Index

ABSENCE OR PRESENCE
Writings and physical evidence, determination of preliminary facts out of presence of jury, **4:5**

ACCEPTANCE OR REJECTION
Presentation at trial, rejection of golden rule argument, **9:50**
Tests and scientific evidence, exclusion of, **5:13**

ACCIDENT RECONSTRUCTION
Biomechanic evidence and, **5:45**
Junk science and related evidence, motion to exclude, generally, **5:29**
Personal injury, **10:122 to 10:149**

ACCIDENTS
Accident reports, motion to exclude. Writings and Physical Evidence, this index
Reconstruction. Accident Reconstruction, this index

ADEQUACY OR INADEQUACY
Expert witness, motion to exclude improper expert opinion for inadequate foundation, **8:4**

ADMISSIBILITY
Discovery, this index
Hearsay, inadmissibility, **8:6**
Irrelevant evidence, admissibility of evidence despite uncontested issue, **3:20**
Prejudicial Evidence, this index
Writings and Physical Evidence, this index

AFFIRMATIVE DEFENSES
Presentation at Trial, this index

ALCOHOL OR ALCOHOLISM
Impeachment, motion to exclude character evidence used for, **7:8**

ALCOHOL OR ALCOHOLISM —Cont'd
Lay witness, motion to exclude testimony of, **8:42**
Personal injury, **10:89 to 10:100**
Sample motion to exclude evidence of alcoholism of witness, **7:58**

ALTERNATIVES
Discovery, reasonable alternative remedy, **6:24**

APPROPRIATENESS
Discovery, sanctions appropriate to level of misconduct, **6:23**

APPROVAL OR CONSENT
Tests and scientific evidence, **5:35**

ARBITRATOR OR MEDIATOR
Findings and evidence, motion to exclude. Presentation at Trial, this index
Presentation at Trial, this index
Suggested motion text, motion to exclude testimony of witnesses, **8:56**
Summary of motion, motion to exclude testimony of witnesses, **8:57**
Witnesses, generally, **8:59**

ARGUMENTS OF COUNSEL
Presentation at Trial, this index

ARREST
Impeachment, motion to exclude character evidence used for, **7:9**
Prior arrest, motion to exclude prior crime evidence, **7:50**

ARTICLES
Prejudicial evidence, motion to exclude or limit cumulative evidence, **2:30**

ARTICLES—Cont'd
Writings and Physical Evidence, this index

ASSERTION
Hearsay, non-assertive conduct, **8:97**

ATTORNEYS
Exclusion. Testimony of attorney, motion to exclude, below
Hardship, substantial, **8:66**
Other attorney in firm or office, testimony of, **8:67**
Presentation at Trial, this index
Substantial hardship, motion to exclude testimony of attorney, **8:66**
Testimony of attorney, motion to exclude
Generally, **8:60; 8:63 to 8:68**
Hardship, substantial, **8:66**
Other attorney in firm or office, testimony of, **8:67**
Substantial hardship, **8:66**
Uncontested matter, **8:64**
Value of legal services, **8:65**
Uncontested matter, motion to exclude testimony of attorney, **8:64**
Value of legal services, motion to exclude testimony of attorney, **8:65**

AUTHENTICATION
Writings and Physical Evidence, this index

AUTHORITY OR AUTHORIZATION
Character evidence, **7:1 to 7:57**
Discovery, this index
Irrelevant Evidence, this index
Motions in limine, generally, **1:2**
Prejudicial Evidence, this index
Tests and Scientific Evidence, this index
Writings and Physical Evidence, this index

AVAILABILITY
Discovery, this index

AVAILABILITY—Cont'd
Non-called witnesses, motion to exclude evidence of, **8:83**
Sanctions. Discovery, this index

BATTERED CHILD SYNDROME
Psychological tests, **5:41**

BATTERED WOMEN'S SYNDROME
Junk science and related evidence, motion to exclude, generally, **5:33**
Psychological tests, **5:40**

BIAS OR PREJUDICE
Character Evidence, this index
Impeachment, this index
Presentation at Trial, this index
Writings and Physical Evidence, this index

BIFURCATED TRIAL
Presentation at Trial, this index

BILLS OR BILLING
Writings and Physical Evidence, this index

BIOMECHANIC EVIDENCE
Accident reconstruction and, **5:45**

BRIEFS
Sample motions, **1:11**

BROAD DISCRETION
Discretion, this index

BURDEN OF PROOF
Non-called witnesses, motion to exclude evidence of, **8:84**

BUSINESS RECORDS AS EVIDENCE ACT
Writings and physical evidence, **4:103**

CARELESS TESTING
Weight versus admissibility, **5:15**

CAUSATION
Lay witnesses, motion to exclude testimony of, **8:34**
Lay witness testimony re causation, motion to exclude, **8:104**

CAUTION
Local rules, caution regarding, **1:7**
Writings and physical evidence, cautionary admonition, **4:52**

CHANGE OR MODIFICATION
Discovery, this index

CHARACTER EVIDENCE
Generally, **7:1 to 7:68**
Admissible character evidence, generally, **7:1**
Alcohol or Alcoholism, this index
Arrest, this index
Authorities, **7:1 to 7:57**
Bias or prejudice
Conduct, motion to exclude character evidence used to prove, **7:31**
Impeachment, this index
Prior crime evidence, motion to exclude, below
Broad discretion, motion to exclude character evidence used to prove conduct, **7:36**
Collateral matters, motion to exclude character evidence used for impeachment, **7:16; 7:25**
Conduct
Generally, **7:29 to 7:39**
Broad discretion, motion to exclude character evidence used to prove conduct, **7:36**
Crimes evidence, generally, **7:34**
Discretion, motion to exclude character evidence used to prove conduct, **7:36**
Felonies, this index
Impeachment of witness, motion to exclude character evidence used to prove conduct, **7:38**
Improper character evidence, motion to exclude character evidence used to prove conduct, **7:33; 7:34**
Irrelevant evidence, generally, **7:32**
Misdemeanors, this index
Motion to exclude character evidence used to prove conduct, generally, **7:29 to 7:39**

CHARACTER EVIDENCE—Cont'd
Conduct—Cont'd
Opposing authorities, motion to exclude character evidence used to prove conduct, **7:36 to 7:39**
Pertinent trait, motion to exclude character evidence used to prove conduct, **7:39**
Prejudicial evidence, generally, **7:31**
Relevancy, motion to exclude character evidence used to prove conduct, **7:37**
Suggested motion text, motion to exclude character evidence used to prove conduct, **7:29**
Summary of motion, motion to exclude character evidence used to prove conduct, **7:30**
Supporting authorities, motion to exclude character evidence used to prove conduct, **7:31 to 7:35**
Convictions
Felonies, this index
Misdemeanors, this index
Remote convictions, motion to exclude prior crime evidence, **7:48; 7:56**
Sample motion to exclude evidence of prior felony conviction, **7:59**
Underlying facts surrounding conviction, motion to exclude prior crime evidence, **7:49**
Credibility for impeachment, motion to exclude prior crime evidence, **7:46**
Crimes evidence. Conduct, above
Discretion, motion to exclude character evidence used to prove conduct, **7:36**
Dishonesty
Crimes involving, motion to exclude prior crime evidence, **7:55**
Felony or crime involving dishonesty, motion to exclude prior crime evidence, **7:44 to 7:49**

CHARACTER EVIDENCE—Cont'd
Dismissed charges, motion to exclude prior crime evidence, **7:51**
Drug use, motion to exclude character evidence used for impeachment, **7:10**
Exclusion
Character evidence subject to, **7:2**
Conduct, above
Impeachment, this index
Prior crime evidence, motion to exclude, below
False statement, crimes involving, **7:55**
Felonies, this index
Fraudulent acts, motion to exclude character evidence used for impeachment, **7:12**
Good character of witness, motion to exclude character evidence used for impeachment, **7:13**
Impeachment, this index
Improper evidence
Conduct, motion to exclude character evidence used to prove, **7:33; 7:34**
Impeachment, this index
Marital infidelity, **7:61**
Prior crime evidence, motion to exclude, **7:47**
Infidelity, **7:61**
Irrelevant evidence
Conduct, motion to exclude character evidence used to prove, above
Impeachment, this index
Prior crime evidence, motion to exclude, below
Juvenile adjudications, exclusion of, **7:52**
Marital infidelity, **7:61**
Misdemeanors, this index
Opening the Door Doctrine, motion to exclude character evidence used for impeachment, **7:28**
Opposing authorities
Conduct, motion to exclude character evidence used to prove, **7:36 to 7:39**

CHARACTER EVIDENCE—Cont'd
Opposing authorities—Cont'd
Impeachment, motion to exclude character evidence used for, **7:20 to 7:28**
Prior crime evidence, motion to exclude, **7:54 to 7:57**
Overview, generally, **7:1, 7:2**
Pending charges, motion to exclude prior crime evidence, **7:50**
Perceptions of witness, motion to exclude character evidence used for impeachment, **7:21**
Pertinent trait, motion to exclude character evidence used to prove conduct, **7:39**
Prior crime evidence, motion to exclude
Generally, **7:40 to 7:57**
Arrest, **7:50**
Convictions, above
Credibility for impeachment, **7:46**
Dishonesty, above
Dismissed charges, exclusion of, **7:51**
False statement, crimes involving, **7:55**
Felonies, this index
Impeachment, this index
Improper character evidence, **7:47**
Irrelevant evidence, generally, **7:43**
Juvenile adjudications, exclusion of, **7:52**
Misdemeanor conviction, **7:50**
Opposing authorities, **7:54 to 7:57**
Pending charges, **7:50**
Prejudicial evidence, generally, **7:42**
Prior arrest, **7:50**
Remote convictions, **7:48; 7:56**
Suggested motion text, **7:40**
Summary of motion, **7:41**
Supporting authorities, **7:42 to 7:53**
Uncharged conduct or offenses, **7:51; 7:57**
Underlying facts surrounding conviction, **7:49**

CHARACTER EVIDENCE—Cont'd
Relevancy
Conduct, motion to exclude character evidence used to prove, **7:37**
Irrelevant evidence, above
Religious beliefs, motion to exclude character evidence used for impeachment, **7:26**
Remote convictions, motion to exclude prior crime evidence, **7:48; 7:56**
Sample motions
Alcoholism of witness, motion to exclude evidence of, **7:58**
Intemperance of witness, **7:60**
Prior felony conviction, motion to exclude evidence of, **7:59**
Sexual preference or behavior, motion to exclude character evidence used for impeachment, **7:15; 7:27**
Suggested motion text
Conduct, motion to exclude character evidence used to prove, **7:29**
Impeachment, motion to exclude character evidence used for, **7:3**
Prior crime evidence, motion to exclude, **7:40**
Summary of motion
Conduct, motion to exclude character evidence used to prove, **7:30**
Impeachment, motion to exclude character evidence used for, **7:4**
Prior crime evidence, motion to exclude, **7:41**
Supporting authorities
Conduct, motion to exclude character evidence used to prove, **7:31 to 7:35**
Impeachment, motion to exclude character evidence used for, **7:5 to 7:19**
Prior crime evidence, motion to exclude, **7:42 to 7:53**
Truthfulness, not probative of, **7:18**

CHARACTER EVIDENCE—Cont'd
Uncharged conduct or offenses, motion to exclude prior crime evidence, **7:51; 7:57**
Underlying facts surrounding conviction, motion to exclude prior crime evidence, **7:49**
Veracity of witness, motion to exclude character evidence used for impeachment, **7:23**

CHARTS
Writings and Physical Evidence, this index

CHILDREN
Battered child syndrome, psychological tests, **5:41**
Motion to exclude testimony of incompetent witness, generally, **8:49**
Opposing authorities, children as witnesses, **8:54**
Sexual abuse of child, **5:26**

CHILD SEXUAL ABUSE SYNDROME
Generally, **5:26**

COLLATERAL MATTERS
Impeachment, motion to exclude character evidence used for, **7:16; 7:25**
Irrelevant evidence, motion to exclude evidence of matters not in controversy, **3:15; 3:18**

COLLATERAL SOURCE PAYMENTS
Personal injury, **10:1 to 10:17**

COMMON EXPERIENCE
Expert witness opinion, motion to exclude improper, **8:9**

COMMON KNOWLEDGE
Lay witnesses, common knowledge exception in medical malpractice cases, **8:45**

COMPETENCY
Witnesses, this index

COMPLETENESS DOCTRINE
Writings and Physical Evidence, this index

COMPUTERIZED VALUATION
Motion to exclude, **8:102**

CONCLUSIONS OF LAW
Presentation at trial, motion to exclude improper terminology, **9:56**

CONCLUSIVENESS
Discovery, this index

CONDITIONAL ADMISSIBILITY
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:17**

CONDITIONS
Preconditioning. Presentation at Trial, this index

CONDUCT
Character Evidence, this index
Impeachment, motion to exclude character evidence used to prove conduct, **7:38**

CONFUSION
Prejudicial Evidence, this index
Presentation at Trial, this index
Statistical evidence, **5:30**

CONJECTURE
Expert opinion, motion to exclude improper expert opinion, **8:13**
Tests and scientific evidence, supporting authorities, **5:8**

CONSENT OR APPROVAL
Tests and scientific evidence, **5:35**

CONTESTED MATTERS
Uncontested Matter, this index

CONTINUANCE
Expert, continuance to depose, **6:51**

CONTROVERSY, MOTION TO EXCLUDE EVIDENCE OF MATTERS NOT IN
Irrelevant Evidence, **3:27**
Irrelevant Evidence, this index

CONVICTIONS
Character Evidence, this index
Felonies, this index
Impeachment, this index
Misdemeanors, this index
Remote convictions, motion to exclude prior crime evidence, **7:48; 7:56**
Underlying facts surrounding, **7:49**

COURTROOMS
Discretion, exclusion of witness from courtroom prior to testifying, **8:72**
Exclusion of witness from courtroom prior to testifying
Generally, **8:69 to 8:73**
Discretion, **8:72**
Non-party witnesses, **8:71**
Opposing authorities, **8:72, 8:73**
Separation order, admitting testimony after violation of, **8:73**
Suggested motion text, **8:69**
Summary of motion, **8:70**
Supporting authorities, **8:71**
Non-party witnesses, exclusion of witness from courtroom prior to testifying, **8:71**
Opposing authorities, exclusion of witness from courtroom prior to testifying, **8:72, 8:73**
Separation order, admitting testimony after violation of, **8:73**
Suggested motion text, exclusion of witness from courtroom prior to testifying, **8:69**
Summary of motion, exclusion of witness from courtroom prior to testifying, **8:70**
Supporting authorities, exclusion of witness from courtroom prior to testifying, **8:71**

CREDIBILITY
Impeachment, motion to exclude prior crime evidence, **7:46**

CRIMES EVIDENCE
Character Evidence, this index

CUMULATIVE MATTERS
Expert opinion, motion to exclude improper, **8:17; 8:24**
Prejudicial Evidence, this index
Writings and physical evidence, motion to exclude cumulative letters, **4:74**

DAMAGES
Personal injury, **10:178 to 10:187**
Presentation at Trial, this index
Tests and scientific evidence, **5:36**

DEFENSES
Presentation at Trial, this index

DEFINITIONS
Prejudice, **2:4**
Preliminary facts, **4:4, 4:5**
Writing, **4:21; 4:22**

DEMONSTRATIONS
Writings and Physical Evidence, this index

DENIAL
Refusal or Denial, this index

DEPOSITIONS
Generally, **6:8**
Continuance to depose expert, **6:51**
Evidence sanctions, **6:9**
Exclusion of evidence, improper expert witness deposition, **6:49**
Expert Witnesses, this index
Motions in limine, generally, **6:8**
Opposing authorities, **6:27**
Redeposing expert, motions concerning improper expert witness deposition, **6:51**
Suggested motion text, motions concerning improper expert witness deposition, **6:45**
Summary of motion, motions concerning improper expert witness deposition, **6:46**
Supplementing of expert list, duty as to, **6:48**
Supporting authorities, motions concerning improper expert witness deposition, **6:47 to 6:49; 6:51**

DESCRIPTION
Identification or Description, this index

DESTROYED EVIDENCE
Lost or Destroyed Evidence, this index

DIAGNOSIS
Writings and physical evidence, patient history, **4:104**

DIAGRAMS
Motion to exclude, **4:90**

DISCLOSURE
Evidentiary sanctions, generally, **6:32**
Expert designations or declarations, faulty, **6:21**
Witnesses, failure to identify, generally, **6:20**

DISCOVERY
Generally, **6:1 to 6:62**
Admission requests
Evidentiary sanctions, generally, **6:18**
Nonresponsive matters admitted, **6:19**
Alternatives, reasonable alternative remedy, **6:24**
Appropriateness, sanctions appropriate to level of misconduct, **6:23**
Authorities, generally, **6:1 to 6:51**
Available sanction. Evidentiary sanctions, below
Change or modification
Exclusion of evidence of claims denied or changed during discovery, below
Reasonable alternative remedy, **6:24**
Conclusive establishment of admitted matters
Generally, **6:33 to 6:38**
Exclusion of evidence, supporting authorities, **6:37**
Motions in limine, generally, **6:33 to 6:38**
Opposing authorities, **6:38**
Purpose of rule, **6:36**

DISCOVERY—Cont'd
Conclusive establishment of admitted matters—Cont'd
Suggested motion text, **6:33**
Summary of motion, **6:34**
Supporting authorities, **6:35 to 6:37**
Continuance to depose expert, motions concerning improper expert witness exchange or deposition, **6:51**
Deem matters admitted, motion to, **6:56**
Denial of claims. Exclusion of evidence of claims denied or changed during discovery, below
Depositions, this index
Disclosure, this index
Evidentiary sanctions
Generally, **6:1 to 6:32**
Admission requests, above
Admitted matters, opposing authorities, **6:31**
Appropriateness, sanctions appropriate to level of misconduct, **6:23**
Available sanctions, generally, **6:3**
Depositions, this index
Disclosure, failure to identify witnesses, above
Evidence sanctions, **6:4**
Expert designations or declarations, faulty, **6:21**
Identification. Disclosure, this index
Interrogatories, this index
Mental and physical examinations, below
Nonresponsive matters, admission requests, **6:19**
Opposing authorities, **6:23 to 6:32**
Prior order, below
Production request, below
Reasonable alternative remedy, **6:24**
Suggested motion text, **6:1**
Summary of motion, **6:2**
Supporting authorities, **6:3 to 6:22**

DISCOVERY—Cont'd
Evidentiary sanctions—Cont'd
Termination, **6:5**
Willfulness requirement, **6:7; 6:25**
Exclusion of evidence
Claims denied or changed during discovery. Exclusion of evidence of claims denied or changed during discovery, below
Expert witness exchange or deposition, motions concerning improper, **6:49**
Supporting authorities, conclusive establishment of admitted matters, **6:37**
Exclusion of evidence of claims denied or changed during discovery
Generally, **6:39 to 6:44**
Motions in limine, generally, **6:39 to 6:44**
Opposing authorities, **6:44**
Prejudicial evidence excluded, generally, **6:41**
Sample motions, **6:52**
Suggested motion text, **6:39**
Summary of motion, **6:40**
Supporting authorities, **6:41 to 6:43**
Unfair surprise, prejudicial evidence excluded, **6:42**
Expert Witnesses, this index
Identification. Disclosure, this index
Interrogatories, this index
Limitation of expert's opinions, motion for, **6:57**
Mental and physical examinations
Evidentiary sanctions, generally, **6:16, 6:17**
Motions in limine, generally, **6:16, 6:17**
Opposing authorities, **6:30**
Modification. Exclusion of evidence of claims denied or changed during discovery, above
Motions in limine, generally, **6:1 to 6:62**
Necessity of prior order, **6:6**

DISCOVERY—Cont'd
Nonresponsive matters, admission requests, **6:19**
Opposing authorities
Conclusive establishment of admitted matters, **6:38**
Evidentiary sanctions, **6:23 to 6:32**
Exclusion of evidence of claims denied or changed during discovery, **6:44**
Mental and physical examinations, **6:30**
Production request, **6:29**
Orders. Prior order, below
Physical examinations. Mental and physical examinations, above
Prejudicial evidence. Exclusion of evidence of claims denied or changed during discovery, above
Prior order
Necessity of, **6:6**
Requirement of, **6:26**
Production request
Evidence sanctions, generally, **6:14**
Motions in limine, generally, **6:13**
Opposing authorities, **6:29**
Termination, **6:15**
Purpose of rule, conclusive establishment of admitted matters, **6:36**
Reasonable alternative remedy, **6:24**
Requests
Admission requests, above
Production request, above
Sample motions
Deem matters admitted, motion to, **6:56**
Defendants motion to limit Plaintiffs experts opinions, **6:62**
Evidence produced beyond discovery deadline, motion to exclude, **6:55**
Exclusion of evidence of claim denied, **6:52**
Expert's opinions, motion to limit, **6:57**
Expert testimony, not disclosed during discovery, motion to exclude, **6:58**

DISCOVERY—Cont'd
Sample motions—Cont'd
Limitation of expert's opinions, motion for, **6:57**
Medical bills, motion to exclude after particular date, **6:53**
Motion for evidentiary sanctions for failure to serve answers, objections to interrogatories, **6:60**
Motion to dismiss action as discovery sanction, **6:61**
Order rendering default judgment Discovery sanction, **6:59**
Sanctions. Evidentiary sanctions, above
Suggested motion text
Conclusive establishment of admitted matters, **6:33**
Evidentiary sanctions, **6:1**
Exclusion of evidence of claims denied or changed during discovery, **6:39**
Expert witness exchange or deposition, motions concerning improper, **6:45**
Summary of motion
Conclusive establishment of admitted matters, **6:34**
Evidentiary sanctions, **6:2**
Exclusion of evidence of claims denied or changed during discovery, **6:40**
Expert witness exchange or deposition, motions concerning improper, **6:46**
Supplementing of expert list, duty as to, **6:48**
Supporting authorities
Conclusive establishment of admitted matters, **6:35 to 6:37**
Evidentiary sanctions, **6:3 to 6:22**
Exclusion of evidence of claims denied or changed during discovery, **6:41 to 6:43**
Expert witness exchange or deposition, motions concerning improper, **6:47 to 6:49; 6:51**
Termination
Evidentiary sanctions, **6:5**

DISCOVERY—Cont'd
Termination—Cont'd
Production request, **6:15**
Undisclosed witness, motion to exclude testimony of, **6:54**
Unfair surprise, prejudicial evidence excluded, **6:42**
Willfulness requirement, evidentiary sanctions, **6:7; 6:25**

DISCRETION
Character evidence used to prove conduct, motion to exclude, **7:36**
Courtrooms, exclusion of witness from courtroom prior to testifying, **8:72**
Irrelevant evidence, discretion of court, **3:4**
Prejudicial evidence, exclusion of evidence motion, **2:7**
Tests and scientific evidence, discretion of court, **5:11**

DISHONESTY
Character Evidence, this index
Prior felony or crime involving dishonesty, exclusion of, **7:44 to 7:49**

DISMISSAL
Motion to exclude prior crime evidence, dismissed charges, **7:51**

DRAFTING SUGGESTIONS
Generally, **1:8**
Filing motions supported by facts, **1:9**
Succinctness, **1:10**

DRUG USE
Impeachment, motion to exclude character evidence used for, **7:10**

D.U.I. CONVICTIONS, PRIOR
Personal injury, **10:101 to 10:112**

EDUCATION
Presentation at trial, educating jury on the law, **9:5**

ELECTRONIC PENILE PLETHYSMOGRAPH TEST
Junk science and related evidence, motion to exclude, **5:27**

EMOTIONS
Jurors' emotions, motion to exclude gruesome or inflammatory photographs, **4:38**
Prejudicial Evidence, this index

EMPLOYMENT DISCRIMINATION CASES
Statistical evidence, **5:32**

EVIDENCE
Burden of proof, motion to exclude evidence of non-called witnesses, **8:84**
Depositions, evidence sanctions, **6:9**
Destroyed evidence. Lost or Destroyed Evidence, this index
Disclosure, this index
Discovery, this index
Exclusion of Evidence, this index
Expert Witnesses, this index
Interrogatories, this index
Irrelevant Evidence, this index
Lost or Destroyed Evidence, this index
Physical evidence. Writings and Physical Evidence, this index
Presentation at Trial, this index
Scientific evidence. Tests and Scientific Evidence, this index
Tests and Scientific Evidence, this index
Weight of Evidence, this index
Witnesses, this index
Writings and Physical Evidence, this index

EXAMPLES
Hearsay, written, **8:93**
Sample Motions, this index

EXCEPTIONS
Exclusion of Evidence, this index

EXCHANGE
Expert Witnesses, this index

EXCLUSION
Courtrooms, this index
Evidence. Exclusion of Evidence, this index
Expert Witnesses, this index
Lay Witnesses, this index

EXCLUSION OF EVIDENCE
Attorneys, this index
Character Evidence, this index
Courtrooms, this index
Discovery, this index
Expert Witnesses, this index
Financial status of defendants evidence, **10:209**
Financial status of plaintiff evidence, **10:208**
Insurance evidence, **10:207**
Irrelevant Evidence, this index
Judge, this index
Mediation evidence, **9:65**
Physical evidence. Writings and Physical Evidence, this index
Prejudicial Evidence, this index
Presentation at Trial, this index
Prior DUI by defendant, **10:210**
Settlement evidence, **10:206**
Subsequent repairs, **10:202**
Tests and Scientific Evidence, this index
Value or Valuation, this index
Witnesses, this index
Writings and Physical Evidence, this index

EXPERIENCE
Expert opinion, motion to exclude improper, **8:9**

EXPERIMENTS
Tests and Experiments, this index

EXPERT WITNESSES
Common experience, motion to exclude improper expert opinion, **8:9**
Conjecture, motion to exclude improper expert opinion, **8:13**
Continuance to depose expert, **6:51**

EXPERT WITNESSES—Cont'd
Cumulative testimony, motion to exclude improper expert opinion, **8:17; 8:24**
Depositions, generally, **6:45 to 6:51**
Disclosure, faulty expert designations or declarations, **6:21**
Discovery
Depositions, generally, **6:45 to 6:51**
Evidentiary sanctions, faulty expert designations or declarations, **6:21**
Exchange or discovery, motions concerning improper expert witness, below
Faulty expert designations or declarations, failure to identify witnesses, **6:21**
Sample motion to limit expert's opinions, **6:57**
Evidence
Exclusion of evidence, below
Faulty expert designations or declarations, evidentiary sanctions, **6:21**
Examples. Sample, below
Exchange or discovery, motions concerning improper expert witness
Generally, **6:45 to 6:51**
Continuance to depose expert, **6:51**
Discovery, generally, **6:45 to 6:51**
Exclusion of evidence, **6:49**
Redeposing expert, **6:51**
Suggested motion text, **6:45**
Summary of motion, **6:46**
Supplementing of expert list, duty as to, **6:48**
Supporting authorities, **6:47 to 6:49; 6:51**
Exclusion
Evidence. Exclusion of evidence, below
Non-qualified expert, motion to exclude testimony of, below
Exclusion of evidence
Deposition, motions concerning improper, **6:49**

EXPERT WITNESSES—Cont'd
Exclusion of evidence—Cont'd
Exchange or discovery, motions concerning improper expert witness, **6:49**
Improper expert opinion, motion to exclude, generally, **8:1 to 8:24**
Experience, motion to exclude improper expert opinion, **8:9**
Faulty expert designations or declarations, failure to identify witnesses, **6:21**
Foundation as inadequate, motion to exclude improper expert opinion, **8:4**
Hearsay, motion to exclude improper expert opinion, **8:6; 8:20**
Hypothetical Questions, this index
Improper expert opinion, motion to exclude, generally, **8:1 to 8:24**
Inadequate foundation, motion to exclude improper expert opinion, **8:4**
Irrelevant matters, motion to exclude improper expert opinion, **8:14**
Knowledge, personal, motion to exclude improper expert opinion, **8:12**
Legal Questions, this index
Non-qualified expert, motion to exclude testimony of
Generally, **8:25 to 8:30**
Examples of improper qualifications, **8:28**
Examples of improper qualifications, other grounds, **8:29**
Opposing authorities, **8:30**
Suggested motion text, **8:25**
Summary of motion, **8:26**
Supporting authorities, **8:27 to 8:29**
Not helpful to jury, **8:10**
Opposing authorities
Motion to exclude improper expert opinion, generally, **8:19 to 8:24**
Non-qualified expert, motion to exclude testimony of, **8:30**

EXPERT WITNESSES—Cont'd
Opposition to motion to exclude testimony (non-qualified), **8:106**
Outside area of specialty or expertise, motion to exclude improper expert opinion, **8:16**
Perceptions, motion to exclude improper expert opinion, **8:12; 8:23**
Personal knowledge, motion to exclude improper expert opinion, **8:12**
Profile evidence, motion to exclude improper expert opinion, **8:15**
Qualification or disqualification. Non-qualified expert, motion to exclude testimony of, above
Reasonable reliance, motion to exclude improper expert opinion, **8:11**
Redeposing expert, motions concerning improper deposition, **6:51**
Relevancy, motion to exclude improper expert opinion, **8:14**
Reliance, reasonable, motion to exclude improper expert opinion, **8:11**
Samples
Discovery, sample motion to limit expert's opinions, **6:57**
Motion to exclude, **5:49; 5:50**
Non-qualified expert, motion to exclude testimony of, **8:28**
Speculative expert opinion, sample motion to exclude, **8:100**
Speculation, this index
Suggested motion text
Deposition, motions concerning improper, **6:45**
Improper expert opinion, motion to exclude, **8:1**
Non-qualified expert, motion to exclude testimony of, **8:25**
Summary of motion
Deposition, motions concerning improper, **6:46**
Improper expert opinion, motion to exclude, **8:2**
Non-qualified expert, motion to exclude testimony of, **8:26**

EXPERT WITNESSES—Cont'd
Supplementing of expert list, duty as to, **6:48**
Supporting authorities
Deposition, motions concerning improper, **6:47 to 6:49; 6:51**
Exchange or discovery, motions concerning improper expert witness, **6:47 to 6:49; 6:51**
Improper expert opinion, motion to exclude, **8:3 to 8:18**
Non-qualified expert, motion to exclude testimony of, **8:27 to 8:29**
Tests and scientific evidence, expert not qualified to testify on subject, **5:3**
Ultimate Issues, this index
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:12**

FALSE STATEMENT
Crimes involving, **7:55**

FAULT OR LIABILITY EVIDENCE
Personal injury, **10:167 to 10:177**

FAULTY DESIGNATIONS OR DECLARATIONS
Expert witnesses, failure to identify witnesses, **6:21**

FELONIES
Convictions
Impeachment, motion to exclude character evidence used for, **7:11**
Sample motion to exclude evidence of prior felony conviction, **7:59**
Dishonesty, exclusion of prior felony or crime involving, **7:44 to 7:49**
Impeachment, motion to exclude character evidence used for, **7:11; 7:54**
Impeachment, this index
Prejudicial impact of felony conviction evidence, **7:45**
Prior crime evidence, motion to exclude, generally, **7:44 to 7:49; 7:54**

FELONIES—Cont'd
Sample motion to exclude evidence of prior felony conviction, **7:59**

FILES OR FILING
Records or Reports, this index

FILM OR VIDEOTAPES, MOTION TO EXCLUDE PREJUDICIAL
Writings and Physical Evidence, this index

FINANCIAL STATUS OF PARTY
Exclusion of evidence, **10:208**
Personal injury, **10:150 to 10:158**

FOUNDATION
Expert opinion, foundation as inadequate, **8:4**
Tests and scientific evidence, lack of foundation, **5:9**
Writings and Physical Evidence, this index

FRAUD
Impeachment, motion to exclude character evidence used for, **7:12**

FRYE REQUIREMENTS
Computerized valuation of business, **8:102**
Exclusion of evidence, **5:16**
Junk science and related evidence exclusion, Frye test not required, **5:34**

GOLDEN RULE ARGUMENT
Motion to preclude, **9:66**
Prejudicial evidence, motion to exclude evidence used to create emotional bias, **2:22**
Presentation at Trial, this index

GOOD CHARACTER
Impeachment, motion to exclude character evidence used for, **7:13**

GRUESOME OR INFLAMMATORY PHOTOGRAPHS
Writings and Physical Evidence, this index

HARDSHIP
Attorneys, substantial hardship, **8:66**

HEALTH
Lay witness, motion to exclude testimony of, **8:41**
Personal injury, **10:113 to 10:121**

HEARSAY
Generally, **8:87 to 8:99**
Assertion, non-assertive conduct, **8:97**
Examples, written hearsay, **8:93**
Expert opinion, motion to exclude improper, **8:6; 8:20**
Impeachment of witness credibility, hearsay used for, **8:99**
Inadmissible, **8:6**
Multiple Hearsay, this index
Non-assertive conduct, **8:97**
Nonhearsay, this index
Opposing authorities
Generally, **8:95 to 8:99**
Expert opinion, motion to exclude improper, **8:20**
Purpose of rule, **8:90**
Suggested motion text, **8:87**
Summary of motion, **8:88**
Supporting authorities, **8:89 to 8:94**
Writings and Physical Evidence, this index

HEDONIC DAMAGES
Tests and scientific evidence, **5:36**

HISTORY
Writings and physical evidence, motion to exclude improper history of patient, **4:99; 4:104**

HYPNOSIS
Sample motions to exclude evidence of, **5:48**
Tests and scientific evidence, **5:28**

HYPNOSIS EVIDENCE
Tests and scientific evidence, **5:42**

HYPOTHETICAL QUESTIONS
Expert opinion, motion to exclude improper
Generally, **8:5**

HYPOTHETICAL QUESTIONS —Cont'd
Expert opinion, motion to exclude improper—Cont'd
Opposing authorities, **8:21**
Opposing authorities, **8:21**

IDENTIFICATION OR DESCRIPTION
Generally, **1:1**
Disclosure, this index
Discovery, this index

ILLUSTRATIONS
Writings and physical evidence, motion to exclude maps, models, or charts, **4:87; 4:90**

IMMIGRATION
Irrelevant evidence, motion to exclude evidence of matters not in controversy, **3:21**
Personal injury, **10:188 to 10:195**

IMPEACHMENT
Alcohol consumption, motion to exclude character evidence used for impeachment, **7:8**
Arrests, motion to exclude character evidence used for impeachment, **7:9**
Bias or prejudice
Generally, **7:5**
Motion to exclude character evidence used for impeachment, **7:17; 7:24**
Character evidence, generally, **7:3 to 7:28**
Collateral matters, motion to exclude character evidence used for impeachment, **7:16; 7:25**
Conduct, motion to exclude character evidence used to prove, **7:38**
Convictions, above
Drug use, motion to exclude character evidence used for impeachment, **7:10**
Felonies
Character evidence used for impeachment, motion to exclude, **7:11**

IMPEACHMENT—Cont'd
Felonies—Cont'd
Prior crime evidence, motion to exclude, **7:54**
Fraudulent acts, motion to exclude character evidence used for impeachment, **7:12**
Good character of witness, motion to exclude character evidence used for impeachment, **7:13**
Hearsay used for impeachment of witness credibility, **8:99**
Improper impeachment evidence, generally, **7:7 to 7:18**
Irrelevant evidence, generally, **7:6**
Misdemeanor convictions, motion to exclude character evidence used for impeachment, **7:9**
Motion to exclude character evidence used for impeachment, generally, **7:3 to 7:28**
Opening the Door Doctrine, motion to exclude character evidence used for impeachment, **7:28**
Opposing authorities, motion to exclude character evidence used for impeachment, **7:20 to 7:28**
Perceptions of witness, motion to exclude character evidence used for impeachment, **7:21**
Prejudicial evidence, generally, **7:5**
Prior crime evidence, motion to exclude
Generally, **7:46**
Felonies, impeachment expressly allowed regarding, **7:54**
Religious beliefs, motion to exclude character evidence used for impeachment, **7:14; 7:26**
Sexual preference or behavior, motion to exclude character evidence used for impeachment, **7:15; 7:27**
Suggested motion text, motion to exclude character evidence used for impeachment, **7:3**
Summary of motion, **7:4**
Supporting authorities, motion to exclude character evidence used for impeachment, **7:5 to 7:19**

IMPEACHMENT—Cont'd
Truthfulness, not probative of, **7:18**
Veracity of witness, motion to exclude character evidence used for impeachment, **7:23**

IMPROPER COMMENTS
Witnesses, this index

IMPROPER EVIDENCE
Character Evidence, this index

IMPROPER EXPERT OPINION
Expert Witnesses, this index

IMPROPER FOUNDATION
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:7 to 4:15**

IMPROPER IMPEACHMENT
Impeachment, this index

IMPROPER OPINION
Legal Questions, this index

INCOME TAX FILING
Sample motion to exclude evidence, **10:205**

INFERENCES
Privilege not to testify, motion to exclude comment on exercise of, **8:77**

INFLAMMATORY EVIDENCE
Sample motions, **7:68**
Writings and Physical Evidence, this index

INJURY
Writings and physical evidence, motion to exclude demonstration of injury, **4:92**

INSANITY
Witnesses, this index

INSTRUCTIONS TO JURY
Prejudicial evidence, motion to exclude confusing or misleading evidence, **2:17**

INSURANCE
Exclusion of evidence, **10:207**

INSURANCE—Cont'd
Irrelevant evidence, motion to exclude evidence of matters not in controversy, **3:23**
Presentation at trial, opposing authorities' reference to insurance, **9:8**

INTEMPERANCE OF WITNESS
Sample motions to exclude evidence, **7:60**

INTERROGATORIES
Evidentiary sanctions
Generally, **6:10, 6:11**
Opposing authorities, **6:28**
Termination, **6:12**
Opposing authorities, evidentiary sanctions, **6:28**
Termination, **6:12**

IRRELEVANT EVIDENCE
Generally, **3:1 to 3:27**
Admissibility of evidence despite uncontested issue, **3:20**
Authorities, generally, **3:1 to 3:20**
Character Evidence, this index
Collateral issues, motion to exclude evidence of matters not in controversy, **3:15; 3:18**
Controversy, motion to exclude evidence of matters not in
Admissibility of evidence despite uncontested issue, **3:20**
Admitted matters, **3:14**
Collateral issues, **3:15; 3:18**
Immigration statute, **3:21**
Insurance cases, **3:23**
Opposing authorities, **3:17 to 3:20**
Physical conditions not at issue, **3:22**
Pleadings, exclusion of unpleaded issues, **3:16; 3:19**
Sample motions, **3:21 to 3:27**
Suggested motion text, **3:11**
Summary of motion, **3:12**
Supporting authorities, **3:13 to 3:16**
Uncontested issue, admissibility of evidence despite, **3:20**

IRRELEVANT EVIDENCE—Cont'd
Controversy, motion to exclude evidence of matters not in—Cont'd
Unpleaded issues, **3:16; 3:19**
Discretion of court, exclusion of evidence, **3:4**
Exclusion of evidence
Generally, **3:1 to 3:10**
Controversy, motion to exclude evidence of matters not in, above
Discretion of court, **3:4**
Matters not in dispute, exclusion of, **3:6**
Opposing authorities, **3:10**
Pleadings, exclusion of matters outside, **3:7**
Prejudicial evidence, **3:5**
Remote evidence, exclusion when, **3:9**
Speculative evidence, exclusion of, **3:8**
Suggestion motion text, **3:1**
Summary of motion, **3:2**
Supporting authorities, **3:3 to 3:9**
Expert opinion, motion to exclude improper, **8:14**
Immigration statute, motion to exclude evidence of matters not in controversy, **3:21**
Impeachment, this index
Insurance cases, motion to exclude evidence of matters not in controversy, **3:23**
Motion to exclude collateral and irrelevant evidence, **3:24**
Motion to exclude evidence relating to unpleaded issues, **3:25**
Opposing authorities
Controversy, motion to exclude evidence of matters not in, **3:17 to 3:20**
Exclusion of evidence, **3:10**
Physical conditions not at issue, motion to exclude evidence of matters not in controversy, **3:22**
Pleadings
Controversy, motion to exclude evidence of matters not in, **3:16; 3:19**

IRRELEVANT EVIDENCE—Cont'd
Pleadings—Cont'd
Exclusion of matters outside, **3:7**
Prejudicial evidence, exclusion of, **3:5**
Remote evidence, exclusion when, **3:9**
Sample motions
Motion to exclude matters not in controversy, **3:27**
Motion to exclude speculative evidence, **3:26**
Sample motion to exclude evidence of matters not in controversy, **3:21 to 3:27**
Speculative evidence, exclusion of, **3:8**
Suggested motion text
Controversy, motion to exclude evidence of matters not in, **3:11**
Exclusion of evidence, **3:1**
Summary of motion
Controversy, motion to exclude evidence of matters not in, **3:12**
Exclusion of evidence, **3:2**
Supporting authorities
Controversy, motion to exclude evidence of matters not in, **3:13 to 3:16**
Exclusion of evidence, **3:3 to 3:9**
Uncontested issue, admissibility of evidence despite, **3:20**
Unpleaded issues, motion to exclude evidence of matters not in controversy, **3:16; 3:19**
Writings and Physical Evidence, this index

JUDGE
Arbitrator or Mediator, this index
Attorneys, this index
Exclusion. Testimony of judge, motion to exclude, below
Juror as witness, **8:61, 8:62**
Mediator. Arbitrator or Mediator, this index

JUDGE—Cont'd
Opposing authorities, motion to exclude testimony of judge, **8:62 to 8:68**
Suggested motion text, motion to exclude testimony of judge, **8:56**
Summary of motion to exclude testimony of judge, **8:57**
Supporting authorities, motion to exclude testimony of judge, **8:58 to 8:61**
Testimony of judge, motion to exclude
Generally, **8:56 to 8:68**
Arbitrator or Mediator, this index
Attorneys, this index
Judge as witness, **8:58**
Juror as witness, **8:61 8:62**
Mediator. Arbitrator or Mediator, this index
Opposing authorities, **8:62 to 8:68**
Suggested motion text, **8:56**
Summary of motion, **8:57**
Supporting authorities, **8:58 to 8:61**
Witnesses. Testimony of judge, motion to exclude, below

JUDICIAL NOTICE
Statistical evidence, **5:44**

JUNK SCIENCE AND RELATED EVIDENCE
Tests and Scientific Evidence, this index

JURY AND JURY TRIAL
Arbitrator or Mediator, this index
Attorneys, this index
Instructions to jury, motion to exclude confusing or misleading evidence, **2:17**
Judge as witness, **8:58; 8:68**
Lay witnesses, usurpation of jury function, **8:37**
Mediator. Arbitrator or Mediator, this index
Opposing authorities, motion to exclude testimony of juror, **8:62 to 8:68**
Prejudicial Evidence, this index

JURY AND JURY TRIAL—Cont'd
Presentation at Trial, this index
Suggested motion text, motion to exclude testimony of juror, **8:56**
Summary of motion, motion to exclude testimony of juror, **8:57**
Supporting authorities, motion to exclude testimony of juror, **8:58 to 8:61**
Testimony of juror, motion to exclude
Generally, **8:56 to 8:68**
Arbitrator or Mediator, this index
Attorneys, this index
Judge as witness, **8:58**
Juror as witness, **8:61 8:62**
Mediator. Arbitrator or Mediator, this index
Opposing authorities, **8:62 to 8:68**
Suggested motion text, **8:56**
Summary of motion, **8:57**
Supporting authorities, **8:58 to 8:61**
Witnesses. Testimony of juror, motion to exclude, above
Writings and Physical Evidence, this index

JUVENILE ADJUDICATIONS
Exclusion of, **7:52**

KNOWLEDGE
Notice or Knowledge, this index

LAY WITNESSES
Causation, motion to exclude lay witness testimony, **8:104**
Causation, motion to exclude testimony of lay witness, **8:34**
Common knowledge exception in medical malpractice cases, motion to exclude testimony of lay witness, **8:45**
Exclusion. Testimony of lay witness, motion to exclude, below
Health, motion to exclude testimony of lay witness, **8:41**
Intoxication, motion to exclude testimony of lay witness, **8:42**
Jury function, usurpation of, **8:37**

LAY WITNESSES—Cont'd
Knowledge, motion to exclude testimony of lay witness, **8:36; 8:45**
Legal opinions, motion to exclude testimony of lay witness, **8:35**
Malpractice, motion to exclude testimony of lay witness, **8:45**
Medical malpractice cases, motion to exclude testimony of lay witness, **8:45**
Mental state, motion to exclude testimony of lay witness, **8:40**
Motion to exclude testimony of mediator, **8:107**
Opposing authorities, motion to exclude testimony of lay witness, **8:39 to 8:45**
Sanity or mental state, **8:40**
Oppostion to motion to exclude, **8:104**
Perceptions of witness, motion to exclude testimony of lay witness, **8:39 to 8:45**
Personal knowledge, motion to exclude testimony of lay witness, **8:36**
Property value, motion to exclude testimony of lay witness, **8:43**
Sanity, motion to exclude testimony of lay witness, **8:40**
Speed, motion to exclude testimony of lay witness, **8:44**
Suggested motion text, motion to exclude testimony of lay witness, **8:31**
Summary of motion, motion to exclude testimony of lay witness, **8:32**
Supporting authorities, motion to exclude testimony of lay witness, **8:33 to 8:38**
Testimony of lay witness, motion to exclude
Generally, **8:31 to 8:45**
Causation, **8:34**
Common knowledge exception, medical malpractice cases, **8:45**

LAY WITNESSES—Cont'd
Testimony of lay witness, motion to exclude—Cont'd
Health, perceptions of witness, **8:41**
Intoxication, perceptions of witness, **8:42**
Jury function, usurpation of, **8:37**
Knowledge
Common knowledge exception, medical malpractice cases, **8:45**
Knowledge, lack of personal knowledge, **8:36**
Legal opinions, **8:35**
Malpractice, medical malpractice cases, **8:45**
Medical malpractice cases, opposing authorities, **8:45**
Mental state, perceptions of witness, **8:40**
Opposing authorities, **8:39 to 8:45**
Perceptions of witness
Opposing authorities, **8:39 to 8:45**
Personal knowledge, lack of, **8:36**
Property value, perceptions of witness, **8:43**
Sanity, perceptions of witness, **8:40**
Speed, perceptions of witness, **8:44**
Suggested motion text, **8:31**
Summary of motion, **8:32**
Supporting authorities, **8:33 to 8:38**
Usurpation of jury function, **8:37**
Value of property, perceptions of witness, **8:43**
Usurpation of jury function, motion to exclude testimony of lay witness, **8:37**
Value of property, motion to exclude testimony of lay witness, **8:43**
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:13**

LEGAL OPINIONS
Lay witness, motion to exclude testimony of, **8:35**

LEGAL QUESTIONS
Expert opinion
Compare, ultimate issues, **8:8**
Improper expert opinion, motion to exclude, generally, **8:7**
Opposing authorities, motion to exclude improper expert opinion, **8:22**
Improper opinion. Expert opinion, above
Opposing authorities, motion to exclude improper expert opinion, **8:22**
Presentation at trial, motion to exclude improper terminology, **9:62**
Ultimate issue, legal questions versus
Opposing authorities, motion to exclude improper expert opinion, **8:22**
Presentation at trial, motion to exclude improper terminology, **9:62**

LETTERS
Writings and Physical Evidence, this index

LIABILITY INSURANCE
Personal injury, **10:18 to 10:28**

LIMITATIONS OR RESTRICTIONS
Discovery, motion for limitation of expert's opinions, **6:57**
Prejudicial Evidence, this index
Presentation at trial, limitation on evidence, **9:32 to 9:37**
Typical use of motion, **1:4**

LOCAL RULES
Caution regarding, **1:7**

LOST OR DESTROYED EVIDENCE
Presentation at Trial, this index
Sample motion to exclude reference to, **9:63**

LOST PROFITS
Motion to exclude speculative evidence, **10:212**

MALPRACTICE
Lay witness, motion to exclude testimony of, **8:45**

MAPS, MODELS, OR CHARTS
Writings and Physical Evidence, this index

MEDIATION EVIDENCE
Exclusion of evidence, **9:65**

MEDIATOR
Arbitrator or Mediator, this index

MEDICAL MALPRACTICE
Lay witness testimony, motion to exclude, **8:45**

MEDICAL RECORDS, REPORTS, OR BILLS
Writings and Physical Evidence, this index

MENTAL AND PHYSICAL EXAMINATIONS
Discovery, this index

MENTAL COMPETENCE
Witnesses, this index

MENTAL STATE
Lay witness testimony, motion to exclude, **8:40**

MISDEMEANORS
Impeachment, misdemeanor convictions, **7:9**
Prior crime evidence, motion to exclude, **7:50**

MISLEADING EVIDENCE
Prejudicial Evidence, this index

MISSING EVIDENCE INSTRUCTION
Opposition to motion for, **9:64**

MODELS
Writings and Physical Evidence, this index

MODIFICATION OR CHANGE
Discovery, this index

MOTION PICTURES
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:11**

MULTIPLE HEARSAY
Opposing authorities, **8:98**
Written hearsay, **8:94**

NECESSITY
Discovery, necessity of prior order, **6:6**

NEW SCIENTIFIC EVIDENCE
Tests and Scientific Evidence, this index

NEWSPAPER ARTICLE
Motion to exclude, **4:111**

NON-ASSERTIVE CONDUCT
Hearsay, **8:97**

NON-CALLED WITNESSES
Witnesses, this index

NONHEARSAY
Evidence, **8:96**
Writings and physical evidence, motion to exclude nonhearsay letters, **4:79**

NON-PARTY WITNESSES
Courtrooms, exclusion of witness from courtroom prior to testifying, **8:71**

NON-QUALIFIED WITNESS
Expert Witnesses, this index

NONRESPONSIVE MATTERS
Discovery, admission requests, **6:19**

NO PREJUDICE
Presentation at trial, motion to exclude evidence of damages in bifurcated trial, **9:46**

NOTICE OR KNOWLEDGE
Expert opinion, motion to exclude improper, **8:12**
Incompetent witness, motion to exclude testimony of, **8:51**
Judicial notice, statistical evidence, **5:44**

NOTICE OR KNOWLEDGE —Cont'd
Lay witnesses, motion to exclude testimony of, **8:36**
Personal Knowledge, this index

NUMBERS OR NUMBERING
Prejudicial evidence, number of witnesses, **2:31; 2:38**
Presentation at trial, order of proof, **9:18**

OBJECTIONS
Preservation of, **1:5**

OPENING STATEMENT
Presentation at Trial, this index

OPENING THE DOOR DOCTRINE
Impeachment, motion to exclude character evidence used for, **7:28**

OPPOSING AUTHORITIES
Character Evidence, this index
Courtrooms, exclusion of witness from courtroom prior to testifying, **8:72, 8:73**
Depositions, **6:27**
Discovery, this index
Expert Witnesses, this index
Hearsay, this index
Impeachment, motion to exclude character evidence used for, **7:20 to 7:28**
Interrogatories, evidentiary sanctions, **6:28**
Irrelevant Evidence, this index
Judge, motion to exclude testimony of, **8:62 to 8:68**
Lay witness, motion to exclude testimony of, **8:39 to 8:45**
Legal questions, motion to exclude improper expert opinion, **8:22**
Multiple hearsay, **8:98**
Prejudicial Evidence, this index
Presentation at Trial, this index
Tests and Scientific Evidence, this index
Witnesses, this index

OPPOSING AUTHORITIES —Cont'd
Writings and Physical Evidence, this index

ORDER OF PROOF
Presentation at trial, motion to bar premature rebuttal to affirmative defenses, **9:18**

ORDERS
Courtrooms, admitting testimony after violation of separation order, **8:73**
Discovery, this index
Sample motions, **1:12**

OTHER ACCIDENTS
Personal injury, **10:41 to 10:55**

PARTYS INJURIES
Sample motions
Motion to exclude evidence of, **10:214**

PENDING CHARGES
Prior crime evidence, motion to exclude, **7:50**

PENILE PLETHYSMOGRAPH TEST
Tests and scientific evidence, **5:27**

PERCEPTIONS
Expert opinion, motion to exclude improper, **8:12**
Impeachment, motion to exclude character evidence used for, **7:21**
Lay witness, motion to exclude testimony of, **8:39 to 8:45**

PERSONAL INJURY
Generally, **10:1 et seq.**
Accident reconstruction and biomechanic evidence, **10:122 to 10:149**
Alcohol consumption, **10:89 to 10:100**
Collateral source payments, **10:1 to 10:17**
Damage evidence, improper, **10:178 to 187**

PERSONAL INJURY—Cont'd
D.U.I. convictions, prior, **10:101 to 10:112**
Fault or liability evidence, **10:167 to 10:177**
Financial status of party, **10:150 to 10:158**
Health of or injuries to parties when not in issue, **10:113 to 10:121**
Immigration status, **10:188 to 10:195**
Liability insurance, **10:18 to 10:28**
Other accidents, **10:41 to 10:55**
Prior traffic citations, **10:211**
Sample motions
Generally, **10:197 to 10:215**
Accident, motion to exclude evidence of prior, **10:213**
Collateral source evidence, motion to exclude, **10:197**
Defendant's liability, motion to exclude evidence of, **10:198**
Driver was unlicensed, motion to exclude, **10:204**
DUI, motion to exclude evidence of defendant's of, **10:210**
Exclusion motions, **10:197 et seq.**
Financial status
Motion to exclude evidence of, **10:208**
Firearm residue, motion to admit evidence of laboratory testing regarding, **10:199**
Income tax returns, motion to exclude evidence of failure to file, **10:205**
Laboratory testing regarding firearm residue, motion to admit evidence of, **10:199**
Liability insurance evidence, motion to exclude, **10:207**
Motion to exclude evidence, **10:214**
Motion to exclude evidence of failure to properly secure child in child safety seat, **10:215**
Settlement evidence, motion to exclude, **10:206**

PERSONAL INJURY—Cont'd
Sample motions—Cont'd
Speculative evidence, motion to exclude improper damage evidence, **10:212**
Statute violation, motion to exclude, **10:203**
Subsequent remedial measures, motion to exclude, **10:201**
Subsequent repairs, motion to exclude, **10:202**
Subsequent repairs, opposition to motion to exclude evidence of, **10:202**
Surveillance video, motion to exclude, **10:200**
Traffic citations, motion to exclude evidence of, **10:211**
Seat belt use, **10:81 to 10:88**
Settlement evidence, **10:29 to 10:40**
Statute violation, **10:64 to 10:75**
Subsequent repairs, **10:56 to 10:63**
Tax evidence, **10:159 to 10:166**
Unlicensed driver, **10:76 to 10:80**

PERSONAL KNOWLEDGE
Expert opinion, motion to exclude improper, **8:12**
Incompetent witness, motion to exclude testimony of, **8:51**
Lay witness, motion to exclude testimony of, **8:36**
Subject matter, motion to exclude testimony for lack of personal knowledge of, **8:106**

PERTINENT TRAIT
Character evidence used to prove conduct, motion to exclude, **7:39**

PHOTOGRAPHS
Prejudicial Evidence, this index
Writings and Physical Evidence, this index

PHYSICAL CONDITION
Irrelevant evidence, motion to exclude evidence of matters not in controversy, **3:22**

PHYSICAL EVIDENCE
Writings and Physical Evidence, this index

PHYSICAL EXAMINATIONS
Discovery, this index

PLEADINGS
Irrelevant Evidence, this index

PLETHYSMOGRAPH TEST
Electronic penile plethysmograph test, motion to exclude junk science and related evidence, **5:27**

POLICIES
Presentation at trial, motion to exclude evidence of damages in bifurcated trial, **9:43**

POLYGRAPH EVIDENCE
Sample motion to exclude, **5:47**
Tests and scientific evidence, **5:22, 5:23; 5:37, 5:38**

POVERTY
Prejudicial evidence, poverty as motive, **2:23**

PRECLUSION
Presentation at Trial, this index

PRECONDITIONING
Presentation at Trial, this index

PREJUDICE
Bias or Prejudice, this index

PREJUDICIAL EVIDENCE
Admission of cumulative testimony
Cumulative evidence, motion to exclude or limit, **2:37 to 2:39**
Photographs, **2:39**
Rebuttal testimony, **2:41**
Repetitive testimony, **2:40**
Witnesses, **2:37 to 2:39**
Articles and letters, motion to exclude or limit cumulative evidence, **2:30**
Authorities, generally, **2:1 to 2:41**
Broad discretion, opposing authorities, **2:7**

PREJUDICIAL EVIDENCE —Cont'd
Confusing or misleading evidence, motion to exclude
Generally, **2:13 to 2:17**
Instructions to jury, limiting instruction, **2:17**
Jury instructions, limiting instruction, **2:17**
Limiting instruction, **2:17**
Opposing authorities, **2:16, 2:17**
Sample motion to exclude confusing evidence, **2:42**
Suggested motion text, **2:13**
Summary of motion, **2:14**
Supporting authorities, **2:15**
Cumulative evidence, motion to exclude or limit
Generally, **2:26 to 2:41**
Admission of cumulative testimony, **2:37 to 2:39**
Articles and letters, **2:30**
Exclusion of evidence motion, generally, **2:26 to 2:41**
Limitation or exclusion of evidence motion, generally, **2:26 to 2:41**
Number of witnesses, **2:31; 2:38**
Opposing authorities, **2:37 to 2:41**
Photographs, below
Rebuttal testimony, below
Repetitive testimony, below
Reports, **2:33**
Sample motions, **2:45**
Suggested motion text, **2:26**
Summary of motion, **2:27**
Supporting authorities, **2:28 to 2:36**
Testimony. Witnesses, below
Time-wasting evidence, exclusion of, **2:28**
Wasting of time, exclusion of evidence of, **2:28**
Witnesses, below
Definition of prejudice, **2:4**
Discovery, this index
Discretion of opposing authorities, exclusion of evidence motion, **2:7**

PREJUDICIAL EVIDENCE —Cont'd
Emotional bias, motion to exclude evidence used to create
Generally, **2:5**
Exclusion of evidence motion used to create, generally, **2:18 to 2:25**
Golden Rule argument, **2:22**
Jurors' emotions, exclusion of evidence intended to inflame, **2:21 to 2:24**
Opposing authorities, **2:25**
Poverty as motive, evidence of, **2:23**
Self-interest of jurors as taxpayers, **2:24**
Suggested motion text, **2:18**
Summary of motion, **2:19**
Supporting authorities, **2:20 to 2:24**
Taxpayers, self-interest of jurors as, **2:24**
Exclusion of evidence motion
Generally, **2:1 to 2:7**
Broad discretion, opposing authorities, **2:7**
Confusing or misleading evidence, motion to exclude, above
Cumulative evidence, motion to exclude or limit, above
Definition of prejudice, **2:4**
Discretion of opposing authorities, **2:7**
Emotional bias, motion to exclude evidence used to create, above
Limitation. Cumulative evidence, motion to exclude or limit, above
Misleading evidence. Confusing or misleading evidence, motion to exclude, above
Opposing authorities, generally, **2:6, 2:7**
Suggested motion text, below
Summary of motion, below
Supporting authorities, below
Wasting court's time, motion to exclude evidence of, below

PREJUDICIAL EVIDENCE —Cont'd
Felony conviction evidence, prejudicial impact of, **7:45**
Golden Rule argument, motion to exclude evidence used to create emotional bias, **2:22**
Immigration status, **10:195**
Impeachment, this index
Instructions to jury, motion to exclude confusing or misleading evidence, **2:17**
Irrelevant evidence, exclusion of prejudicial evidence, **3:5**
Jury and jury trial
Emotions of jurors, exclusion of evidence intended to inflame, **2:21 to 2:24**
Instructions to jury, motion to exclude confusing or misleading evidence, **2:17**
Taxpayers, self-interest of jurors as, **2:24**
Limitations
Cumulative evidence, motion to exclude or limit, above
Jury instructions, motion to exclude confusing or misleading evidence, **2:17**
Misleading evidence. Confusing or misleading evidence, motion to exclude, above
Motions in limine, generally, **2:1 to 2:49**
Number of witnesses, motion to exclude or limit cumulative evidence, **2:31; 2:38**
Opposing authorities
Confusing or misleading evidence, motion to exclude, **2:16, 2:17**
Cumulative evidence, motion to exclude or limit, **2:37 to 2:41**
Emotional bias, motion to exclude evidence used to create, **2:25**
Wasting court's time, motion to exclude evidence of, **2:12**
Photographs
Admission of cumulative testimony, **2:39**

PREJUDICIAL EVIDENCE —Cont'd
Photographs—Cont'd
Cumulative evidence, motion to exclude or limit, generally, **2:32**
Poverty as motive, evidence of, **2:23**
Presentation at Trial, this index
Rebuttal testimony
Admission of cumulative testimony, **2:41**
Cumulative evidence, motion to exclude or limit, generally, **2:36**
Repetitive testimony
Admission of cumulative testimony, **2:40**
Cumulative evidence, motion to exclude or limit, generally, **2:35**
Reports, motion to exclude or limit cumulative evidence, **2:33**
Sample motions
Confusing evidence, motion to exclude, **2:42**
Cumulative evidence, motion to exclude, **2:45**
Evidence that will confuse jury, motion to exclude, **2:43**
Motion to exclude prejudicial evidence, **2:47**
Opposition, motion to exclude
Confuse the jury, **2:44**
Cumulative witness testimony, **2:46**
Opposition to motion to exclude prejudicial evidence, **2:48**
Poverty of defendant, motion to exclude evidence of, **2:49**
Self-interest of jurors as taxpayers, motion to exclude evidence used to create emotional bias, **2:24**
Suggested motion text
Confusing or misleading evidence, motion to exclude, **2:13**
Cumulative evidence, motion to exclude or limit, **2:26**
Emotional bias, motion to exclude evidence used to create, **2:18**

PREJUDICIAL EVIDENCE —Cont'd
Suggested motion text—Cont'd
Exclusion of evidence motion, generally, **2:1**
Wasting court's time, motion to exclude evidence of, **2:8**
Summary of motion
Confusing or misleading evidence, motion to exclude, **2:14**
Cumulative evidence, motion to exclude or limit, **2:27**
Emotional bias, motion to exclude evidence used to create, **2:19**
Wasting court's time, motion to exclude evidence of, **2:9**
Supporting authorities
Confusing or misleading evidence, motion to exclude, **2:15**
Cumulative evidence, motion to exclude or limit, **2:28 to 2:36**
Emotional bias, motion to exclude evidence used to create, **2:20 to 2:24**
Exclusion of evidence motion, generally, **2:2 to 2:5**
Wasting court's time, motion to exclude evidence of, **2:10, 2:11**
Taxpayers, self-interest of jurors as, **2:24**
Testimony. Witnesses, below
Time-wasting evidence, exclusion of, **2:28**
Wasting court's time, motion to exclude evidence of
Generally, **2:8 to 2:12**
Exclusion of evidence, generally, **2:8 to 2:12**
Opposing authorities, **2:12**
Suggested motion text, **2:8**
Summary of motion, **2:9**
Supporting authorities, **2:10, 2:11**
Wasting time, exclusion of evidence of
Court's time. Wasting court's time, motion to exclude evidence of, above

PREJUDICIAL EVIDENCE —Cont'd
Wasting time, exclusion of evidence of—Cont'd
Cumulative evidence, motion to exclude or limit, **2:28**
Witnesses
Admission of cumulative testimony, **2:37 to 2:39**
Cumulative evidence, motion to exclude or limit, generally, **2:34**
Non-called witnesses, motion to exclude evidence of, **8:81**
Number of, **2:31; 2:38**
Rebuttal testimony, motion to exclude or limit cumulative evidence, **2:36**
Repetitive testimony, motion to exclude or limit cumulative evidence, **2:35**

PRELIMINARY MATTERS
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:4, 4:5**

PREMATURITY
Presentation at Trial, this index

PRESENCE OF JURY
Writings and physical evidence, determination of preliminary facts out of presence of jury, **4:5**

PRESENTATION AT TRIAL
Generally, **9:1 to 9:71**
Admissibility of ultimate issue opinions, motion to exclude improper terminology, **9:58**
Affirmative defenses. Rebuttal to affirmative defenses, motion to bar premature, below
Arbitration or mediation evidence and findings, motion to exclude
Generally, **9:30 to 9:39**
Limitation on evidence, **9:32 to 9:37**
Opposing authorities, **9:39**
Relevancy, limitation on arbitration or mediation evidence, **9:37**

PRESENTATION AT TRIAL —Cont'd
Arbitration or mediation evidence and findings, motion to exclude —Cont'd
Suggested motion text, **9:30**
Summary of motion, **9:31**
Supporting authorities, **9:32 to 9:38**
Uniform Arbitration Act, limitation on arbitration or mediation evidence, **9:34, 9:35**
Arguments of counsel
Golden rule argument, motion to preclude, below
Opening statement, motion to exclude improper argument in, below
Attorneys. Arguments of counsel, above
Bias. Prejudice, below
Bifurcated trial, motion to exclude evidence of damages in
Generally, **9:40 to 9:46**
No prejudice, **9:46**
Opposing authorities, **9:45, 9:46**
Policy considerations, **9:43**
Prejudice, no prejudice, **9:46**
Relevancy of liability issues to damages, **9:45**
Statutory authority, **9:42**
Suggested motion text, **9:40**
Summary of motion, **9:41**
Supporting authorities, **9:42 to 9:44**
Conclusions of law, motion to exclude improper terminology, **9:56**
Confusion. Terminology, motion to exclude improper, below
Damages. Bifurcated trial, motion to exclude evidence of damages in, above
Damages in bifurcated trial
Sample motion, **9:67**
Defenses. Rebuttal to affirmative defenses, motion to bar premature, below

PRESENTATION AT TRIAL —Cont'd
Destroyed evidence. Lost or destroyed evidence, motion to exclude reference to, below
Educating jury on the law, motion to prevent improper voir dire, **9:5**
Evidence
Arbitration or mediation evidence and findings, motion to exclude, above
Bifurcated trial, motion to exclude evidence of damages in, above
Prejudicial evidence, below
Rebuttal to affirmative defenses, order of evidence, **9:18**
Exclusion
Arbitration or mediation evidence and findings, motion to exclude, above
Bifurcated trial, motion to exclude evidence of damages in, above
Golden rule argument, motion to preclude, below
Lost or destroyed evidence, motion to exclude reference to, below
Mediation. Arbitration or mediation evidence and findings, motion to exclude, above
No prejudice, motion to exclude evidence of damages in bifurcated trial, **9:46**
Opening statement, motion to exclude improper argument in, below
Rebuttal to affirmative defenses, motion to bar premature, below
Sample motions, below
Terminology, motion to exclude improper, below
Golden rule argument, motion to preclude
Generally, **9:47 to 9:52**
Exclusion of prejudicial evidence, generally, **9:49**
Opposing authorities, **9:52**

PRESENTATION AT TRIAL —Cont'd
Golden rule argument, motion to preclude—Cont'd
Prejudicial evidence, generally, **9:49**
Rejection of golden rule argument, **9:50**
Sample motion, **9:66**
Suggested motion text, **9:47**
Summary of motion, **9:48**
Supporting authorities, **9:49 to 9:51**
Improper argument, opening statement, motion to exclude
Sample motion, **9:69**
Insurance, opposing authorities' reference to, **9:8**
Jury and jury trial
Preconditioning jury, generally, **9:59**
Usurping jury function, motion to exclude improper terminology, **9:60**
Voir dire, motion to prevent improper, below
Legal questions, motion to exclude improper terminology, **9:62**
Limitation on evidence, motion to exclude arbitration or mediation evidence and findings, **9:32 to 9:37**
Lost or destroyed evidence, motion to exclude reference to
Generally, **9:21 to 9:29**
Opposition citations, **9:28, 9:29**
Prejudicial evidence, generally, **9:23**
Presumptions, rebuttable, **9:26**
Rebuttable presumption, **9:26**
Sample motions, below
Spoliation of evidence, note on tort of, **9:25**
Suggested motion text, **9:21**
Summary of motion, **9:22**
Supporting authorities, **9:23 to 9:27**
Tort of spoliation of evidence, note on, **9:25**

PRESENTATION AT TRIAL —Cont'd
Mediation. Arbitration or mediation evidence and findings, motion to exclude, above
Motion to bar premature rebuttal to affirmative defense
Sample motion, **9:70**
Motion to exclude improper terminology
Sample motion, **9:71**
No prejudice, motion to exclude evidence of damages in bifurcated trial, **9:46**
Opening statement, motion to exclude improper argument in
Generally, **9:9 to 9:14**
Opposing authorities, **9:14**
Prejudicial evidence, **9:11, 9:12**
Suggested motion text, **9:9**
Summary of motion, **9:10**
Supporting authorities, **9:11 to 9:13**
Opposing authorities
Arbitration or mediation evidence and findings, motion to exclude, **9:39**
Bifurcated trial, motion to exclude evidence of damages in, **9:45, 9:46**
Golden rule argument, motion to preclude, **9:52**
Lost or destroyed evidence, motion to exclude reference to, **9:28, 9:29**
Opening statement, motion to exclude improper argument in, **9:14**
Rebuttal to affirmative defenses, motion to bar premature, **9:20**
Terminology, motion to exclude improper, **9:61, 9:62**
Voir dire, motion to prevent improper, **9:7, 9:8**
Order of proof, motion to bar premature rebuttal to affirmative defenses, **9:18**
Policy considerations, motion to exclude evidence of damages in bifurcated trial, **9:43**

PRESENTATION AT TRIAL —Cont'd
Preclusion. Golden rule argument, motion to preclude, above
Preconditioning. Jury and jury trial, above
Prejudice
Evidence. Prejudicial evidence, below
No prejudice, motion to exclude evidence of damages in bifurcated trial, **9:46**
Prejudicial evidence
Golden rule argument, motion to preclude, above
Lost or destroyed evidence, motion to exclude reference to, above
Opening statement, motion to exclude improper argument in, **9:11, 9:12**
Rebuttal to affirmative defenses, motion to bar premature, below
Prematurity. Rebuttal to affirmative defenses, motion to bar premature, below
Presumptions rebuttable, motion to exclude reference to lost or destroyed evidence, **9:26**
Prevent improper voir dire, preconditioning
Sample motion, **9:68**
Rebuttal
Affirmative defenses. Rebuttal to affirmative defenses, motion to bar premature, below
Presumptions, motion to exclude reference to lost or destroyed evidence, **9:26**
Rebuttal to affirmative defenses, motion to bar premature
Generally, **9:15 to 9:20**
Evidence, order of, **9:18**
Exclusion of prejudicial evidence, generally, **9:17**
Opposing authorities, **9:20**
Order of proof, **9:18**
Prejudicial evidence, generally, **9:17**

PRESENTATION AT TRIAL —Cont'd
Rebuttal to affirmative defenses, motion to bar premature —Cont'd
Suggested motion text, **9:15**
Summary of motion, **9:16**
Supporting authorities, **9:17 to 9:19**
References
Lost or destroyed evidence, motion to exclude reference to, above
Sample motions, below
Voir dire, reference to insurance, **9:8**
Rejection of golden rule argument, **9:50**
Relevancy
Arbitration or mediation evidence, limitation on, **9:37**
Bifurcated trial, relevancy of liability issues to damages, **9:45**
Sample motions
Generally, **9:63 et seq.**
Damages in bifurcated trial, **9:67**
Exclusion motions, **9:63; 9:65**
Golden rule argument, motion to preclude, **9:66**
Lost or destroyed evidence, motion to exclude, **9:63**
Mediation evidence, motion to exclude, **9:65**
Missing evidence instruction, opposition motion for, **9:64**
Spoliation of evidence, note on tort of, **9:25**
Statutory authority, motion to exclude evidence of damages in bifurcated trial, **9:42**
Suggested motion text
Arbitration or mediation evidence and findings, motion to exclude, **9:30**
Bifurcated trial, motion to exclude evidence of damages in, **9:40**
Golden rule argument, motion to preclude, **9:47**

PRESENTATION AT TRIAL —Cont'd
Suggested motion text—Cont'd
Lost or destroyed evidence, motion to exclude reference to, **9:21**
Opening statement, motion to exclude improper argument in, **9:9**
Rebuttal to affirmative defenses, motion to bar premature, **9:15**
Voir dire, motion to prevent improper, **9:1**
Summary of motion
Arbitration or mediation evidence and findings, motion to exclude, **9:31**
Bifurcated trial, motion to exclude evidence of damages in, **9:41**
Golden rule argument, motion to preclude, **9:48**
Lost or destroyed evidence, motion to exclude reference to, **9:22**
Opening statement, motion to exclude improper argument in, **9:10**
Premature rebuttal to affirmative defenses, motion to bar, **9:16**
Terminology, motion to exclude improper, **9:54**
Voir dire, motion to prevent improper, **9:2**
Supporting authorities
Arbitration or mediation evidence and findings, motion to exclude, **9:32 to 9:38**
Bifurcated trial, motion to exclude evidence of damages in, **9:42 to 9:44**
Golden rule argument, motion to preclude, **9:49 to 9:51**
Lost or destroyed evidence, motion to exclude reference to, **9:23 to 9:27**
Opening statement, motion to exclude improper argument in, **9:11 to 9:13**
Rebuttal to affirmative defenses, motion to bar premature, **9:17 to 9:19**

PRESENTATION AT TRIAL —Cont'd
Supporting authorities—Cont'd
Voir dire, motion to prevent improper, **9:3 to 9:6**
Terminology, motion to exclude improper
Generally, **9:53 to 9:62**
Conclusions of law, terms containing, **9:56**
Confusion, generally, **9:55**
General admissibility of ultimate issue opinions, **9:58**
Legal questions versus ultimate issues, **9:62**
Opposing authorities, **9:61, 9:62**
Preconditioning jury, **9:59**
Suggested authorities, **9:55 to 9:60**
Summary of motion, **9:54**
Testimony on ultimate issues, **9:57, 9:58**
Ultimate issues, below
Usurping jury function, **9:60**
Witnesses, **9:57, 9:58**
Testimony on ultimate issues, motion to exclude improper terminology, **9:57, 9:58**
Tort of spoliation of evidence, note on, **9:25**
Ultimate issues
Legal questions versus ultimate issues, motion to exclude improper terminology, **9:62**
Testimony on ultimate issues, motion to exclude improper terminology, **9:57, 9:58**
Uniform Arbitration Act, limitation on arbitration or mediation evidence, **9:34, 9:35**
Usurpation of jury function, motion to exclude improper terminology, **9:60**
Voir dire, motion to prevent improper
Generally, **9:1 to 9:8**
Educating jury on the law, **9:5**
Insurance, opposing authorities' reference to, **9:8**
Opposing authorities, **9:7, 9:8**
Preconditioning, **9:4**

PRESENTATION AT TRIAL —Cont'd
Voir dire, motion to prevent improper —Cont'd
Reference to insurance, opposing authorities, **9:8**
Suggested motion text, **9:1**
Summary of motion, **9:2**
Supporting authorities, **9:3 to 9:6**

PRESERVATION OF OBJECTIONS
Typical use of motion, **1:5**

PRESUMPTIONS
Presentation at trial, presumptions rebuttable, **9:26**

PRIOR CRIME EVIDENCE
Character Evidence, this index
Felonies, this index
Impeachment, this index

PRIOR MATTERS
Courtrooms, this index
DUI by defendant, **10:210**
Felony conviction, motion to exclude evidence of, **7:59**

PRIOR ORDER
Discovery, this index

PRIVILEGE NOT TO TESTIFY
Witnesses, this index

PRODUCTION REQUEST
Discovery, this index

PROFILE EVIDENCE
Expert opinion, motion to exclude improper, **8:15**

PROPERTY
Lay witness testimony regarding property value, motion to exclude, **8:43**

PSYCHOLOGICAL TESTS
Battered child syndrome, **5:41**
Battered women's syndrome, **5:40**
Junk science and related evidence, motion to exclude, generally, **5:39 to 5:41**
Rape trauma syndrome, **5:39**

PSYCHOLOGICAL TESTS—Cont'd
Syndromes, generally, **5:24 to 5:27**

PUBLICATION
Writings and Physical Evidence, this index

PURPOSE
Generally, **1:1**
Discovery rule, conclusive establishment of admitted matters, **6:36**
Hearsay rule, **8:90**

QUALIFICATION OR DISQUALIFICATION
Expert Witnesses, this index

RAPE TRAUMA SYNDROME
Junk science and related evidence, motion to exclude, generally, **5:25**
Psychological tests, **5:39**

REASONABLE ALTERNATIVE REMEDY
Discovery, **6:24**

REASONABLENESS
Discovery, reasonable alternative remedy, **6:24**
Expert witnesses, reasonable reliance, **8:11**
Writings and physical evidence, reasonableness of charge, **4:105**

REBUTTAL
Prejudicial Evidence, this index
Presentation at Trial, this index

RECONSTRUCTION OF ACCIDENT
Accident Reconstruction, this index

RECORDS OR REPORTS
Business records as evidence act, **4:103**
Drafting suggestions, filing motions supported by facts, **1:9**
Prejudicial evidence, motion to exclude or limit cumulative evidence, **2:33**
Writings and Physical Evidence, this index

REDEPOSITION
Expert witnesses, motions concerning improper deposition, **6:51**

REFERENCES
Non-called witnesses, sample motion to exclude reference to, **8:101**
Presentation at Trial, this index

REFUSAL OR DENIAL
Discovery, this index
Polygraph test, refusal to take, **5:23**

REJECTION
Acceptance or Rejection, this index

RELEVANCY
Character Evidence, this index
Expert opinion, motion to exclude improper, **8:14**
Irrelevant Evidence, this index
Presentation at Trial, this index
Writings and Physical Evidence, this index

RELIABILITY
Tests and scientific evidence, exclusion of, **5:6**

RELIANCE
Expert opinion, motion to exclude improper, **8:11**

RELIGIOUS BELIEFS
Impeachment, motion to exclude character evidence used for, **7:14; 7:26**

REMEDIAL MEASURES
Sample motion to exclude evidence, **10:201**

REMEDIES
Discovery, reasonable alternative remedy, **6:24**

REMOTENESS
Convictions, motion to exclude prior crime evidence, **7:48; 7:56**
Irrelevant evidence, **3:9**

REPETITIVE TESTIMONY
Prejudicial Evidence, this index

REPORTS
Records or Reports, this index

REQUESTS
Discovery, this index

RESPONSES
Discovery, nonresponsive matters, **6:19**

RESTRICTIONS
Limitations or Restrictions, this index

SAMPLE MOTIONS
Alcoholism of witness, sample motion to exclude evidence of, **7:58**
Biomechanic evidence, motion to exclude, **5:51**
Briefs, sample forms, **1:11**
Character Evidence, this index
Discovery, this index
Driver was unlicensed, failure to file, **10:204**
Expert testimony, motion to exclude, **5:49; 5:50**
Expert testimony on, motion to exclude
Not the product of reliable principles and methods, **5:52**
Expert Witnesses, this index
Felony conviction, sample motion to exclude evidence of, **7:59**
Hypnosis, evidence of, **5:48**
Income tax, failure to file, **10:205**
Inflammatory evidence, **7:68**
Intemperance of witness, **7:60**
Irrelevant evidence, sample motion to exclude evidence of matters not in controversy, **3:21 to 3:26**
Junk science and related evidence, motion to exclude, **5:46**
Juvenile adjudication, **7:63**
Lost or destroyed evidence, motion to exclude reference to, **9:63**
Missing evidence instruction, opposition to, **9:64**
Motion to exclude
Evidence regarding witnesss mental health, **7:67**

SAMPLE MOTIONS—Cont'd
Motion to exclude evidence of prior arrest of witness, **7:66**
Opposition to motion to exclude inflammatory evidence, **7:65**
Orders, sample forms, **1:12**
Personal injury, **10:197 to 10:203**
Polygraph results, **5:47**
Prejudicial Evidence, this index
Prescription drug use, **7:64**
Presentation at Trial, this index
Religious beliefs, **7:62**
Statistics, sample motion to exclude, **5:46**
Witnesses, this index
Writings and Physical Evidence, this index

SANCTIONS
Discovery, this index
Evidentiary Sanctions, this index

SANITY
Lay witness testimony, motion to exclude, **8:40**

SCIENTIFIC EVIDENCE
Tests and Scientific Evidence, this index

SEAT BELT USE
Personal injury, **10:81 to 10:88**

SECONDARY EVIDENCE
Writings and Physical Evidence, this index

SELF-INTEREST
Prejudicial evidence, self-interest of jurors as taxpayers, **2:24**

SEPARATION ORDER
Courtrooms, admitting testimony after violation of order, **8:73**

SETTLEMENT EVIDENCE
Exclusion of evidence, **10:206**
Personal injury, **10:29 to 10:40**

SEXUAL ABUSE OF CHILD
Generally, **5:26**

SEXUAL PREFERENCE OR BEHAVIOR
Impeachment, motion to exclude character evidence used for, **7:15; 7:27**

SILENCE
Witnesses, motion to exclude comment on exercise of privilege not to testify, **8:78**

SIMILAR CONDITIONS
Tests and scientific evidence, exclusion of evidence, **5:5**

SPECULATION
Improper expert opinion, motion to exclude, **8:13**
Irrelevant evidence, exclusion of speculative evidence, **3:8**
Sample motion to exclude speculative expert opinion, **8:100**
Tests and scientific evidence, supporting authorities, **5:8**

SPEED
Lay witness testimony, motion to exclude, **8:44**

SPOLIATION
Presentation at trial, note on tort of spoliation of evidence, **9:25**

STATISTICS
Employment discrimination cases, statistical evidence, **5:32**
Judicial notice of statistical evidence, **5:44**
Junk science and related evidence, motion to exclude, generally, **5:30 to 5:32; 5:43, 5:44**
Sample motion to exclude, **5:46**

STATUTE VIOLATION
Personal injury, **10:64 to 10:75**

STATUTORY AUTHORITY
Bifurcated trial, motion to exclude evidence of damages in, **9:42**

STIPULATIONS
Polygraph evidence, **5:37**

SUBSEQUENT REMEDIAL MEASURES
Sample motion to exclude evidence, **10:201**

SUBSEQUENT REPAIRS
Personal injury, **10:56 to 10:63**

SUBSTANTIAL HARDSHIP
Attorney's testimony, motion to exclude, **8:66**

SUBSTANTIALLY SIMILAR CONDITIONS
Tests and scientific evidence, exclusion of, **5:12**

SUCCINCTNESS
Drafting suggestions, **1:10**

SUGGESTED MOTION TEXT
Character Evidence, this index
Courtroom, exclusion of witness from courtroom prior to testifying, **8:69**
Deposition of expert witness, motions concerning improper, **6:45**
Discovery, this index
Expert Witnesses, this index
Hearsay, **8:87**
Impeachment, motion to exclude character evidence used for, **7:3**
Irrelevant Evidence, this index
Judge's testimony, motion to exclude, **8:56**
Lay witness testimony, motion to exclude, **8:31**
Prejudicial Evidence, this index
Presentation at Trial, this index
Tests and Scientific Evidence, this index
Witnesses, this index
Writings and Physical Evidence, this index

SUMMARY OF MOTION
Character Evidence, this index
Courtrooms, exclusion of witness from courtroom prior to testifying, **8:70**
Deposition of expert witness, motions concerning improper, **6:46**

SUMMARY OF MOTION—Cont'd
Discovery, this index
Expert Witnesses, this index
Hearsay, **8:88**
Impeachment, **7:4**
Irrelevant Evidence, this index
Judge's testimony, exclusion of, **8:57**
Lay witness testimony, motion to exclude, **8:32**
Prejudicial Evidence, this index
Presentation at Trial, this index
Tests and Scientific Evidence, this index
Witnesses, this index
Writings and Physical Evidence, this index

SUPPLEMENTATION
Expert witness list, duty as to supplementing of, **6:48**

SUPPORTING AUTHORITIES
Character Evidence, this index
Courtrooms, exclusion of witness from courtroom prior to testifying, **8:71**
Depositions, motions concerning improper expert witness deposition, **6:47 to 6:49; 6:51**
Discovery, this index
Expert Witnesses, this index
Hearsay, **8:89 to 8:94**
Impeachment, motion to exclude character evidence used for, **7:5 to 7:19**
Irrelevant Evidence, this index
Judge's testimony, motion to exclude, **8:58 to 8:61**
Lay witness testimony, motion to exclude, **8:33 to 8:38**
Prejudicial Evidence, this index
Presentation at Trial, this index
Tests and Scientific Evidence, this index
Witnesses, this index
Writings and Physical Evidence, this index

SYNDROMES
Battered child syndrome, **5:41**

SYNDROMES—Cont'd
Battered Women's Syndrome, this index
Psychological Tests, this index

TAPE RECORDINGS
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:9**

TATTOOS
Motion to exclude, **4:113**

TAX EVIDENCE
Personal injury, **10:159 to 10:166**

TAXPAYERS
Prejudicial evidence, self-interest of jurors as taxpayers, **2:24**

TERMINATION
Discovery, this index
Interrogatories, **6:12**

TERMINOLOGY
Presentation at Trial, this index

TESTIMONY
Witnesses, this index

TESTS AND EXPERIMENTS
Scientific evidence. Tests and Scientific Evidence, this index
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:10**

TESTS AND SCIENTIFIC EVIDENCE
Generally, **5:1 to 5:52**
Acceptance, exclusion of evidence, **5:13**
Accident Reconstruction, this index
Approved tests, **5:35**
Authorities, generally, **5:1 to 5:45**
Battered child syndrome, psychological tests, **5:41**
Battered Women's Syndrome, this index
Biomechanic evidence and accident reconstruction, **5:45**
Careless testing, weight versus admissibility, **5:15**

TESTS AND SCIENTIFIC EVIDENCE—Cont'd
Child sexual abuse syndrome, **5:26**
Confusion, statistical evidence, **5:30**
Conjectural, supporting authorities, **5:8**
Damages, **5:36**
Discretion of court, exclusion of evidence, **5:11**
Electronic penile plethysmograph test, **5:27**
Employment discrimination cases, statistical evidence, **5:32**
Exclusion of evidence
Generally, **5:1 to 5:16**
Acceptance, general acceptance, **5:13**
Careless testing, weight versus admissibility, **5:15**
Conjectural, supporting authorities, **5:8**
Discretion of court, **5:11**
Expert not qualified to testify on subject, **5:3**
Foundation, lack of, **5:9**
Frye requirements, **5:16**
General acceptance, **5:13**
Junk science and related evidence, motion to exclude, below
Opposing authorities, **5:11 to 5:16**
Reliability, **5:6**
Speculative, supporting authorities, **5:8**
Substantially similar conditions, **5:5; 5:12**
Suggested motion text, **5:1**
Summary of motion, **5:2**
Supporting authorities, **5:3 to 5:10**
Testimony, generally, **5:1 to 5:16**
Weight versus admissibility, **5:14, 5:15**
Expert not qualified to testify on subject, exclusion of evidence, **5:3**
Foundation, lack of, **5:9**
Frye Requirements, this index
Hedonic damages, **5:36**
Hypnosis evidence, **5:28; 5:42**

TESTS AND SCIENTIFIC EVIDENCE—Cont'd
Judicial notice of statistical evidence, **5:44**
Junk science and related evidence, motion to exclude
Generally, **5:17 to 5:45**
Accident Reconstruction, this index
Approved tests, **5:35**
Battered child syndrome, psychological tests, **5:41**
Battered Women's Syndrome, this index
Biomechanic evidence and accident reconstruction, **5:45**
Child sexual abuse syndrome, **5:26**
Confusion, statistical evidence, **5:30**
Damages, hedonic damages, **5:36**
Electronic penile plethysmograph test, **5:27**
Employment discrimination cases, statistical evidence, **5:32**
Frye test not required, **5:34**
Hedonic damages, **5:36**
Hypnosis evidence, **5:28; 5:42**
Judicial notice of statistical evidence, **5:44**
New scientific evidence, generally, **5:19**
Opposing authorities, **5:34 to 5:45**
Penile plethysmograph test, electronic, **5:27**
Polygraph evidence, **5:22, 5:23; 5:37, 5:38; 5:47**
Psychological Tests, this index
Rape Trauma Syndrome, this index
Reconstruction of accident. Accident Reconstruction, this index
Refusal to take polygraph test, **5:23**
Sample motions, **5:46**
Statistics, below
Stipulations, polygraph evidence, **5:37**
Suggested motion text, **5:17**
Summary of motion, **5:18**

TESTS AND SCIENTIFIC EVIDENCE—Cont'd
Junk science and related evidence, motion to exclude—Cont'd
Supporting authorities, **5:19 to 5:33**
Truth-serum evidence, **5:20**
Willingness to take polygraph test, **5:23**
New scientific evidence. Junk science and related evidence, motion to exclude, above
Opposing authorities
Exclusion of evidence, **5:11 to 5:16**
Junk science and related evidence, motion to exclude, **5:34 to 5:45**
Penile plethysmograph test, **5:27**
Polygraph evidence, **5:22, 5:23; 5:37, 5:38**
Psychological Tests, this index
Rape Trauma Syndrome, this index
Reconstruction of accident. Accident reconstruction, above
Refusal to take polygraph test, **5:23**
Reliability, exclusion of evidence, **5:6**
Sample motions
Junk science and related evidence, motion to exclude, **5:46**
Statistics, sample motion to exclude, **5:46**
Speculative, supporting authorities, **5:8**
Statistics, this index
Stipulations, polygraph evidence, **5:37**
Substantially similar conditions, exclusion of evidence, **5:5; 5:12**
Suggested motion text
Exclusion of evidence, **5:1**
Junk science and related evidence, motion to exclude, **5:17**
Summary of motion
Exclusion of evidence, **5:2**
Junk science and related evidence, motion to exclude, **5:18**

TESTS AND SCIENTIFIC EVIDENCE—Cont'd
Supporting authorities
Exclusion of evidence, **5:3 to 5:10**
Junk science and related evidence, motion to exclude, **5:19 to 5:33**
Syndromes. Psychological Tests, this index
Testimony. Witnesses, below
Truth-serum evidence, **5:20**
Weight versus admissibility, exclusion of evidence, **5:14, 5:15**
Willingness to take polygraph test, **5:23**
Witnesses
Exclusion of evidence, above
Expert not qualified to testify on subject, exclusion of evidence, **5:3**

TEXT MESSAGES
Motion to exclude, **4:130**
Opposition to motion to exclude text messages, **4:131**

TIME OR TIMING
Generally, **1:6**
Prejudicial evidence, exclusion of time-wasting evidence, **2:28**

TORTS
Civil consequences of silence, motion to exclude comment on exercise of privilege not to testify, **8:78**
Presentation at trial, note on tort of spoliation of evidence, **9:25**

TRAFFIC CITATION
Motion to exclude evidence, **10:211**

TRUTHFULNESS
Not probative of truthfulness, **7:18**

TRUTH SERUM
Tests and scientific evidence, **5:20**

TYPICAL USE
Generally, **1:3 to 1:5**

ULTIMATE ISSUES
Legal Questions, this index
Presentation at Trial, this index

UNAUTHENTICATED WRITINGS
Writings and Physical Evidence, this index

UNCHARGED CONDUCT OR OFFENSES
Prior crime evidence, motion to exclude, **7:51; 7:57**

UNCONTESTED MATTER
Attorney's testimony, motion to exclude, **8:64**
Irrelevant evidence, admissibility of evidence despite uncontested issue, **3:20**

UNDERLYING FACTS
Prior crime evidence, underlying facts surrounding conviction, **7:49**

UNDISCLOSED WITNESS
Motion to exclude testimony, **6:54**

UNFAIR SURPRISE
Discovery, prejudicial evidence excluded, **6:42**

UNIFORM ARBITRATION ACT
Presentation at trial, limitation on arbitration or mediation evidence, **9:34, 9:35**

UNIVERSAL BUSINESS RECORDS AS EVIDENCE ACT
Writings and physical evidence, **4:103**

UNLICENSED DRIVER
Personal injury, **10:76 to 10:80**

USURPATION OF JURY FUNCTION
Lay witness testimony, motion to exclude, **8:37**
Other grounds, **8:38**
Presentation at trial, motion to exclude improper terminology, **9:60**

VALUE OR VALUATION
Attorney's testimony regarding value of legal services, motion to exclude, **8:65**

VALUE OR VALUATION—Cont'd
Lay witness testimony regarding value of property, motion to exclude, **8:43**

VERACITY
Witness veracity, motion to exclude character evidence used for impeachment, **7:23**

VIDEOTAPES
Writings and Physical Evidence, this index

VOIR DIRE
Presentation at Trial, this index

WASTING TIME
Exclusion of evidence of. Prejudicial Evidence, this index

WEIGHT OF EVIDENCE
Admissibility, weight versus, **5:14, 5:15**
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:18**

WILLFULNESS
Discovery, evidentiary sanctions, **6:7; 6:25**

WITNESSES
Generally, **8:1 to 8:112**
Arbitrator or Mediator, this index
Attorneys, this index
Availability, motion to exclude evidence of non-called witnesses, **8:83**
Burden of proof, motion to exclude evidence of non-called witnesses, **8:84**
Character Evidence, this index
Children, this index
Civil consequences of silence, motion to exclude comment on exercise of privilege not to testify, **8:78**
Competency. Incompetent witness, motion to exclude testimony of, below
Computerized valuation of business, motion to exclude, **8:102**
Courtrooms, this index

WITNESSES—Cont'd
Disclosure, this index
Evidence. Non-called witnesses, motion to exclude evidence of, below
Exclusion
Arbitrator or Mediator, this index
Courtrooms, this index
Expert Witnesses, this index
Good character of witness, motion to exclude character evidence used for impeachment, **7:13**
Hearsay, this index
Incompetent witness, motion to exclude testimony of, below
Lay Witness Testimony, this index
Mediator. Arbitrator or Mediator, this index
Non-called witnesses, motion to exclude evidence of, below
Non-qualified expert, motion to exclude testimony of. Expert Witnesses, this index
Privilege not to testify, motion to exclude comment on exercise of, below
Sample motions, below
Veracity of witness, motion to exclude character evidence used for impeachment, **7:23**
Expert Witnesses, this index
Good character of witness, motion to exclude character evidence used for impeachment, **7:13**
Hearsay, this index
Hypothetical Questions, this index
Impeachment, veracity of witness, **7:23**
Improper comments. Non-called witnesses, motion to exclude evidence of, below
Incompetent witness, motion to exclude testimony of
Generally, **8:46 to 8:55**
Children, this index
Insanity, below
Knowledge, lack of personal knowledge, **8:51**
Mental competence, below

WITNESSES—Cont'd
Incompetent witness, motion to exclude testimony of—Cont'd
Opposing authorities, **8:53 to 8:55**
Personal knowledge, lack of, **8:51**
Suggested motion text, **8:46**
Summary of motion, **8:47**
Supporting authorities, **8:48 to 8:52**
Inferences allowable, motion to exclude comment on exercise of privilege not to testify, **8:77**
Insanity
Motion to exclude testimony of incompetent witness, generally, **8:50**
Opposing authorities, **8:55**
Judge, this index
Jury and Jury Trial, this index
Knowledge, motion to exclude testimony of incompetent witness, **8:51**
Lay Witnesses, this index
Legal Questions, this index
Mediator. Arbitrator or Mediator, this index
Mental competence
Motion to exclude testimony of incompetent witness, generally, **8:50**
Opposing authorities, **8:55**
Motion to exclude
Exercise of privilege, **8:109**
Testimony of incompetent, **8:108**
Non-called witnesses
Evidence. Non-called witnesses, motion to exclude evidence of, below
Sample motion to exclude reference to, **8:101**
Non-called witnesses, motion to exclude evidence of
Generally, **8:79 to 8:86**
Availability of witness, **8:83**
Burden of proof, **8:84**
Other grounds, **8:85**
Improper comments, generally, **8:82**
Opposing authorities, **8:86**

WITNESSES—Cont'd
Non-called witnesses, motion to exclude evidence of—Cont'd
Prejudicial evidence, generally, **8:81**
Suggested motion text, **8:79**
Summary of motion, **8:80**
Supporting authorities, **8:81 to 8:85**
Non-qualified expert, motion to exclude testimony of. Expert Witnesses, this index
Opposing authorities
Children, **8:54**
Incompetent witness, motion to exclude testimony of, **8:53 to 8:55**
Insanity, **8:55**
Mental competence, **8:55**
Non-called witnesses, motion to exclude evidence of, **8:86**
Privilege not to testify, motion to exclude comment on exercise of, **8:76, 8:77**
Perceptions, this index
Personal knowledge, motion to exclude testimony of incompetent witness, **8:51**
Other grounds, **8:52**
Prejudicial Evidence, this index
Presentation at trial, motion to exclude improper terminology, **9:57, 9:58**
Privilege not to testify, motion to exclude comment on exercise of
Generally, **8:74 to 8:78**
Civil consequences of silence, **8:78**
Inferences allowable, **8:77**
Opposing authorities, **8:76, 8:77**
Suggested motion text, **8:74**
Summary of motion, **8:74**
Supporting authorities, **8:76**
Reference to non-called witnesses, sample motion to exclude, **8:101**
Sample motions
Causation, motion to exclude lay witness testimony re, **8:104**
Exclude from courtroom prior to testifying, motion to, **8:105**

WITNESSES—Cont'd
Sample motions—Cont'd
Exercise of privilege
Motion to exclude, **8:109**
Expert witness testimony, non-qualified
Motion to exclude, opposition, **8:112**
Improper expert opinion
Motion to exclude, usurps jury function, **8:110**
Lay witness evidence
Motion to exclude, opposition, **8:111**
Lay witness testimony re causation, motion to exclude, **8:104**
Medical doctor, motion to exclude testimony and opinions of, **8:103**
Personal knowledge of subject matter, motion to exclude for lack of, **8:106**
Reference to non-called witnesses, motion to exclude, **8:101**
Speculative expert opinion, motion to exclude, **8:100**
Subject matter, motion to exclude for lack of personal knowledge of, **8:106**
Testimony of incompetent witness
Motion to exclude, **8:108**
Testimony of mediator
Motion to exclude, **8:107**
Testimony of witness, lack of personal knowledge of subject matter
Motion to exclude, **8:106**
Witness from courtroom prior to testifying
Motion to exclude, **8:104**
Silence, motion to exclude comment on exercise of privilege not to testify, **8:78**
Speculation, this index
Suggested motion text
Incompetent witness, motion to exclude testimony of, **8:46**
Non-called witnesses, motion to exclude evidence of, **8:79**

WITNESSES—Cont'd
Suggested motion text—Cont'd
Privilege not to testify, motion to exclude comment on exercise of, **8:74**
Summary of motion
Incompetent witness, motion to exclude testimony of, **8:47**
Non-called witnesses, motion to exclude evidence of, **8:80**
Privilege not to testify, motion to exclude comment on exercise of, **8:75**
Supporting authorities
Incompetent witness, motion to exclude testimony of, **8:48 to 8:52**
Non-called witnesses, motion to exclude evidence of, **8:81 to 8:85**
Privilege not to testify, motion to exclude comment on exercise of, **8:76**
Tests and Scientific Evidence, this index
Ultimate Issues, this index
Veracity of witness, motion to exclude character evidence used for impeachment, **7:23**
Writings and physical evidence, motion to exclude evidence lacking foundation, **4:12, 4:13**

WRITINGS AND PHYSICAL EVIDENCE
Generally, **4:1 to 4:132**
Accident reports, motion to exclude
Generally, **4:61 to 4:67**
Admission of reports, generally, **4:67**
Hearsay, **4:65**
Opposing authorities, **4:67**
Suggested motion text, **4:61**
Summary of motion, **4:62**
Supporting authorities, **4:63 to 4:66**
Admissibility
Accident reports, motion to exclude, above

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Admissibility—Cont'd
Completeness rule, exclusion of evidence, **4:32**
Conditional admissibility, motion to exclude evidence lacking foundation, **4:17**
Hearsay inadmissible, exclusion of evidence, **4:25, 4:26; 4:30**
Secondary evidence, inadmissible, **4:27**
Articles. Published articles, motion to exclude, below
Authentication
Exclusion of evidence, generally, **4:29**
Gruesome or inflammatory photographs, motion to exclude, **4:42**
Letters, motion to exclude, **4:78**
Maps, models, or charts, motion to exclude, **4:89**
Medical records, reports, or bills, motion to exclude improper, **4:102**
Unauthenticated writings, exclusion of evidence, **4:23, 4:24**
Authorities, generally, **4:1 to 4:105**
Bills. Medical records, reports, or bills, motion to exclude improper, below
Business records as evidence act, **4:103**
Cautionary admonition, motion to exclude prejudicial film or videotapes, **4:52**
Charts. Maps, models, or charts, motion to exclude, below
Completeness doctrine
Admissible under completeness rule, exclusion of evidence, **4:32**
Exclusion of evidence, generally, **4:28**
Conditional admissibility, motion to exclude evidence lacking foundation, **4:17**
Cumulative letters, motion to exclude, **4:74**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Definitions
Preliminary facts, **4:4, 4:5**
Writing, **4:21; 4:22**
Demonstrations
Exclusion of evidence, **4:91, 4:92**
Maps, models, or charts, motion to exclude, **4:85; 4:91, 4:92**
Sample motion to exclude, **4:108**
Diagnosis, patient history, **4:104**
Diagrams, motion to exclude, **4:90**
Emotions of jurors, motion to exclude gruesome or inflammatory photographs, **4:38**
Exceptions. Hearsay, below
Exclusion of evidence
Generally, **4:19 to 4:32**
Accident reports, motion to exclude, above
Authentication, above
Charts. Maps, models, or charts, motion to exclude, below
Completeness doctrine, above
Definitions, writing, **4:21; 4:22**
Demonstrations, **4:91, 4:92**
Film or videotapes, motion to exclude prejudicial, below
Foundation, below
Gruesome or inflammatory photographs, motion to exclude, below
Hearsay, below
Inflammatory photographs. Gruesome or inflammatory photographs, motion to exclude, below
Letters, motion to exclude, below
Maps, models, or charts, motion to exclude, below
Medical records, reports, or bills, motion to exclude improper, below
Models. Maps, models, or charts, motion to exclude, below
Opposing authorities, **4:29 to 4:32**
Photographs. Gruesome or inflammatory photographs, motion to exclude, below

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Exclusion of evidence—Cont'd
Published articles, motion to exclude, below
Reports. Accident reports, motion to exclude, above
Secondary evidence, below
Suggested motion text, **4:19**
Summary of motion, **4:20**
Supporting authorities, **4:21 to 4:28**
Unauthenticated writings, **4:23, 4:24**
Videotapes. Film or videotapes, motion to exclude prejudicial, below
Writing defined, **4:21; 4:22**
Experiments and tests, motion to exclude evidence lacking foundation, **4:10**
Expert witness testimony, motion to exclude evidence lacking foundation, **4:12**
Film or videotapes, motion to exclude prejudicial
Generally, **4:45 to 4:52**
Cautionary admonition, **4:52**
Opposing authorities, **4:50 to 4:52**
Relevance, **4:51**
Suggested motion text, **4:45**
Summary of motion, **4:46**
Supporting authorities, **4:47 to 4:49**
Foundation
Definition of writing, **4:22**
Exclusion of evidence, generally, **4:29**
Lacking. Foundation, motion to exclude evidence lacking, below
Foundation, motion to exclude evidence lacking
Generally, **4:1 to 4:18**
Authorities, **4:1 to 4:18**
Conditional admissibility, **4:17**
Definitions, preliminary facts, **4:4, 4:5**
Experiments and tests, **4:10**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Foundation, motion to exclude evidence lacking—Cont'd
Expert witness testimony, **4:12**
Improper foundation, **4:7 to 4:15**
Jury, determination of preliminary facts out of presence of, **4:5**
Lay witness testimony, **4:13**
Letters, motion to exclude, **4:75**
Medical reports and records, below
Motion pictures, **4:11**
Opposing authorities, **4:16 to 4:18**
Photographs, **4:8**
Preliminary facts, **4:4, 4:5**
Presence of jury, determination of preliminary facts out of, **4:5**
Records and reports, medical reports and records, **4:15**
Suggested motion text, **4:1**
Summary of motion, **4:2**
Supporting authorities, **4:3 to 4:15**
Tape recordings, **4:9**
Tests and experiments, **4:10**
Videotapes, **4:11**
Weight versus admissibility, **4:18**
Witness testimony, **4:12, 4:13**
Writings, generally, **4:14**
Gruesome or inflammatory photographs, motion to exclude
Generally, **4:33 to 4:44**
Authentication in civil cases, **4:42**
Inflaming jurors' emotions, **4:38**
Irrelevant evidence, generally, **4:36**
Jurors emotions, inflaming, **4:38**
Opposing authorities, **4:40 to 4:44**
Sample motions to exclude gruesome photographs, **4:106; 4:112**
Suggested motion text, **4:33**
Summary of motion, **4:34**
Supporting authorities, **4:35 to 4:39**
X-rays, **4:44**
Hearsay
Generally, **8:92 to 8:94**
Accident reports, motion to exclude, **4:65**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Hearsay—Cont'd
Exceptions, generally, **4:30**
Inadmissible, exclusion of evidence, **4:25, 4:26; 4:30**
Letters, motion to exclude, **4:72**
Medical records, reports, or bills, motion to exclude improper, **4:97; 4:98**
Published articles, motion to exclude, **4:57**
History of patient, motion to exclude improper, **4:99; 4:104**
Illustrations, motion to exclude maps, models, or charts, **4:87; 4:90**
Improper foundation, motion to exclude evidence lacking foundation, **4:7 to 4:15**
Inflammatory photographs. Gruesome or inflammatory photographs, motion to exclude, above
Injury, motion to exclude demonstration of, **4:92**
Irrelevancy. Relevancy, below
Jury and jury trial
Emotions of jurors, motion to exclude gruesome or inflammatory photographs, **4:38**
Preliminary facts determined out of presence of jury, motion to exclude evidence lacking foundation, **4:5**
Lay witness testimony, motion to exclude evidence lacking foundation, **4:13**
Letters, motion to exclude
Generally, **4:68 to 4:80**
Authentication in civil cases, **4:78**
Cumulative, **4:74**
Foundation, lack of, **4:75**
Hearsay, **4:72**
Irrelevant, **4:73**
Nonhearsay, **4:79**
Opposing authorities, **4:77 to 4:80**
Prejudicial evidence, motion to exclude or limit cumulative evidence, **2:30**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Letters, motion to exclude—Cont'd
Relevancy, below
Suggested motion text, **4:68**
Summary of motion, **4:69**
Supporting authorities, **4:70 to 4:76**
Maps, models, or charts, motion to exclude
Generally, **4:81 to 4:92**
Authentication in civil cases, **4:89**
Demonstrations, **4:85; 4:91, 4:92**
Diagrams, **4:90**
Illustrations, **4:87; 4:90**
Injury, demonstration of, **4:92**
Opposing authorities, **4:87 to 4:92**
Suggested motion text, **4:81**
Summary of motion, **4:82**
Supporting authorities, **4:83 to 4:86**
Medical records, reports, or bills, motion to exclude improper
Generally, **4:93 to 4:105**
Authentication in civil cases, **4:102**
Billing records, **4:100; 4:105**
Business records as evidence act, **4:103**
Diagnosis, patient history, **4:104**
Foundation, generally, **4:15; 4:96**
Hearsay evidence, **4:97; 4:98**
History of patient, **4:99; 4:104**
Motion to exclude evidence of bills after particular date, **6:53**
Opposition citations, **4:102 to 4:105**
Reasonableness of charge, medical billing records, **4:105**
Suggested motion text, **4:93**
Summary of motion, **4:94**
Supporting authorities, **4:95 to 4:101**
Universal business records as evidence act, **4:103**
Models. Maps, models, or charts, motion to exclude, above
Motion pictures, motion to exclude evidence lacking foundation, **4:11**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Motions in limine, generally, **4:1 to 4:115**
Newspaper article, **4:111**
Nonhearsay letters, motion to exclude, **4:79**
Opposing authorities
Accident reports, motion to exclude, **4:67**
Exclusion of evidence, **4:29 to 4:32**
Film or videotapes, motion to exclude prejudicial, **4:50 to 4:52**
Foundation, motion to exclude evidence lacking, **4:16 to 4:18**
Gruesome or inflammatory photographs, motion to exclude, **4:40 to 4:44**
Letters, motion to exclude, **4:77 to 4:80**
Maps, models, or charts, motion to exclude, **4:87 to 4:92**
Medical records, reports, or bills, motion to exclude improper, **4:102 to 4:105**
Published articles, motion to exclude, **4:60**
Photographs
Foundation, motion to exclude evidence lacking, **4:8**
Gruesome or inflammatory photographs, motion to exclude, above
Prejudice
Film or videotapes, motion to exclude prejudicial, above
Published articles, motion to exclude, **4:58**
Preliminary facts, motion to exclude evidence lacking foundation, **4:4, 4:5**
Presence of jury, determination of preliminary facts out of, **4:5**
Published articles, motion to exclude
Generally, **4:53 to 4:60**
Hearsay, **4:57**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Published articles, motion to exclude —Cont'd
Opposing authorities, **4:60**
Prejudicial, **4:58**
Relevancy, **4:60**
Suggested motion text, **4:53**
Summary of motion, **4:54**
Supporting authorities, **4:55 to 4:59**
Reasonableness of charge, medical billing records, **4:105**
Records or reports
Accident reports, motion to exclude, above
Medical records, reports, or bills, motion to exclude improper, above
Relevancy
Film or videotapes, motion to exclude prejudicial, **4:51**
Gruesome or inflammatory photographs, motion to exclude, above
Irrelevant letters, motion to exclude, generally, **4:73**
Letters, motion to exclude, generally, **4:80**
Published articles, motion to exclude, **4:60**
Reports. Records or reports, above
Sample motions
Generally, **4:116 et seq.**
Accident report, **4:129**
Admit videotape evidence, **4:119**
Demonstration of defendants tattoo, **4:124**
Demonstrations, **4:108**
Gruesome photographs, motion to exclude, **4:106**
Map, **4:127**
Motion to exclude gruesome photographs, **4:116**
Motion to exclude inflammatory and prejudicial photographs, **4:117**
Motion to exclude medical bills, **4:132**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Sample motions—Cont'd
Newspaper article, **4:123**
Opposition to motion to exclude Prejudicial photographs, **4:118**
Opposition to motion to exclude social media evidence, **4:126**
Photographs, motion to exclude, **4:106; 4:112**
Plaintiffs medical history, **4:122**
Plaintiff's medical records, **4:110**
Social media evidence, **4:125**
Tattoo on defendant, **4:113**
To exclude demonstration, **4:120**
Unauthenticated video recording, **4:128**
Videotape evidence, motion to admit, **4:107**
Written letter, **4:121**
Written letters, **4:109**
Secondary evidence
Generally, **4:31**
Inadmissible, **4:27**
Suggested motion text
Accident reports, motion to exclude, **4:61**
Exclusion of evidence, **4:19**
Film or videotapes, motion to exclude prejudicial, **4:45**
Foundation, motion to exclude evidence lacking, **4:1**
Gruesome or inflammatory photographs, motion to exclude, **4:33**
Letters, motion to exclude, **4:68**
Maps, models, or charts, motion to exclude, **4:81**
Medical records, reports, or bills, motion to exclude improper, **4:93**
Published articles, motion to exclude, **4:53**
Summary of motion
Accident reports, motion to exclude, **4:62**
Exclusion of evidence, **4:20**
Film or videotapes, motion to exclude prejudicial, **4:46**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Summary of motion—Cont'd
Foundation, motion to exclude evidence lacking, **4:2**
Gruesome or inflammatory photographs, motion to exclude, **4:34**
Letters, motion to exclude, **4:69**
Maps, models, or charts, motion to exclude, **4:82**
Medical records, reports, or bills, motion to exclude improper, **4:94**
Published articles, motion to exclude, **4:54**
Supporting authorities
Accident reports, motion to exclude, **4:63 to 4:66**
Exclusion of evidence, **4:21 to 4:28**
Film or videotapes, motion to exclude prejudicial, **4:47 to 4:49**
Foundation, motion to exclude evidence lacking, **4:3 to 4:15**
Gruesome or inflammatory photographs, motion to exclude, **4:35 to 4:39**
Letters, motion to exclude, **4:70 to 4:76**
Maps, models, or charts, motion to exclude, **4:83 to 4:86**
Medical records, reports, or bills, motion to exclude improper, **4:95 to 4:101**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Supporting authorities—Cont'd
Published articles, motion to exclude, **4:55 to 4:59**
Tape recordings, motion to exclude evidence lacking foundation, **4:9**
Tattoo on defendant, **4:113**
Tests and experiments, motion to exclude evidence lacking foundation, **4:10**
Unauthenticated writings. Authentication, above
Universal business records as evidence act, **4:103**
Videotapes
Film or videotapes, motion to exclude prejudicial, above
Foundation, motion to exclude evidence lacking, **4:11**
Sample motion to admit videotape evidence, **4:107**
Weight versus admissibility, motion to exclude evidence lacking foundation, **4:18**
Witness testimony, motion to exclude evidence lacking foundation, **4:12, 4:13**
X-rays, motion to exclude gruesome or inflammatory photographs, **4:44**

WRITTEN HEARSAY
Multiple hearsay, **8:94**

X-RAYS
Gruesome or inflammatory photographs, motion to exclude, **4:44**