEGES—Cont'd

- Scope, **6:300, 6:333, 6:400 to 6:405, 6:434—Cont'd**
 - participants in the communication, **6:301**
 - records, **6:436**
 - third-party receipt, **6:437**
- Against self-incrimination, **6:258 to 6:277**
- Testimony on merits, **6:388 to 6:393**
- Trade secrets, **6:362 to 6:377**
 - definition, **6:363**
- Traffic accident reports, **6:225**
- Trial court may not create privileges, **6:238**
- Waiver of privilege, **6:239 to 6:247**
- Waiver through offensive use, **6:318**
 - factors to determine waiver, **6:319**
 - affirmative relief, **6:320**
 - alternative sources, **6:322**
 - outcome determinative, **6:321**
- Who may claim privilege, **6:306, 6:406 to 6:411, 6:438**
 - claimants, **6:307 to 6:309**
 - patient or representative, **6:439**
 - professional, **6:440**
- Who may claim the privilege, **6:335**
 - testify in criminal case, **6:336**

PRIVILEGES AND PRIVILEGED INFORMATION

- Attorneys
 - refreshing witness' recollection, **7:106**
 - rights and duties of, **3:365**
- Hearsay evidence, **9:349 to 9:351**
- Husband-wife privilege
 - for detailed treatment see index heading HUSBAND AND WIFE
- Jury questionnaire, form, **4:453**
- Self-incrimination
 - for detailed treatment, see index heading SELF-INCRIMINATION PRIVILEGE

PRIVITY

- Hearsay, statements of persons in privity, **9:101**

INDEX

PROBATE CASES

Finality of judgment, **16:94**

PROBLEM WITNESSES

Cross-examination, **7:255 to 7:263**

PROCEDURAL MATTERS

Judge, duties of, **3:270**

PROCESS AND SERVICE OF PROCESS

See index heading **SERVICE OF PROCESS
AND PAPERS**

PRODUCTS LIABILITY

Expert testimony, **8:34**

PROJECTORS

Demonstrative evidence, preparation
for trial, **1:171**

PROMISES

Opening statements, **5:177**

PROOF CHARTS

Preparation for trial, **1:27 to 1:42**

PROPERTY DAMAGE

Interest on judgment, **16:132**

PROPERTY RIGHTS

Hearsay, **9:34, 9:315, 9:329 to 9:332,
9:341**

PROPOSED JUDGMENT

Post-verdict and post-trial motions,
17:19 to 17:25

PRO SE LITIGANTS

Notice of trial setting, **2:35**

PROTECTIVE ORDERS

Jury selection, family violence
protective order, **4:8**

Request for jury, family violence
protective order, **2:137**

PROVINCE OF COURT AND JURY

General discussion, **15:1 et seq.**

Credibility of witnesses, **15:14**

Discretion of court, **15:3**

Instructing the jury, **15:4**

Questions of law, **15:5 to 15:8**

Weight of evidence, **15:11 to 15:13**

PSYCHOLOGICAL AUTOPSY

Expert and opinion witnesses, **8:66**

PSYCHOTHERAPISTS AND PSYCHIATRISTS

Hearsay exceptions, **9:196**

PUBLIC ANNOUNCEMENT

Judgments, **16:32**

PUBLICATION

Default judgments, attacks on,
17:196, 17:197

Local court rules, preparation for
trial, **1:183**

New trial, motions for, **17:123**

PUBLICITY

Attorneys, rights and duties of, **3:341
to 3:361**

Conduct of trial, media coverage, **3:2
to 3:18**

Jury, media exposure, **3:407 to 3:409**

Peremptory challenges, **4:442**

PUBLIC OFFICERS AND EMPLOYEES

Execution, execution of writ of,
18:111 to 18:115

Hearsay evidence, **9:115**

Jury selection, **4:95**

PUBLIC POLICY

Judicial admissions, **9:140**

PUBLIC RECORDS

See index heading **RECORDS AND
RECORDING**

PUBLIC SPEECHES

Expert and opinion witnesses, **8:168**

PUBLIC TRIAL

General discussion, **3:24**

PUBLISHED WORKS

Expert and opinion witnesses, **8:168**

PUFFING

Closing argument, **13:106**

PUNITIVE DAMAGES

See index heading **EXEMPLARY DAMAGES**

**QUALIFICATION OR
DISQUALIFICATION**

Expert witnesses, **8:93 to 8:110**
Judges, **3:248, 16:52 to 16:56**
Jurors. See index heading JURY SELECTION

QUANTITY

See index heading AMOUNT OR QUANTITY

QUESTIONNAIRES

See index heading JURY AND JURORS

QUESTIONS AND INQUIRIES

Bench trials, **14:69 to 14:72**
Challenges for cause, **4:214**
Court or judge, questions by, **3:283, 4:214, 14:69 to 14:72**
Opening statements, **5:132**
Voir dire, **4:168 to 4:182**

QUESTIONS OF LAW AND FACT

Conviction of crime, impeaching witnesses, **7:304**
Instructions to jury, **3:140, 3:142, 15:73 to 15:76, 15:90**
Judgments nunc pro tunc, motions for, **17:180**
Misconduct of jury, **3:414**
Peremptory challenges, **4:255**
Province of court and jury, **15:5 to 15:8**
Trial briefs, **1:137 to 1:139**

QUOTIENT VERDICT

Deliberations of jury, **15:261**

RACE DISCRIMINATION

Batson challenges, **4:300**
Closing argument, **13:131**
Peremptory strikes of jurors, **3:93**

RANDOM SELECTION

Jury array, **4:37**

READING

Closing argument, **13:34**
Conduct of trial, **3:153**
Depositions, **7:137 to 7:139**
Instructions to jury, **3:255**
Opening statements, **5:158 to 5:163**

READING—Cont'd

Recorded recollection of witness, **7:130**

REALIGNMENT OF PARTIES

Opening statements, **5:25**

REAL PROPERTY

Documentary evidence, **10:173, 10:174**
Execution. See index heading EXECUTION
Expert and opinion witnesses, real estate value, **8:76**

REBUTTAL

Batson challenges, **4:349 to 4:353**
Closing argument, **13:87**
Conduct of trial, **3:133, 3:134**
Instructions to jury, **15:84, 15:85**
Opening statements, **5:21, 5:40**
Scheduling the trial, notice of rebuttal of presumption, **2:12 to 2:14**
Structure of trial, **3:52, 3:54**

RECEIPT OF VERDICT

Post deliberations proceedings, **15:279 to 15:283**

RECONCILIATION

Conflict in findings, **15:193**

**RECONSTRUCTION OF
ACCIDENT**

Expert and opinion witnesses, **8:77**

**RECORDED RECOLLECTION OF
WITNESS**

General discussion, **7:115 to 7:130**
Distinguished from refreshing recollection of witness, **7:116**
Hearsay exceptions, **7:117, 9:206 to 9:216**

RECORDS AND RECORDING

Affidavit, form of, **1:187**
Attorneys, rights and duties of, **3:357**
Batson challenges, record on appeal, **4:321 to 4:330**
Conduct of trial, court records, **3:25 to 3:42**
Hearsay exceptions. See index heading HEARSAY

INDEX

RECORDS AND RECORDING

—Cont'd

- Judicial notice, **11:17**
- Opening statements, **5:55 to 5:57**
- Preparation for trial, **1:67 to 1:85**
- Recollection of witness. See index heading **RECORDED RECOLLECTION OF WITNESS**
- Verbatim record of trial, **7:10**
- Video recordings. See index heading **VIDEOS AND VIDEOTAPING**

RECUSAL OF JUDGE

- Grounds, **16:54**

REDIRECT AND RECROSS EXAMINATION

- General discussion, **7:265 to 7:274**
- Conduct of trial, **3:123**
- Explore issues not fully explained, **7:270**
- Explore issues opened by opponent, **7:271**
- Governing rules, **7:265**
- Purpose, **7:267 to 7:271**
- Rehabilitate witness, **7:268**
- Reimpeach witness, **7:269**
- Scope, **7:272 to 7:274**
- When permitted, **7:266**

REFRESHING RECOLLECTION OF WITNESS

- Cross-examination, **7:167**
- Direct examination of witnesses, **7:100 to 7:114**
- Recorded recollection of witness distinguished from, **7:116**

REFUSAL OR DENIAL

- Amendment of pleading, motion for, **12:36 to 12:42**
- Closing argument, **13:18 to 13:20**
- Conduct of trial, refused questions, instruction or definitions, **3:147**
- Instructions to jury, **15:23, 15:59, 15:176**
- Jury trial, request for, **4:22**

REGULAR COURSE OF BUSINESS

- Business records, **10:4**

REGULAR COURSE OF BUSINESS

—Cont'd

- Hearsay exceptions, **9:230, 9:238, 9:242 to 9:244**

REHABILITATION

- Jurors, disqualification, **4:198**
- Witnesses
 - general discussion, **7:315 to 7:322**
 - for detailed treatment see index heading **IMPEACHING AND REHABILITATING WITNESSES**

REHEARSAL

- Closing argument, **13:92**
- Cross-examination, **7:248**
- Opening statements, **5:128 to 5:133, 5:150**

REIMPEACHMENT

- Redirect and recross examination, **7:269**

REINSTATEMENT MOTIONS

- General discussion, **17:219 to 17:233**
- Clerk of court, **17:221**
- Content, **17:224, 17:225**
- Deadlines, **17:222, 17:233**
- Delivery to judge, **17:226**
- Dismissal or nonsuit, motion for, **12:84, 17:220, 17:221**
- Effect of motion, **17:230 to 17:233**
- Filing, **17:222**
- Forced dismissal of suit, **17:220, 17:221**
- Hearing, **17:227**
- Notice, **17:228**
- Requirements and procedures, **17:223 to 17:233**
- Signature, **17:224**

RELATIVES

- See index heading **FAMILY AND RELATIVES**

RELEVANCY

- For detailed treatment see index heading **MATERIALITY AND RELEVANCY**

RELIABILITY

Expert and opinion witnesses, **3:78, 8:43, 8:129, 8:151**

RELIGION AND RELIGIOUS MATTERS

Batson challenges, **4:305**
Closing argument, **13:132**
Documentary evidence, **10:177**
Hearsay exceptions, **9:275 to 9:277**
Impeachment of witnesses, **7:314**
Jury service, excuse from, **4:88, 4:89**
Peremptory challenges, **4:436 to 4:440**
Witnesses, oath or affirmation of, **7:61**

REMAINING FINDINGS

Judgment on, **17:71 to 17:74**

REMITTITUR

General discussion, **17:169 to 17:172**
New trial, motions for, **17:135, 17:136**
Stipulations, **11:110**

REMOVAL OF PROPERTY

Execution, **18:107**

RENDITION

Judgments, **16:27 to 16:31**
Verdict, **15:184 to 15:187**

RENT OR RENTALS

Hearsay evidence, **9:33**

REPETITION

Cross-examination, **7:198**

REPLACING JURORS

Deliberations, replacing jurors prior to, **15:246, 15:247**

REPLEVY BY DEFENDANT

Garnishment, **18:278 to 18:280**

REPORTER

See index heading **COURT REPORTER**

REPRESENTATIONS

Scheduling the trial, **2:23 to 2:25**

REPUTATION

See index heading **CHARACTER AND REPUTATION**

REQUEST OR DEMAND

Admissions, sample form of request for, **10:187**
Answering to questions on cross-examination, request to judge, **7:205**
Arbitration, request for, **12:67**
Deliberations of jury, **15:229 to 15:235**
Failure to make court aware, request, **14:35**
Findings and conclusions, request for, **14:115 to 14:151, 16:15 to 16:22**
Instructions to jury. See index heading **INSTRUCTIONS TO JURY**
Judicial notice, **11:39, 11:40**
Jury trial, request for. See index heading **JURY AND JURORS**
Polling the jury, **15:285**
Scheduling the trial, trial setting, **2:22**
Sequestration of witnesses, **7:22**

REREADING TESTIMONY

Deliberations of jury, **15:209, 15:210**

RE-REBUTTAL

Conduct of trial, **3:135, 3:136**

RESALE

Execution sales, **18:222 to 18:228**

RESCISSION

Stipulation, **11:109**

RESERVATION OF OPENING STATEMENT

Defendant's right to reserve, **5:37 to 5:47**
Order, **5:17 to 5:19**

RESETTING CASES FOR TRIAL

General discussion, **2:16 to 2:18**
Continuance, **2:125 to 2:128**
Jury request, **2:165**

RESIDENTS AND TAXPAYERS

Jurors, specific examples of disqualification, **4:189**

INDEX

RES JUDICATA

General discussion, **16:120, 16:121**
Interlocutory versus final judgment,
16:100

RESPECTFULNESS

Closing argument, **13:41 to 13:43**

RESPONSE

See index heading ANSWER OR
RESPONSE

RESTRAINING ORDERS

See index heading TEMPORARY
RESTRAINING ORDERS

RESTRICTIONS

See index heading LIMITATIONS AND
RESTRICTIONS

RETURNS

Business records, tax returns, **10:18,**
10:19
Execution, return of sheriff, **18:241**
Income taxes. See index heading
INCOME TAX RETURNS
Peremptory challenges, return of rec-
ord, **4:273**

REVERSAL OF RULING

Challenges for cause, **4:225**

REVERSIBLE ERROR

Closing argument, **13:26**
Jury selection, challenges for cause,
4:231
Jury trial, right to, **4:23, 4:24**

REVIEW

Appeal and review. See index head-
ing APPEAL AND ERROR
Deliberations of jury, request for
review of testimony or other
evidence, **15:229 to 15:235**
Motions for new trial
order by mandamus, review,
17:156

REVIVAL OF DORMANT JUDGMENTS

General discussion, **18:314 to 18:317**

RHETORICAL QUESTIONS

Closing argument, **13:75**

ROAD MAINTENANCE RESPONSIBILITIES

Judicial notice, **11:87**

ROOM FOR DELIBERATIONS OF JURY

See index heading DELIBERATIONS OF
JURY

ROUTINE PRACTICE

See index heading HABIT OR ROUTINE
PRACTICE

RULES OF EVIDENCE

See index heading EVIDENCE

SALE OF PROPERTY

Execution sale. See index heading
EXECUTION

SANCTIONS

Default judgments, attacks on,
17:191
Finality of judgments, **16:91**
Medical Liability Act, attorney's fees
as sanction for failure to comply
with, **2:141**
Opening statements, objections to,
5:237
Refreshing recollection of witness,
7:103
Sequestration of witnesses, **7:26**

SATISFACTION OF JUDGMENTS

General discussion, **18:1 et seq.**
Discovery in aid of satisfying judg-
ment, **18:94, 18:95**
Execution. See index heading EXECU-
TION
Garnishment. See index heading
GARNISHMENT
Levy and seizure of property. See
index heading EXECUTION
Liens. See index heading JUDGMENT
LIENS
Non-money judgments, enforcement
of, **18:313**
Revival of dormant judgments,
18:314 to 18:317
Seizure of property. See index head-
ing EXECUTION

SATISFACTION OF JUDGMENTS
—Cont'd

Stay of execution. See index heading
STAY OF EXECUTION
Turnover orders. See index heading
TURNOVER ORDERS

SCHEDULING THE TRIAL

General discussion, **2:1 et seq.**
Assignment of cases, **2:1 to 2:5**
Continuance. See index heading CON-
TINUANCE
Form of trial setting notice, **2:39 to 2:41**
Jury, request for, **2:129 to 2:181, 2:183**
Notice
trial scheduling, generally, **2:6 to 2:15**
trial setting, notice of, **2:30 to 2:51**
Presumptions and burden of proof, **2:9 to 2:14, 2:48**
Setting of trial, notice of, **2:30 to 2:51**

SCIENTIFIC KNOWLEDGE

Expert and opinion witnesses, **8:37 to 8:47**

SEALS AND SEALED DOCUMENTS

Authentication of records, **1:71, 1:72**
Court records, **3:25 et seq.**
Government records, **10:140 to 10:144**
Trade secrets, **3:29**

SECRECY

Deliberations of jury, **15:205**

SEGREGATION, BURDEN OF

Business records, **10:77**

SEIZURE OF PROPERTY

General discussion, **18:42 to 18:93**
For detailed treatment see index
heading EXECUTION

SELECTION OF JURY

See index heading JURY SELECTION

SELF-ASSURANCE

Closing argument, **13:43**

SELF-AUTHENTICATION

Government records, **10:139 to 10:160**

SELF-INCRIMINATION PRIVILEGE

Continuance, absence of counsel, **2:80**
Cross-examination, **7:160**
Hearsay evidence, **9:349 to 9:351**

SENIOR CITIZENS

See index heading ELDERLY PERSONS

SEPARATENESS REQUIREMENT

Findings of fact and conclusions of law, **14:158 to 14:160**

SEPARATE TRIAL

Concurrence of same jurors, **3:237**
Conduct of trial, generally, **3:220 to 3:238**
Evidence, admission of same evidence, **3:236**
Finality of judgment, **3:238**
Form of motion to bifurcate trial, **3:423**
Instructions, limiting, **3:233**
Jury, same jury used, **3:235**
Liability and damages, separation of, **3:228**
New trial, motion for, **14:110**
Rationale, **3:225**
Review, standard of, **3:227**
Severance, **3:222**
Severed claims, distinguished, **3:221**
Standards for allowing separate trials, **3:229**
Structure of trial, motions, **3:80 to 3:83, 3:423**
Written court order, **3:234**

SEPARATION OF OBJECTIONS AND REQUESTS

Instructions to jury, **15:166**

SEQUESTRATION OR SEPARATION

Deliberations of jury, **15:245, 15:255**
Discretion of court, **3:372 to 3:377**
Peremptory challenges, **4:397**

INDEX

SEQUESTRATION OR SEPARATION—Cont'd

Witnesses, **7:20 to 7:27**

SERVICE OF PROCESS AND PAPERS

Affidavits of medical records,
10:110, 10:111

Counter affidavits of medical records,
10:114

Default judgments, attacks on,
17:200 to 17:202

Garnishment. See index heading
GARNISHMENT

Judgments, **16:41**

Subpoenas, **1:64**

SETTING ASIDE

See index heading VACATING OR SET-
TING ASIDE

SETTING OF TRIAL

Form, request for trial setting, **2:182**

Notice of, **2:30 to 2:51**

SETTLEMENT

See index heading COMPROMISE AND
SETTLEMENT

SEVENTH DAY ADVENTISTS

Peremptory challenges, **4:439**

SEVERANCE OR SEPARATE TRIAL

See index heading SEPARATE TRIAL

SEXUAL ABUSE OR ASSAULT

Hearsay exceptions, **9:197, 9:202**

SHARES OF STOCK

See index heading STOCK AND
STOCKHOLDERS

SHERIFF OR CONSTABLE

Execution. See index heading EXECU-
TION

SHOW CAUSE ORDER

Form of, **18:336**

SIGNATURE OR SIGNING

Government records, **10:142, 10:146**

Instructions to jury, **15:116**

Judgments, **3:174, 16:38, 16:42**

SIGNATURE OR SIGNING —Cont'd

Post deliberations proceedings,
15:275

Post-verdict and post-trial motions,
17:21

Reinstatement motions, **17:224**

SILENCE

Hearsay evidence, **9:26**

SIMPLICITY OR SIMPLIFICATION

Bifurcated trial, **3:231**

Closing argument, **13:65**

Opening statements, **5:179**

SIZE OF CORPORATE DEFENDANT

Opening statements, **5:206**

SKILL

Expert and opinion witnesses, **8:94,**
8:160

SLEEP

Peremptory challenges, **4:398**

SOCIAL WORKERS

Peremptory challenges, **4:381**

Rebuttal of peremptory challenges,
4:381

SOUND MIND AND CHARACTER

Jurors, statutory qualifications of,
4:62

SPEAKING TECHNIQUE

Closing argument, **13:44 to 13:46**

SPECIALIZED KNOWLEDGE

Expert and opinion witnesses, **8:54 to**
8:56

SPECIAL OR GENERAL VERDICT

General discussion, **15:188 to 15:191**

SPECIFICITY OF OBJECTION

Instructions to jury, **15:152 to 15:156**

SPECTATOR AT FORMER TRIAL

Jurors, specific examples of
disqualification, **4:194**

SPEED

- Judicial notice, **11:26**
- Opinion testimony by lay witnesses, **8:15**

SPOUSES

- See index heading **HUSBAND AND WIFE**

STANDARDS OF PROOF

- Closing argument, **13:99**

STATEMENTS AGAINST INTEREST

- See index heading **DECLARATIONS AGAINST INTEREST**

STATISTICS

- Judicial notice, **11:27**

STATUTE OF LIMITATIONS

- Dismissal or nonsuit, motion for, **12:86**
- Peremptory challenges, **4:272**

STATUTES AND STATUTORY PROVISIONS

- Array of jurors, **4:58 to 4:68**
- Hearsay evidence, **9:10**
- Instructions to jury, **15:98**
- Limitations. See index heading **STATUTE OF LIMITATIONS**
- Turnover orders, **18:302**

STAY OF EXECUTION

- See index heading **EXECUTION**

STIPULATIONS

- General discussion, **11:101 to 11:116**
- Authentication of business records, **10:44**
- Construction, **11:106**
- Definitions, **11:101**
- Documentary evidence, stipulation as to admission of records or documentary evidence, **10:193, 10:194**
- Effect, **11:105**
- Form, setting aside stipulations, **11:120, 11:121**
- Form, stipulation as to certain facts, **11:119**
- Hearsay, judicial admissions in stipulations, **9:148**

STIPULATIONS—Cont'd

- Inferences, **11:113**
- Judgment, stipulations as to, **11:107 to 11:110**
- Method of presentation, **11:111 to 11:113**
- Oral stipulations, **11:115**
- Pretrial conference, **1:125**
- Remittitur, **11:110**
- Rescission of, **11:109**
- Setting aside stipulations, **11:120, 11:121**
- Strategy considerations, **11:103**
- Time requirements, **11:102, 11:104**
- Withdrawal of stipulations, **11:116**
- Written stipulations, **11:114**

STOCK AND STOCKHOLDERS

- Execution, seizure of property, **18:73**
- Jurors, specific examples of disqualification, **4:188**

STOPPING DISTANCE

- Judicial notice, **11:26**

STRIKING OUT MATTER

- Answers to questions on cross-examination, **7:204**
- Structure of trial, **3:73 to 3:78**

STRUCTURE AND CONDUCT OF TRIAL

- General discussion, **3:1 et seq.**
- Attorney, conduct of, **3:289 to 3:371**
- Judge, conduct of, **3:239 to 3:288**
- Jurors, conduct of, **3:372 to 3:418**
- Structure of trial, generally, **3:43 to 3:238**

STUDENTS

- Jury service, exemption from, **4:73, 4:74**

SUA SPONTE

- Continuance, **2:54**
- Judicial notice, **11:53, 11:60**
- New trial, motions for, **17:109, 17:110**

SUBCONTRACTORS

- Documentary evidence, invoices as, **10:14**

INDEX

SUBJECT MATTER JURISDICTION

Judgments, **16:49**

SUBPOENA DUCES TECUM

General discussion, **1:67 to 1:85**

SUBPOENAS

General discussion, **1:59 to 1:64**

Trial subpoena, form, **1:190**

SUBSEQUENT CONDUCT

Hearsay exceptions, **9:185**

Remedial measures. See index heading
SUBSEQUENT REMEDIAL
MEASURES

SUBSEQUENT REPAIRS

Opening statements, **5:208**

SUBSTITUTION

Closing argument, **13:125**

SUFFICIENCY OF EVIDENCE

See index heading WEIGHT AND SUFFI-
CIENCY OF EVIDENCE

SUICIDE

Hearsay exceptions, **9:183**

SUMMARIES

Hearsay exceptions, **9:243**

Sample predicate questions for
admission of, form, **10:189**

SUMMARY JUDGMENT

Findings of fact and conclusions of
law, request for, **14:138**

Judicial notice, **11:69**

Mother Hubbard clause, **16:104**

SUMMONS

Array of jurors, **4:48 to 4:57**

SUNGLASS WEARER

Peremptory challenges, **4:423**

SUPERSEDEAS

Stay of execution. See index heading
EXECUTION

SUPPLEMENTATION OF DISCOVERY

Preparation for trial, **1:4 to 1:13**

SUPPRESS, MOTIONS TO

General discussion, **7:140 to 7:142**

SUPREME COURT OF TEXAS

Batson challenges, expansion of
principles, **4:303 to 4:305**

Findings of fact and conclusions of
law, **14:172**

SUPREME COURT OF UNITED STATES

Batson challenges, expansion of
principles, **4:298 to 4:302**

SURGEONS

See index heading PHYSICIANS AND
SURGEONS

SURPRISE

Amendment of pleadings, **1:15,**
12:23 to 12:30

Continuance, **2:79**

SURVEYORS

Court-appointed experts, **8:180**

SUSPENSION

Conduct of trial, **3:200 to 3:202**

TAXES AND TAXPAYERS

Business records, tax returns, **10:18,**
10:19

Income taxes. See index heading
INCOME TAX RETURNS

Jurors, specific examples of
disqualification, **4:189**

TAXI DRIVERS

Peremptory challenges, **4:383**

TAXING COSTS

Dismissal or nonsuit, motion for,
12:78

TEACHERS

Peremptory challenges, **4:385**

TECHNICAL KNOWLEDGE

Expert and opinion witnesses, **8:48 to**
8:56

TEMPORARY RESTRAINING ORDERS

Affidavit in support of motion, form
of, **18:335**

**TEMPORARY RESTRAINING
ORDERS—Cont'd**

Continuance, attendance on
legislature, **2:94**
Dismissal or nonsuit, **12:75**
Order to show cause, form of, **18:336**
Petition, form of, **18:334**

TESTATOR

Hearsay exceptions, **9:181**

TESTIMONY

See index heading **WITNESSES AND
TESTIMONY**

TESTS AND TESTING

Attorneys, rights and duties of, **3:353**

TEST SCORE RESULTS

Documentary evidence, **10:21**

TEXAS REGISTER

Judicial notice, **11:78 to 11:91**

THEATRICALS

Reading depositions, **7:139**

THEME OF CASE

Closing argument, reiteration of case
theme, **13:98**
Opening statements, **5:58, 5:80, 5:81**

THIRD PARTIES

Attorneys, rights and duties of, **3:362
to 3:368**

TIME OR DATE

Affidavits of medical records, time
for service of, **10:110, 10:111**
Amended or additional findings,
request for, **14:175**
Amendment of pleading, motion for,
12:31, 12:32
Appellate review of bench trials,
14:194, 14:195
Batson challenges, timing of, **4:314
to 4:330**
Bench trials. See index heading
BENCH TRIALS
Business records, **10:5**
Challenges for cause, **4:211, 4:218**
Closing statements or closing argu-
ments, **3:161, 13:21**

TIME OR DATE—Cont'd

Continuance, **2:68, 2:76, 2:114**
Conviction of crime, impeaching
witnesses, **7:298**
Counter affidavits of medical records,
10:115
Cross-examination, timing of, **7:162
to 7:164**
Deadlines. See index heading
DEADLINES
Delay. See index heading **LACHES AND
DELAY**
Directed verdict, motion for, **12:48 to
12:52**
Dismissal or nonsuit, motion for,
12:70 to 12:75
Docketing. See index heading
DOCKETS AND DOCKETING
Duration. See index heading **DURA-
TION OR LENGTH**
Execution. See index heading **EXECU-
TION**
Finality of judgment, **16:92**
Findings and conclusions, **14:117 to
14:120, 16:20**
Hearsay. See index heading **HEARSAY**
Instructions to jury. See index head-
ing **INSTRUCTIONS TO JURY**
Interest on judgment, **16:134**
Judgment liens, **18:15**
Judgment notwithstanding the
verdict, **3:183, 17:49 to 17:51**
Judgments, generally, **3:178**
Judgments nunc pro tunc, motions
for, **17:184, 17:187 to 17:189**
Judicial notice, **1:109, 11:40, 11:44,
11:72**
Jury. See index heading **JURY AND
JURORS**
Length. See index heading **DURATION
OR LENGTH**
Local court rules, preparation for
trial, **1:181**
Mistrial, motion for, **12:100**
Modify, correct or reform judgment,
motions to, **17:160 to 17:163**
New trial, motions for, **14:106,
14:107, 17:104, 17:106, 17:144
to 17:149**

INDEX

TIME OR DATE—Cont'd

- Oath or affirmation of witnesses, **7:60**
- Opening statements, **5:22, 5:61 to 5:68, 5:230, 5:231**
- Peremptory challenges or strikes, **4:238, 4:266, 4:272**
- Plenary power of court, **16:113 to 16:115**
- Post-judgment motions, **3:194, 3:195**
- Post-verdict and post-trial motions, **17:23**
- Refreshing recollection of witness, **7:101**
- Scheduling the trial
 - general discussion, **2:1 et seq.**
 - for detailed treatment see index heading **SCHEDULING THE TRIAL**
- Stay of execution. See index heading **EXECUTION**
- Stipulations, **11:102, 11:104**
- Structure of trial, motion to strike expert, **3:77**
- Supplementation of discovery, **1:4**
- Suppressing deposition motions, **7:141**
- Witnesses, waste of time involving, **7:7**

TITLE AND OWNERSHIP

- Execution, ownership by debtor, **18:42 to 18:44**
- Hearsay evidence, **9:34, 9:341**
- Judgment notwithstanding the verdict, motion for, **17:47**
- Jury findings, motion to disregard, **17:87**

tone of voice

- Opening statements, **5:140 to 5:144**

TOOTHpick CHEWING

- Peremptory challenges, **4:405**

TOPICS

- Opening statements, **5:70 to 5:117**

TRADE INSCRIPTIONS

- Authentication of records, **1:79**

TRAINING

- Expert and opinion witnesses, **8:96, 8:104**

TRANSCRIPTS

- Batson challenges, **4:313**
- Closing argument, use of transcripts of testimony during trial, **13:51**
- Hearsay evidence, **9:95**

TRANSLATORS

- See index heading **INTERPRETERS**

TREATISES

- See index heading **LEARNED TREATISES**

TRUCKER

- Peremptory challenges, **4:393**

TRUSTWORTHINESS

- Business records, **10:29 to 10:31, 10:73**
- Government records, **10:138**
- Hearsay exceptions, **9:213, 9:248, 9:265**

TRUTHFULNESS OF WITNESS

- Expert and opinion witnesses, **8:88**

T-SHIRTS

- Peremptory challenges, **4:424**

TURNOVER ORDERS

- General discussion, **18:301 to 18:312**
- Appellate review, **18:312**
- Conduct of trial, **3:211, 3:212**
- Defending against, **18:309 to 18:311**
- Enforcement of, **18:306**
- Financial institutions, property held by, **18:305**
- Nonexempt property, **18:308**
- Procedures, **18:307**
- Property subject to, **18:303**
- Statutory authority, **18:302**

ULTIMATE ISSUES

- Expert and opinion witnesses, **8:90**
- Lay witnesses, opinion testimony by, **8:10 to 8:12**

UMPIRE

- Judge, duties of, **3:274**

UNDERTAKINGS

See index heading BONDS AND UNDERTAKINGS

UNDUE INFLUENCE

See index heading COERCION OR DURESS

UNEMPLOYED PERSONS

Peremptory challenges, **4:384**

UNFITNESS

Jury, disqualification from, **4:98, 4:204 to 4:206**

VACATING OR SETTING ASIDE

General discussion, **17:164 to 17:168**
Stipulations, **11:120, 11:121**

VALUE AND VALUATION

Experts. See index heading EXPERT AND OPINION WITNESSES

VARIATIONS IN TRIAL PROCEEDINGS

Structure of trial, **3:216 to 3:238**

VENIRE PANEL

Definitions, **4:31**

VENUE

Jury trial, motion to transfer venue, **2:139**

VERDICT

General discussion, **15:178 to 15:195**

Advisory verdict, request for jury where jury's verdict is advisory, **2:138**

Alternative theories of recovery, verdict on, **16:10**

Ambiguous verdict, correction of, **15:292**

Announcement of, **3:62**

Closing argument, use of enlargements of verdict form, **13:59**

Competency to testify, impeachment of verdict, **7:44**

Conflict in jury findings, **15:192 to 15:195, 15:293**

Deliberations of jury, inability to reach verdict during, **15:248 to 15:251**

VERDICT—Cont'd

Directed verdict

general discussion, **12:43 to 12:62**
for detailed treatment see index heading DIRECTED VERDICT

Entry of verdict, **15:289**

Findings, conflict in, **15:192 to 15:195**

Formalities of verdict included in instructions, **3:141**

Form of, **15:181**

General or special verdicts, **15:188 to 15:192**

Instructed verdict, **3:126 to 3:128, 12:44, 12:56**

Instructions to jury, form of verdict included in, **3:141**

Judgment notwithstanding verdict. See index heading JUDGMENT NOTWITHSTANDING THE VERDICT

Judgment on jury verdict. See index heading JUDGMENT ON THE VERDICT

Method of reaching verdict, **15:180**

Motion for instructed verdict, **3:126 to 3:128**

Objections, **15:185**

One verdict only, **15:183**

Overview, **15:178 to 15:187**

Post-verdict motions. See index heading POST-VERDICT AND POST-TRIAL MOTIONS

Procedure for rendition and reception, **15:184 to 15:187**

Quotient verdict, deliberations of jury, **15:261**

Reading of verdict, **3:171**

Receipt of verdict, **15:279 to 15:283**

Reconciliation of conflict in findings, **15:193**

Rendition and reception, **15:184 to 15:187**

Special or general verdict, **15:188 to 15:191**

Structure of trial, **3:170 to 3:172**

Sufficiency of verdict, **16:4 to 16:9**

Vote required for verdict, **15:272 to 15:276**

Waiver of conflict in findings, **15:194**

INDEX

VERIFICATION

- Audit reports, expert and opinion witnesses, **8:174**
- Continuance, motion for, **2:110**
- Sealing of court records, notice of, **3:37**

VICTIMS

- Hearsay evidence, child abuse victim, **9:345**

VIDEOS AND VIDEOTAPING

- Closing argument, **13:53**
- Demonstrative evidence, preparation for trial, **1:170**
- Government records, documentary evidence, **10:186**
- Opening statements, **5:133**
- Preparation for trial, **1:65**

VIEW BY JURY

- General discussion, **11:93 to 11:100**
- Availability, **11:95**
- Deliberations of jury, **15:238 to 15:242**
- Direction of court, **11:98**
- Evidence presented during view, **11:100**
- Opening statements, **5:107**
- Permissibility, **11:94**
- Practical considerations, **11:96**
- Procedure, **11:97**
- Safeguards, **11:99**

VISUAL AIDS

- See index heading DEMONSTRATIVE EVIDENCE

VITAL STATISTICS

- Documentary evidence, **10:178**
- Hearsay exceptions, **9:267 to 9:270**

VOID OR VOIDABLE JUDGMENTS

- See index heading JUDGMENTS

VOIR DIRE

- General discussion, **4:106 to 4:162**
- For detailed treatment see index heading JURY SELECTION

VOLUMINOUS REQUESTS

- Instructions to jury, **15:168**

VOTING

- See index heading ELECTIONS OR VOTING

WAIVER AND ESTOPPEL

- Batson challenges, **4:316**
- Business records, **10:64, 10:83, 10:93**
- Challenges for cause, **4:228 to 4:230**
- Closing argument, **13:20**
- Continuance, preservation of error, **2:124**
- Depositions, procedures involving, **7:142**
- Exclusion of business records, **10:83**
- Garnishment, waiver of service on defendant, **18:275**
- Instructions to jury, **15:78 to 15:80, 15:137**
- Judgment notwithstanding the verdict, motion for, **17:53 to 17:59**
- Judicial notice, **11:56**
- Jury and jurors. See index heading JURY AND JURORS
- New trial, motions for, **17:140**
- Objections to business records, **10:64**
- Omissions in instructions to jury, **15:78 to 15:80**
- Opening statements, **5:23**
- Polling the jury, **15:286**
- Reporting of proceedings, **3:22**
- Scheduling the trial, **2:38, 2:45 to 2:47, 2:133, 2:174**
- Verdict, waiver of conflict in findings, **15:194**

WANT OF PROSECUTION

- Dismissal, **2:101**

WARNING OF DANGER

- Attorneys, rights and duties of, **3:361**

WATCHING THE AUDIENCE

- Opening statements, **5:190**

WEALTH OF PARTY

- Closing argument, **13:135**
- Opening statements, **5:206**

WEAPONS AND FIREARMS

Batson challenge, proof of purposeful discrimination, **4:369**

WEIGHT AND SUFFICIENCY OF EVIDENCE

Bench trials, comments on weight of evidence, **14:91**

Findings of fact, attacking, **14:212 to 14:217**

Instructions to jury. See index heading INSTRUCTIONS TO JURY

Judicial notice, **11:46, 11:58, 11:82**

New trial motion, conduct of trial, **3:188, 3:189**

Province of court and jury, **15:11 to 15:13**

WELFARE PERSON

Peremptory challenges, **4:392**

WHITE JURORS

Batson challenges, **4:308**

WIFE

See index heading HUSBAND AND WIFE

WILLS

Hearsay exceptions, **9:181, 9:188, 9:292**

WITHDRAWAL

Admissions, withdrawal of, **7:149**

Continuance, withdrawal of counsel, **2:75**

Jury trial, request for, **4:25 to 4:28**

Opening statements, responding to objections to, **5:241**

Scheduling the trial, withdrawal from jury docket, **2:178, 2:180**

Stipulations, **11:116**

WITNESSES AND TESTIMONY

General discussion, **7:1 et seq.**

Appellate review, sequestration of witnesses, **7:27**

Batson challenges, **4:335**

Bias or interest of. See index heading BIAS OR PREJUDICE

Checklist

cross-examination, **7:249**

direct examination, **7:64**

WITNESSES AND TESTIMONY

—Cont'd

Competency of witnesses

general discussion, **7:29 to 7:52**

for detailed treatment see index

heading COMPETENCY OF WITNESSES

Credibility. See index heading CREDIBILITY OF WITNESSES

Cross-examination

general discussion, **7:153 to 7:264**

for detailed treatment see index

heading CROSS-EXAMINATION

Depositions and pretrial materials, **7:131 to 7:152**

Direct examination

general discussion, **7:62 to 7:130**

conduct of trial, **3:108 to 3:124**

expert and opinion witnesses,

8:146 to 8:152

redirect examination. See index heading REDIRECT AND RECROSS EXAMINATION

Expert and opinion witnesses

general discussion, **8:1 et seq.**

for detailed treatment see index

heading EXPERT AND OPINION WITNESSES

Folders. See index heading WITNESS FOLDERS

Impeachment

general discussion, **7:275 to 7:322**

for detailed treatment see index

heading IMPEACHING AND REHABILITATING WITNESSES

Judge, duties of, **3:248, 3:283**

Jurors questioning witnesses, **7:264**

Jury, disqualification from, **4:91, 4:186**

Jury consultants, use of, **1:43 to 1:45, 1:56**

Leading questions. See index heading LEADING QUESTIONS

Multi-party or multi-issue litigation, **7:71**

Narrative testimony in non-jury trial, **4:8**

Preparation for trial, **1:52 to 1:66**

INDEX

WITNESSES AND TESTIMONY

—Cont'd

Prerequisites to testifying, **7:28 to 7:61**

Proof charts, **1:36, 1:40**

Qualification of witnesses, judge, duties of, **3:248**

Questioning of witnesses, judge, duties of, **3:283**

Reading to jury, **3:167**

Recorded recollection. See index heading **RECORDED RECOLLECTION OF WITNESS**

Redirect examination

general discussion, **7:265 to 7:274**

for detailed treatment see index

heading **REDIRECT AND RECROSS EXAMINATION**

Refreshing recollection. See index heading **REFRESHING RECOLLECTION OF WITNESS**

Rehabilitating witnesses

general discussion, **7:315 to 7:322**

for detailed treatment see index

heading **IMPEACHING AND REHABILITATING WITNESSES**

WITNESS FOLDERS

Cross-examination, **1:157, 7:243**

Preparation for trial, **1:145 to 1:162**

WRITING OR WRITINGS

Findings of fact and conclusions of law, **14:153 to 14:157**

Instructions. See index heading

INSTRUCTIONS TO JURY

Stipulations, **11:114**

Vacate, motions to, **17:168**

WRIT OF EXECUTION

Form of, **18:331**

WRIT OF GARNISHMENT

Form of application for, **18:339**

WRIT OF INJUNCTION

Form of, **18:336, 18:338**

WRONGFUL DEATH

See index heading **DEATH AND DEATH ACTIONS**

X-RAYS

Documentary evidence, authenticating, **10:196**