

Index

ALTERNATE OR ALTERNATIVES

Testing, blood and breath, § 19:05

APPELLATE REVIEW

Evidence, admission of, prejudicial effect, § 2:15

ATTORNEYS

Competent counsel, right to, § 1:10

Conflicts of interest, representation of criminal defendant, § 1:10

Discipline for improper conduct, § 1:05

Ineffective assistance of counsel, § 1:10

Role of and right to

competent counsel, § 1:10

discipline for improper conduct, § 1:05

Waiver of right to counsel, criminal cases, § 1:12

ATTORNEYS' FEES

Costs, attorneys' fees as, § 37:07

Discipline for improper conduct, § 1:05

BLOOD TESTS

Alternative, § 19:05

Criminal cases, § 19:05

BREATH TESTS

Alternative, § 19:05

Criminal cases, § 19:05

BURDEN OF PROOF

Criminal cases, defendant's burdens, § 9:14

Disability discrimination, § 9:03

Party with burden, civil cases, § 9:03

COCONSPIRATORS

Hearsay evidence, § 16:05

COMPETENCE

Criminal defendant, proof of competence, § 9:13

CONDUCT

Attorneys, discipline for improper conduct, § 1:05

CONFESSIONS

Custodial confessions, § 31:05

Voluntariness, § 31:03

CONFLICTS OF INTEREST

Representation of criminal defendant, § 1:10

CONSTITUTIONALITY

Presumptions, statutes, § 12:12

COSTS

Attorneys' fees as costs, § 37:07

Disbursements, allowable, § 37:06

Settlements and assessment of costs, § 37:09

CRIMINAL CASES

Blood tests, § 19:05

Breath tests, § 19:05

Burden of proof, defendant, § 9:14

Competence of defendant, proof of, § 9:13

Defendant's burden of proof, § 9:14

Hearsay evidence, § 16:01

Identification

accused, relevance, § 13:17

proof of, § 9:13

Ineffective assistance of counsel, § 1:10

Instructions to jury, § 35:07

Jury trial, waiver of right, § 6:01

Mistrial, § 32:03

Other crimes, wrongs, or acts, § 13:14

Plea

agreements, § 37:10

withdrawing after verdict, § 33:04

Polling jurors, waiver of right, § 36:14

Presumptions, § 12:13

Right to counsel

ineffective assistance of counsel, § 1:10

waiver of, § 1:12

Sentencing, § 36:15

DAMAGES

Excessive or inadequate

grounds for new trial, § 33:02

remittitur, § 36:10

Medical malpractice, non-economic damage caps, § 6:18

Punitive damages, § 36:10

DEAD MAN'S STATUTES

Repealed, § 22:01

DEMONSTRATIVE AIDS

Opening statements, use in, § 7:06

DISABILITY DISCRIMINATION

Burden of proof, § 9:03

INDEX

DOCUMENTARY EVIDENCE

Opening statement, references to documents, § 7:04

EVIDENCE

Admissibility ruling on, § 2:15

New trial, newly discovered evidence, § 33:03

FALSE OR FALSITY

Discipline for improper conduct, § 1:05

HEARSAY EVIDENCE

Coconspirators' statements, § 16:05

Criminal cases, § 16:01

Nontestimonial statements, § 16:33

Present sense impressions, § 16:07

Unavailability, generally, § 16:31

HONESTY-TESTING DEVICES

Communications made during examination using, privileged, § 23:13

IDENTIFICATION

Accused, identification of, relevance, § 13:17

Criminal cases, proof of, § 9:13

INSTRUCTIONS TO JURY

Generally, § 35:01

Criminal cases, rules applicable in, § 35:07

JUDGES

Recusal of judge, § 2:08

JUDGMENTS

Plea agreements, § 37:10

JUDICIAL NOTICE

Examples, facts refused judicial notice, § 11:06

Refusal of judicial notice, examples, § 11:06

JURY AND JURORS

Impartial jury, right to trial by, § 6:01

Peremptory challenges, number of
adverse interests, defendants having, § 6:18
civil cases, § 6:18

Polling jury, § 36:14

Right to trial by jury, § 6:01

LEGITIMATE TENDENCY TEST

Similar crime evidence, § 13:14

LIE DETECTOR TESTS

Communications made during examination, privileged, § 23:13

MEDICAL MALPRACTICE

Non-economic damage caps, § 6:18

MIRANDA RULE

Custodial confessions, § 31:05

MISTRIAL

Grounds, § 32:03

NEW TRIAL

Grounds for

generally, § 33:02

newly discovered evidence, § 33:03

Newly discovered evidence, § 33:03

OPENING STATEMENTS

Argument to jury distinguished, § 7:04

Content, § 7:04

Demonstrative aids, use of, § 7:06

Scope, § 7:04

Visual aids, use of, § 7:06

OPINION EVIDENCE AND EXPERT TESTIMONY

Criteria for admission of expert testimony, § 15:04

Discretion of trial court, §§ 15:04, 15:05

Personal property, value of, § 15:02

Qualification of experts, § 15:05

Real property, value of, § 15:02

Subject matter, § 15:07

Testimony by experts, § 15:04

OTHER CRIMES, WRONGS, OR ACTS

Relevancy, § 13:14

OWI-BAC

Blood and breath tests, § 19:05

Informed consent statute, § 30:03

PERSONAL PROPERTY

Value of, lay testimony, § 15:02

PLAIN VIEW DOCTRINE

Illegally obtained evidence, § 30:04

PLEA

Agreements, § 37:10

Withdrawal after verdict, § 33:04

POLYGRAPH EXAMINATIONS

Privileged communications, § 23:13

PRESUMPTIONS

Criminal cases, § 12:13

Statutes, constitutionality, § 12:12

PRIOR CONVICTIONS

Other crimes, wrongs, or acts, § 13:14

INDEX

PROBABLE CAUSE

Search warrant, probable cause showing as basis for issuance, § 30:07

PUNITIVE DAMAGES

Excessive, § 36:10

QUALIFICATIONS

Experts, § 15:05

REAL AND DEMONSTRATIVE EVIDENCE

Tests in criminal cases, § 19:05

REAL PROPERTY

Value of, lay testimony, § 15:02

RECORDS AND REPORTS

Privileged records and reports, self-incrimination, privilege against, § 24:03

RECUSAL

Judge, recusal of, § 2:08

RELEVANCY

Accused, identification of, § 13:17

Identification of accused, § 13:17

Legitimate tendency test, similar crime evidence, § 13:14

Other crimes, wrongs, or acts, § 13:14

Probative value vs. prejudicial effect, § 13:14

Total picture, § 13:01

SEARCH AND SEIZURE

Civil cases, § 30:01

Consent, § 30:03

Illegally obtained evidence, § 30:01

Inevitable discovery rule, § 30:01

Plain view doctrine, § 30:04

Private persons, evidence obtained by, § 30:01

Probable cause showing as basis for issuance of search warrant, § 30:07

Search warrants, probable cause showing as basis for issuance, § 30:07

Stop and frisk, § 30:02

Warrantless searches, § 30:05

SELF-INCRIMINATION

Civil proceedings, § 24:03

SENTENCING

Criminal cases, § 36:15

SETTLEMENT

Costs, assessment of, § 37:09

STOP AND FRISK

Illegally obtained evidence, § 30:02

SUMMARY JUDGMENT

Generally, § 4:14

TAX RETURNS

Discipline for improper conduct, § 1:05

TRIAL

Judges, recusal, § 2:08

Recusal of judge, § 2:08

Summary judgment, § 4:14

VERDICT OF JURY

Criminal sentencing, § 36:15

Form of special verdict, § 36:03

Perverse verdict, § 36:10

Polling jury, § 36:14

Special verdict, form of, § 36:03

VISUAL AIDS

Opening statements, use in, § 7:06

WAIVER

Right to counsel, § 1:12

WARRANTS

Warrantless searches, § 30:05

WITNESSES

Cross-examination

discretion of trial court, § 27:01

plausibility, § 27:03

Limiting number of, § 2:14

Number of, limiting, § 2:14

Prior convictions, proof of, generally, § 25:13

Unavailability, hearsay evidence, § 16:31