

Index

ABILITY

- Disability, lay witness opinion, § 32:2
- Economic evidence, expert opinion on reduced or destroyed earning capacity, § 32:22
- Vocational evidence, expert opinion on physical abilities and work history, § 32:23

ABSENCE

- Attorneys
 - civil proceedings, § 3:2
 - continuances, § 11:3
 - criminal trials, § 7:13
- Bench conferences, § 3:15
- Civil cases, presence of parties, § 3:2
- Continuances
 - counsel, absence of, § 11:3
 - documentary evidence, absence of, § 11:6
 - parties, absence of, § 11:4
- Criminal trials
 - counsel, § 7:13
 - defendant
 - generally, § 7:14
 - control of defendant, § 7:18
 - right of defendant to witness statements, § 25:3
 - waiver of presence, § 7:15
- Death, presumption after 7 years' absence, § 22:3
- Documentary evidence
 - continuances due to absence of document, § 11:6
 - hearsay exception, absence of entry or record, § 29:11
- Exclusion from courtroom
 - family of party, exclusion of, § 3:12
 - in camera proceedings, § 3:11
 - minor, exclusion of, § 3:8
 - persons near courtroom, controlling conduct of, § 3:13
 - press, exclusion of, § 3:10
 - public, exclusion of, § 3:9
 - voir dire, exclusion from, § 17:12
- Hearsay evidence
 - absence of entry or records, § 29:11
 - unavailability of declarant, § 29:12
- In camera proceedings, § 3:11

ABSENCE—Cont'd

- Judge, § 3:21
- Jury
 - bench conferences, § 3:15
 - in camera proceedings, § 3:11
- Parties
 - civil proceedings, § 3:2
 - continuance, § 11:4
- Presumption of death after 7 years' absence, § 22:3
- Public record or entry, hearsay exception, § 26:3
- Records, hearsay exception, § 26:3
- Unavailability of declarant, hearsay exceptions, § 29:12
- Waiver, presence of accused, § 7:15
- Witness, continuance, § 11:5

ABUSE OF PROCESS

- Generally, § 1:14

ACCIDENTS

- Evidence of other, § 34:1

ACCURACY

- Cross-examination, accuracy of witness, § 25:7

ACCUSED

- Absence
 - generally, § 7:14
 - control of defendant, § 7:18
 - right of defendant to witness statements, § 25:3
 - waiver of presence, § 7:15
- Burden of going forward, § 20:12
- Character, §§ 26:3, 33:1
- Clothing of defendant, § 7:19
- Codefendants, confessions of, § 37:6
- Competency
 - counsel, right of defendant to competent, § 7:11
 - defenses, § 8:2
- Evidence
 - favorable to defendant, disclosure by prosecution, § 9:9
- Failure to testify, § 41:14
- Final argument, failure to testify, § 41:14
- Identity, § 35:1
- Joinder of defendants, § 7:21

ACKNOWLEDGED DOCUMENTS

Self-authentication, §§ 26:3, 30:4

ACTUAL BIAS

Voir dire, § 17:20

ADDRESSING JURORS BY NAME

Closing argument, § 41:6

ADMINISTRATIVE REGULATIONS

Judicial notice, § 21:6

ADMINISTRATIVE SEARCHES

Search and seizure, pharmacy records,
§ 15:20

ADMISSIBILITY

Bullet lead analysis, § 32:12
Duplicates, § 26:3
Limited purpose, § 26:3
Opinion, expert witness, § 32:12
Pleas, § 26:3
Preliminary questions, § 26:3
Relevant, § 26:3
Writing, § 26:3

ADMISSIONS

Generally, § 26:3
Agent admissions, § 29:6
Civil cases, admissions in settlement negotiations, § 34:6
Confessions
generally, § 37:1 et seq.
codefendants, confessions of, § 37:6
corroboration, § 37:2
custodial, § 37:4
procedure for admission of confessions, § 37:5
voluntariness, § 37:3
Employee admissions, § 29:6
Hearsay
admissions exception, § 29:5
agents and employees, § 29:6
Interest, admissions against interest,
§ 26:3
Judicial, § 21:3
Pleading, § 21:2
Privity, admissions by privity, § 26:3
Substitutes for proof, § 21:2

ADMONTION

Evidence admitted for limited purpose,
§ 26:3
Jurors, admonition upon separation,
§ 42:6

ADVERSE PARTY

Cross examination, adverse party in civil case, § 25:11

ADVERSE PARTY—Cont'd

Witness, § 24:15

ADVICE

Defense, advice of counsel as, § 8:14

ADVOCACY

Clarity, § 4:6
Demonstrative evidence, § 4:6
Final argument, § 41:1
Impeachment, § 27:9
Key words, § 4:7
Personal factors, § 4:2
Repetition, § 4:8

**AGAINST-INTEREST
DECLARATIONS**

Hearsay exception, § 29:12

AGE

Defense, § 8:19

AGENCY

Admissions by agents and employees,
hearsay exception, § 29:6
Attorney's ability to bind client, § 1:10

AGGRAVATING CIRCUMSTANCES

Settlements, § 14:5

AI

Attorneys, § 1:17

ALCOHOL ABUSE COUNSELOR

Privilege, § 26:3

ALCOHOL BREATH TEST

Tests and experiments, § 31:10

ALCOHOLIC BEVERAGES

Defense of intoxication, § 8:3
Lay opinion evidence, § 32:6
Presumption of intoxication while
operating vehicle, § 22:12
Privileged communications, alcohol
abuse counselor, § 26:3

ALFORD PLEA

Inadmissibility, § 26:3

ALIBIS

Defense of alibi, § 8:18

ALLEN CHARGE

Generally, § 40:17
Deadlocked jury, § 40:17

ALTERNATE JURORS

Jury panel, § 16:14
Voir dire, § 17:31

ALTERNATIVE THEORIES

Criminal trials, offenses, § 40:13

INDEX

ANCIENT DOCUMENTS

- Authentication, § 30:2
- Hearsay exception, §§ 26:3, 29:11

APPEAL

- Generally, § 3:17
- Double jeopardy, § 10:6
- Protecting the record, § 38:1

APPEALS TO FEAR

- Final argument, § 41:23

APPEALS TO PREJUDICE

- Final argument, § 41:22

APPEALS TO SYMPATHY

- Final arguments, § 41:21

APPEARANCE

- Attorneys
 - civil proceedings, § 3:2
 - continuances, § 11:3
 - criminal trials, § 7:13
- Bench conferences, § 3:15
- Civil cases, presence of parties, § 3:2
- Continuances
 - counsel, absence of, § 11:3
 - documentary evidence, absence of, § 11:6
 - parties, absence of, § 11:4
- Criminal trials
 - counsel, § 7:13
 - defendant
 - generally, § 7:14
 - control of defendant, § 7:18
 - right of defendant to witness statements, § 25:3
 - waiver of presence, § 7:15
- Death, presumption after 7 years' absence, § 22:3
- Documentary evidence
 - continuances due to absence of document, § 11:6
 - hearsay exception, absence of entry or record, § 29:11
- Exclusion from courtroom
 - family of party, exclusion of, § 3:12
 - in camera proceedings, § 3:11
 - persons near courtroom, controlling conduct of, § 3:13
 - press, exclusion of, § 3:10
 - public, exclusion of, § 3:9
 - voir dire, exclusion from, § 17:12
- Hearsay evidence
 - absence of entry or records, § 29:11
 - unavailability of declarant, § 29:12
- In camera proceedings, § 3:11
- Judge, § 3:21

APPEARANCE—Cont'd

- Jury
 - bench conferences, § 3:15
 - in camera proceedings, § 3:11
- Parties
 - civil proceedings, § 3:2
 - continuance, § 11:4
- Presumption of death after 7 years' absence, § 22:3
- Public record or entry, hearsay exception, § 26:3
- Records, hearsay exception, § 26:3
- Unavailability of declarant, hearsay exceptions, § 29:12
- Waiver, presence of accused, § 7:15
- Witness, continuance, § 11:5

APPOINTMENT

- Counsel
 - generally, § 7:8
 - special prosecutor, § 9:6
- Expert witnesses appointed by court, § 32:25

ARGUMENT

- Appeals to fear, § 41:23
- Attacked upon by opposing counsel, § 41:26
- Counsel's opinion, § 41:19
- Current events, § 41:20
- Failure to call witness in a civil case, § 41:13
- Liability insurance, § 41:12
- Matters outside record, § 41:17
- Misrepresentation of witnesses' testimony, § 41:28
- Objections, § 41:27
- Opening statement, argument prohibited in, § 18:5
- Outcome of previous litigation, § 41:16
- Parole or probation, § 41:15
- Per diem for pain and suffering, § 41:24
- Reading or arguing law, § 41:25
- Reasonable doubt, § 7:4
- Scope, § 41:5
- Social class, § 41:18

ARRAY, CHALLENGES TO

- Generally, § 16:9
- Constitutional law, § 16:10

ARREST

- Felony, § 15:14
- Misdemeanor, § 15:14
- Search and seizure, § 15:14

ASKING JURORS

Closing argument, asking jurors to put themselves in position of litigant, § 41:11

ASSUMING A FACT

Cross examination, § 25:8
Not in evidence, § 24:10

ATTACKED UPON BY OPPOSING COUNSEL

Argument, § 41:26
Final argument, § 41:26

ATTACKING CREDIBILITY OF DECLARANT

Hearsay, § 29:10

ATTORNEY-CLIENT PRIVILEGE

Generally, §§ 26:3, 28:2, 28:4
Qualified privilege, § 28:5

ATTORNEY GENERAL

Generally, § 9:1

ATTORNEY MALPRACTICE

Limitation of actions, § 1:13

ATTORNEYS

Adverse party, communications with, § 1:6
Advice of counsel as criminal defense, § 8:14
Agent, attorney as, § 1:10
Agreements, counsel's authority to make agreements, § 1:10
Appearance
civil proceedings, § 3:2
continuances, § 11:3
criminal trials, § 7:13
Attack on opposing counsel, § 41:26
Authority to make agreements, § 1:10
Bind client, ability of counsel to, § 1:10
Clarity, attorney's presentation of case, § 4:6
Closing arguments. **Final Arguments** (this index)
Code of Professional Courtesy, § 1:16
Commonwealth, attorney for commonwealth, § 9:2
Communications
adverse party, communications with, § 1:6
court officials, communications with, § 1:7
privileged communications
generally, §§ 26:3, 28:2, 28:4
qualified privilege, § 28:5

ATTORNEYS—Cont'd

Conduct of counsel
generally, §§ 1:2, 1:4
Code of Professional Courtesy, § 1:16
contempt of court, § 1:8
direct examination, § 24:6
discipline for improper conduct, below
prosecutor's duty and conduct, § 1:3
trial conduct, § 1:4
Contact with court officials, § 1:7
Contempt, §§ 1:8, 12:6
Contingent fees, § 14:12
Countersuits, attorney liability for, § 1:14
County, attorney for county, § 9:3
Court officials, communications with, § 1:7
Courtesy, Code of Professional, § 1:16
CR 11, attorney liability for, § 1:15
Defamation, liability for, § 1:12
Direct examination, counsel's conduct, § 24:6
Discipline for improper conduct
generally, § 1:9
contempt of court, § 1:8
Ethics
AI, § 1:17
Attorney Code of Professional Courtesy, § 1:16
attorney's personal opinion, ethical standard, § 1:4
false evidence, § 1:4
prosecutor's duty and conduct, § 1:3
trial, § 1:2
Fees
civil cases, generally, § 44:1
contingent, § 14:12
corporations, shareholder document inspection, § 44:4
Indictment of lead defense counsel during trial, effective assistance of counsel, § 1:4
Key words, attorney's preparation, § 4:7
Liability of attorney
generally, § 1:12 et seq.
countersuits, § 1:14
CR 11, § 1:15
libel and slander, § 1:12
malpractice, § 1:13
Libel and slander, liability, § 1:12
Malpractice, § 1:13
Misrepresentation of witnesses' testimony during final argument, § 41:28

INDEX

ATTORNEYS—Cont'd

- Multiple clients, representation of, § 14:11
- Officials of court, communications with, § 1:7
- Opposing counsel, attack on, § 41:26
- Preparation for Trial** (this index)
- Presence or absence
 - civil proceedings, § 3:2
 - continuances, § 11:3
 - criminal trials, § 7:13
- Privileged communications
 - generally, §§ 26:3, 28:4
 - qualified privilege, § 28:5
- Professional Courtesy, Code of, § 1:16
- Prosecution** (this index)
- Release of information, § 1:5
- Right to interview witnesses, § 23:9
- Role of attorney, generally, § 1:1 et seq.
- Seating at trial, § 3:3
- Settlement
 - contingent fees, § 14:12
 - handling client, § 14:4
 - multiple clients, representation of, § 14:11
- Signature on pleadings, § 1:15
- Slander, liability for, § 1:12
- Statement about pending litigation, § 1:5
- Voir dire
 - examination by counsel, § 17:9
 - right to competent counsel, § 17:11
- Witness, attorney as witness, § 1:11

AUDIO RECORDING

- Generally, § 31:5

AUTHENTICATION

- Generally, §§ 26:3, 30:1 et seq.
- Ancient documents, § 30:2
- Computer evidence, § 30:2
- Computers and internet, § 30:3
- Documentary evidence, § 30:1
- Exhibits, § 26:3
- Handwriting, § 30:2
- Internet, § 30:3
- Knowledge, § 30:2
- Person's voice, § 30:2
- Process or system, § 29:11
- Process or systems, § 30:3
- Public records and reports
 - generally, § 30:2
 - self-authentication, § 30:4
- Self-authentication, § 30:4
- Tape recordings, § 30:2
- Telephone conversations, § 30:2
- Voice, § 30:2

AUTHORITATIVE SOURCE

- Cross examination, § 25:16

AUTOMOBILES

- Accidents, opinion evidence, § 32:16
- Directed verdicts, accidents, § 6:9
- Expert witnesses, automobile accident, § 32:16
- Intoxication while operating vehicle, presumption of, § 22:12
- Lay opinion evidence
 - accidents, generally, § 32:9
 - speed of vehicle, § 32:8
- Probable cause, automobile searches, § 15:18
- Sample trial memorandum, § 6:9
- Search and seizure, § 15:18
- Speed, lay witness opinion, § 32:8
- Stops, § 15:18
- Tracks, identification of, § 35:11
- Trial memorandum, accidents, § 6:9

AVOWAL

- Generally, §§ 26:3, 38:9
- Preserving the record, § 38:9

BAD ACTS OTHER THAN ONE ON TRIAL

- Admissibility, § 36:2

BAD FAITH

- Good Faith** (this index)

BAIL HEARINGS

- Rules of evidence, § 26:3

BENCH CONFERENCES

- Generally, § 3:15

BENCH TRIAL

- Generally, § 13:1
- Considerations, § 13:10
- Cost of jury trials, § 13:9
- Directed verdicts, § 39:6
- Verdicts, § 43:9
- Waiver of jury trial, §§ 13:7, 13:8

BEST EVIDENCE RULE

- Generally, §§ 26:3, 30:5
- Duplicate, defined, § 30:5
- Electronic data, § 30:5
- Original, defined, § 30:5
- Photographs, § 30:5
- Summary of voluminous records, § 31:14
- Writings, § 30:5

BIAS

- Admissibility of prejudicial evidence, § 26:3

BIAS—Cont’d

- Continuances, § 11:7
- Final arguments, § 41:22
- Impeachment of witnesses, § 27:2
- Opinion evidence, bias of expert, § 32:26
- Outweighing probative value, § 26:3
- Probative value outweighing prejudicial impact, § 26:3
- Voir dire
 - actual bias, § 17:20
 - challenges for cause, §§ 17:19, 17:20
 - implied bias, § 17:21
 - right to impartial jury, § 17:7

BIG SANDY RULE

- Generally, § 32:13

BILL OF COST

- Generally, § 44:4

BILL OF PARTICULARS

- Generally, §§ 7:23, 9:12

BLACKBOARDS

- Evidence, § 31:11

BODY MOVEMENT

- Advocacy, § 4:2

BOOKS

- Newspapers and periodicals, self-authentication, §§ 26:3, 30:4

BOUNDARIES

- Hearsay exception, § 29:11

BRIEFS

- Trial brief, § 6:8

BROADCASTS

- Testimony on public broadcasts, § 23:15

BROCHURES

- Settlements (this index)

BRUTON RULE

- Generally, § 37:6

BUILDING REQUIREMENTS AND CODES

- Expert witnesses regarding, § 32:21

BULLET LEAD ANALYSIS

- Admissibility, § 32:12

BURDEN OF GOING FORWARD

- Civil cases, §§ 20:1, 20:2
- Criminal trials
 - generally, § 20:8
 - defendant, burden of, § 20:12
 - shifting burden, § 20:10

BURDEN OF GOING FORWARD

—Cont’d

- Failure to prosecute, civil cases, § 20:3
- Shifting burden of going forward
 - civil proceedings, § 20:4
 - criminal trials, § 20:10

BURDEN OF PROOF

- Generally, § 20:1 et seq.
- Civil cases, generally, §§ 20:1, 20:6, 40:5
- Criminal trials
 - generally, § 20:7 et seq.
 - defendant’s burden of going forward, § 20:12
 - equal probability rule, § 20:9
 - going forward, below
 - identity of defendant, § 35:2
 - innocence presumption
 - generally, §§ 7:2, 22:11
 - jury instructions, § 7:3
 - instructions to jury, § 40:11
 - intent or knowledge, proof of, § 20:11
 - presumption of innocence, § 7:2
 - reasonable doubt, § 7:4
 - risk of nonpersuasion, § 20:13
 - shifting burden of going forward, § 20:10
 - Defendant, burden of
 - civil proceedings, § 20:6
 - criminal trials, § 20:12
 - Equal probability rule, § 20:9
 - From civil defendants, § 20:6
 - Identity of defendant, § 35:2
 - Instructions to jury
 - civil proceedings, § 40:5
 - criminal trials, § 40:11
 - Order of proof, § 19:1
 - Persuasion. Risk of nonpersuasion, below
 - Presumptions** (this index)
 - Risk of non-persuasion, § 20:5
 - Risk of non-persuasion criminal cases, § 20:13
 - Risk of nonpersuasion
 - civil proceedings, § 20:5
 - criminal trials, § 20:13
 - Standard burden of going forward, civil proceedings, § 20:2
 - The standard, § 20:1

BUSINESS

- Customs, admissibility of, § 34:3
- Economic evidence, § 32:22
- Market reports and commercial publications, § 29:11

INDEX

BUSINESS—Cont'd

Voir dire, business relationships, § 17:23

BUSINESS RECORDS

Hearsay exception, § 26:3

Self-authentication, §§ 26:3, 30:4

CALLING WITNESSES

Adverse party, calling as witness,
§ 24:15

Court, calling and interrogation of witness by court, §§ 2:6, 26:3

CANINE

Identification of defendant, § 35:12

Identification of drugs, § 35:12

CAPITAL CASES

Judge's recusal regarding feelings about death penalty, § 2:8

Sentencing, death penalty, § 44:11

CELL-SITE LOCATION

Opinion, § 32:27

CERTIFICATION

Juveniles, certification to be tried as an adult, § 8:19

Religious organization certificates,
§ 29:11

CHAIN OF CUSTODY

Generally, §§ 30:1, 31:1

CHALLENGES TO JURY

Array, challenges to
generally, § 16:9
constitutional law, § 16:10

Cause, challenges for
generally, § 17:17 et seq.

actual bias, § 17:20

implied bias, § 17:21

qualifications, failure to meet, § 17:19

Peremptory challenges, §§ 16:11, 17:29

CHARACTER EVIDENCE

Generally, §§ 26:3, 33:1 et seq.

Civil cases, § 33:1

Criminal cases, § 33:1

Cross-examination, §§ 26:3, 33:2

Curative evidence, § 33:4

Defendants, § 33:1

Exception to hearsay rule, § 26:3

Habit, evidence of, § 33:5

Hearsay exception, § 29:11

Impeachment of witnesses, § 33:1

Method of proving, §§ 26:3, 33:2

Opinion, § 26:3

Rape victims, § 33:3

Reputation, §§ 26:3, 33:2

CHARACTER EVIDENCE—Cont'd

Routine practice, evidence of, § 33:5

Specific incidences of conduct, § 26:3

Victim

generally, § 33:1

rape and similar cases, §§ 33:1, 33:3

sexual offenses, §§ 26:3, 33:3

CHARGES

Joinder of, § 7:20

CHARTS

Generally, § 31:7

Final arguments, § 41:7

Graphs and exhibits, opening statements, § 18:8

Opening statements, § 18:8

CHECKLISTS

Generally, § 5:1 et seq.

Closing arguments, § 5:12

Contempt, § 12:5

Evidence law, research of, § 5:4

Exhibits, § 5:10

Files, organization of, § 5:5

Final arguments, § 5:12

General matters checklist, § 5:2

Instructions to jury, § 5:13

Judge, § 5:6

Jury selection

civil jury selection, §§ 17:3, 17:4

race-neutral reasons for peremptory challenge, § 17:30

Law, research of

evidence law, § 5:4

substantive law, § 5:3

Motions, § 5:11

Opening statements, § 5:8

Substantive law, research of, § 5:3

Witnesses, § 5:9

CHILD SEXUAL ABUSE

ACCOMMODATION

SYNDROME

Expert witnesses, § 32:19

CHILDREN AND MINORS

Exclusion from trial, § 3:8

Hearsay, child victim declarant,
testimony not readily available,
exception, § 29:13

Presence during criminal trial, § 7:26

Victims of crime and speedy trial, § 7:29

CHOICE OF EVILS

Defense, § 8:16

CIVIL CASES

- Applicability of Rules of Evidence, § 26:3
- Argument of failure to call witness, § 41:13
- Burden of proof instructions, § 40:5
- Compromise, § 34:6
- Continuances, § 11:1
- Directed verdict, §§ 39:2, 39:6
- Disposition of motion for directed verdict, § 39:4
- Employment, hostile work environment, § 40:1
- Final judgment, § 44:1
- Instructions to jury, generally, § 40:1
- Issues submitted to jury, § 40:3
- Judgment, § 44:1
- Jury interrogatories, § 40:2
- Jury trial, § 13:2
- Learned intermediary doctrine, § 40:1
- Motion for directed verdict, § 39:3
- Opening statement, § 18:4
- Presence of parties, § 3:2
- Presumptions, §§ 26:3, 40:5
- Reparation benefits, § 39:2
- Separation of jury during deliberation, § 42:5
- Settlement, §§ 26:3, 34:6
- Shareholders, § 39:2
- Special verdicts, § 40:2
- Subrogation, § 40:1
- Sufficiency of evidence, § 39:2
- Taxpayer actions, § 39:2
- Undue prominence in instructions, § 40:4

CIVIL CONTEMPT

- Generally, § 12:2

CIVIL RULE 11 LIABILITY

- Generally, § 1:15

CLAIMS

- Evidence of other claims, § 34:1

CLARITY

- Closing argument, § 4:6
- Direct exam, § 4:6
- Interrogation of witnesses, § 4:5
- Opening statement, § 4:6
- Trial preparation, § 4:6

CLERGY

- Privileged communications, §§ 26:3, 28:7

CLINICAL SOCIAL WORKER

- Privilege, § 26:3

CLOSED CIRCUIT TELEVISION

- Child's testimony, § 7:18
- Witness testimony by, § 23:14

CLOSING ARGUMENT

- Generally, § 41:1 et seq.
- Accused, failure to testify, § 41:14
- Addressing jurors by name, § 41:6
- Appeals to
 - fear, § 41:23
 - prejudice, § 41:22
 - sympathy, § 41:21
- Attack, opposing counsel, § 41:26
- Charts, reference to, § 41:7
- Checklist, § 5:12
- Comment upon failure to call witness in civil cases, § 41:13
- Counsel's opinion, § 41:19
- Current events, § 41:20
- Defendant, failure to testify, § 41:14
- Delivery, § 41:1
- Demonstrative evidence, § 41:1
- Exhibits and charts, § 41:7
- Failure to call witness or testify
 - civil proceedings, § 41:13
 - criminal defendant, § 41:14
- Fear, appeals to, § 41:23
- Golden Rule, § 41:11
- Instructions to jury, § 41:1
- Insurance, § 41:12
- Jury instructions, § 41:1
- Language, § 41:1
- Law, reading or arguing, § 41:25
- Liability insurance, § 41:12
- Matters outside record, § 41:17
- Objections, § 41:27
- Opinion of counsel, § 41:19
- Opposing counsel, attack on, § 41:26
- Order
 - generally, § 41:3
 - right to open and close, § 19:2
- Outcome of previous - litigation, § 41:16
- Pain and suffering, § 41:24
- Parole or probation, comment, § 41:15
- Per diem arguments
 - generally, § 41:24
 - automobile accidents, § 6:9
- Plea agreement, § 41:10
- Pleadings, § 41:8
- Prejudice or bias, appeals to, § 41:22
- Preparation
 - generally, § 41:1
 - checklist, § 5:12
 - strong closing, tactics, § 4:4

INDEX

CLOSING ARGUMENT—Cont'd

- Prior litigation, outcome of, § 41:16
- Privacy, § 4:4
- Probation, § 41:15
- Reading or arguing law, § 41:25
- Recency, § 4:4
- Repetition, § 4:8
- Right to final argument, §§ 19:2, 41:2
- Scope, § 41:5
- Settlement, § 41:9
- Simplicity, § 41:1
- Social class, § 41:18
- Structure, § 41:1
- Sympathy, appeals to, § 41:21
- Tactics, strong closing, § 4:4
- Technique, § 41:1
- Theme, § 41:1
- Time restrictions, § 41:4
- Trial record, matters outside, § 41:17

CODE OF JUDICIAL CONDUCT

- Generally, § 2:1 et seq.

CODE OF PROFESSIONAL COURTESY

- Generally, § 1:16

CODEFENDANTS

- Generally, § 7:21
- Attorney representation of multiple clients, § 14:11
- Confessions of codefendants, § 37:6
- Final judgments, § 44:3
- Judgment, § 44:3

COLLATERAL ISSUES

- Impeachment, § 27:6
- Impeachment of witnesses, § 27:6

COLLECTION OF JURY PANEL

- Generally, § 16:1

COMMENTARY

- Kentucky Rules of Evidence, §§ 26:2, 26:3

COMMENTS

- Claim of privilege, § 26:3
- Judge, §§ 2:4, 40:7

COMMERCIAL PAPER

- Self-authentication, §§ 26:3, 30:4

COMMERCIAL PUBLICATIONS

- Hearsay exception, § 29:11

COMMON SCHEME

- Other crimes, evidence, § 36:2

COMMONWEALTH ATTORNEY

- Generally, § 9:2

COMMONWEALTH ATTORNEY

—Cont'd

- Grand Jury, § 9:11
- Prosecution** (this index)
- Special ethical responsibilities, § 9:4
- Witness list, § 9:13

COMMUNICATIONS

- Generally, § 4:4
- Attorneys
 - adverse party, communications with, § 1:6
 - court officials, communications with, § 1:7
- Judge and jury, § 42:12
- Jury trials
 - judge, communications with, § 42:12
 - post-verdict communications, § 43:7

COMPENSATION

- Attorneys' fees, contingent, § 14:12
- Expert witnesses appointed by court, § 32:25
- Final judgments, award of costs, § 44:4
- Jury trials
 - cost of jury, generally, § 13:9
 - juror compensation, § 16:8
- Witness fees
 - generally, § 23:11
 - expert witnesses appointed by court, §§ 26:3, 32:25

COMPETENCY

- Attorney
 - competency to testify, § 1:11
 - right of defendant to competent counsel, § 7:11
- Defendant, competency of
 - generally, §§ 7:5, 8:2
 - defense of incompetency, § 8:2
 - standing trial, § 8:2
- Direct examination, § 24:3
- Hearing to determine competency, § 8:2
- Judge, competency as witness, § 26:3
- Juror, competency as witness, § 26:3
- Witnesses
 - generally, §§ 24:3, 26:3
 - judge as witness, § 26:3
 - juror, § 26:3
 - taking stand, requirement of, § 24:17

COMPETENT COUNSEL

- Constitutional right, § 7:11

COMPLETENESS RULE

- Documentary evidence, § 30:7

COMPOUND QUESTIONS

Direct examination, § 24:11

COMPROMISE

Generally, § 14:1 et seq.
 Admissibility of statements, § 26:3
 Aggravating circumstances, § 14:5
 Attorneys
 generally, § 14:5
 contingent fees, § 14:12
 handling client, § 14:4
 multiple clients, representation of, § 14:11
 Brochures
 sample brochure, § 14:7
 video brochures, § 14:8
 Civil cases, § 34:6
 Client relations, § 14:4
 Closing argument, § 41:9
 Contingent fees, § 14:12
 Criminal trials, generally, § 14:14
 Evaluation, § 14:2
 Evidence of negligence, § 34:6
 Fees of attorney, contingent, § 14:12
 Final arguments, § 41:9
 Legal requirements, § 14:1
 Multiple clients, attorney representation of, § 14:11
 Negligence, evidence of, § 34:6
 Negotiations, § 14:3
 Offers to compromise, evidence of negligence, § 34:6
 Releases, §§ 14:6, 14:13
 Representation of multiple clients, § 14:11
 Sample brochure, § 14:7
 Structured settlements, § 14:9
 Subrogation, § 14:1
 Summary jury trial, § 14:10
 Video brochures, § 14:8
 Video presentation, § 28:5

COMPUTER EVIDENCE

Generally, § 26:3
 Authentication, §§ 30:2, 30:3
 Juror's social media friends and misconduct, § 42:14

COMPUTER FILES

Search and seizure, extent of protection, § 15:3

COMPUTER GENERATED VISUAL EVIDENCE

Real and demonstrative evidence, § 31:16

COMPUTER SYSTEMS

Jury selection, §§ 16:1, 16:3

CONDUCT OF COUNSEL

Direct examination, § 24:6
 Prosecution, § 9:1 et seq.

CONDUCT OF JUDGE

Parties, conduct toward parties by judge, § 2:5

CONDUCT OF JURY

Generally, §§ 42:1, 42:13

CONDUCT OF PARTIES

Generally, §§ 3:4, 3:5

CONDUCT OF SPECTATORS

Generally, § 3:13

CONDUCT OF TRIAL

Generally, § 3:1 et seq.
Attorneys (this index)
 Bench conferences, § 3:15
 Errors in conduct of trial
 harmless error, § 3:18
 plain or palpable error, § 3:19
Exclusion From Courtroom (this index)
 In camera proceedings, § 3:11
Judges (this index)
Libel and Slander (this index)
 Minor, exclusion of, § 3:8
 Number of witnesses, limiting, § 3:14
Parties (this index)
 Persons near courtroom, controlling conduct of, § 3:13
Presence or Absence (this index)
Presentation of Evidence (this index)
 Press, exclusion of, § 3:10
 Pretrial orders, § 3:16
 Seating of counsel, parties, and witnesses, § 3:3
Separation (this index)
Spectators (this index)
Trial Record (this index)

CONFERENCES

Bench conferences, § 3:15

CONFESSIONS

Generally, § 37:1 et seq.
 Codefendants, confessions of, § 37:6
 Corroboration, § 37:2
 Custodial, § 37:4
 Procedure for admission of confessions, § 37:5
 Voluntariness, § 37:3

INDEX

CONFIDENTIAL

COMMUNICATIONS

Privileged Communications (this index)

CONFIDENTIAL INFORMANT

Generally, § 28:10

Privilege, § 26:3

CONFLICT OF INTEREST

Prosecutor, § 9:6

CONFLICTS OF INTEREST

Right to counsel, criminal trials, § 7:9

CONSECUTIVE SENTENCES

Generally, § 44:10

CONSENT

Defense of crime, § 8:12

Search and seizure, § 15:21

CONSTITUTIONAL CHALLENGE TO JURY

Generally, §§ 16:9, 16:10

CONTAINERS

Search and seizure, § 15:19

CONTEMPT OF COURT

Generally, § 12:1 et seq.

Acts constituting contempt, § 12:5

Attorneys, §§ 1:8, 12:5

Authority to punish for contempt, § 12:1

Checklist, § 12:5

Civil and criminal contempt distinguished, § 12:2

Criminal, § 12:2

Direct contempt

indirect contempt distinguished, § 12:3

proceedings, § 12:4

Indirect contempt, § 12:3

Punishment, § 12:9

Record, § 12:8

Witnesses, § 12:7

CONTINGENT FEES

Settlements, § 14:12

CONTINUANCES

Generally, § 11:1 et seq.

Absence

counsel, absence of, § 11:3

documentary evidence, absence of, § 11:6

parties, absence of, § 11:4

witnesses, absence of, § 11:5

Civil cases, § 11:1

Counsel, absence of, § 11:3

CONTINUANCES—Cont'd

Criminal cases, § 11:1

Documentary evidence, absence of, § 11:6

Excitement, § 11:7

Hearing and order for continuance, § 11:9

Hearings, § 11:9

Orders for continuances, § 11:9

Parties

absence of party, § 11:4

unpreparedness of party, § 11:2

Pending litigation, § 11:8

Prejudice, § 11:7

Presence or absence

counsel, absence of, § 11:3

documentary evidence, absence of, § 11:6

parties, absence of, § 11:4

witnesses, absence of, § 11:5

Related pending litigation, § 11:8

Surprise, § 11:7

Unpreparedness of party, § 11:2

Waivers, § 11:10

Witnesses, absence of, § 11:5

CONTINUING OBJECTION

Generally, § 38:11

CONTRACTS

Parol evidence, § 30:6

CONVICTION

Impeachment limitations, § 27:4

COPIES

Best evidence rule, § 30:5

CORPORATIONS

Attorneys fees, shareholder document inspection, § 44:4

CORPUS DELICTI

Failure of proof, § 8:25

CORROBORATIVE EVIDENCE

Confessions, § 37:2

COSTS AND FEES

Attorneys' fees, contingent, § 14:12

Expert witnesses appointed by court, § 32:25

Final judgments, award of costs, § 44:4

Judgment, § 44:4

Jury trials

cost of jury, generally, § 13:9

juror compensation, § 16:8

Witness fees

generally, § 23:11

COSTS AND FEES—Cont'd

Witness fees—Cont'd
expert witnesses appointed by court,
§ 32:25

COUNSEL

Attorneys (this index)

COUNTERSUITS

Attorney liability for countersuits,
§ 1:14

COUNTY ATTORNEYS

Generally, § 9:3
Special ethical responsibilities, § 9:4

COURT APPOINTED EXPERTS

Generally, §§ 26:3, 32:25

COURT OFFICIALS

Attorney communications with court
officials, § 1:7

COURTESY CODE

Generally, § 1:16

CR 11

Attorney liability for CR 11, § 1:15

CREDIBILITY OF WITNESSES

Character evidence, §§ 26:3, 27:1
Hearsay, § 26:3
Impeachment of Witnesses (this index)
Inconsistent statements, § 27:3
Religious beliefs, § 26:3

CRIME SCENE

Jury view, § 31:12

CRIME VICTIMS' RIGHTS

Criminal trials, § 7:30

CRIMINAL TRIALS

See also Prosecution
Generally, § 7:1 *et seq.*
Absence
counsel, § 7:13
defendant
generally, § 7:14
control of defendant, § 7:18
right of defendant to witness state-
ments, § 25:3
waiver of presence, § 7:15
Accused
absence
generally, § 7:14
control of defendant, § 7:18
right of defendant to witness state-
ments, § 25:3
waiver of presence, § 7:15
burden of going forward, § 20:12

CRIMINAL TRIALS—Cont'd

Accused—Cont'd
character evidence, § 33:1
clothing of defendant, § 7:19
codefendants, confessions of, § 37:6
evidence favorable to defendant,
disclosure by prosecution, § 9:9
failure to testify, § 41:14
identification of defendant, below
joinder of defendants, § 7:21
Advice of counsel as defense, § 8:14
Age, defense of, § 8:19
Alibis, § 8:18
Allen charge, § 40:17
Alternative theories of offense, § 40:13
Appeals, double jeopardy, § 10:6
Attorneys
advice of counsel as defense, § 8:14
presence of counsel, § 7:13
right of counsel, below
Bill of particulars, §§ 7:23, 9:12
Burden of going forward
generally, § 20:8
defendant, burden of, § 20:12
shifting burden, § 20:10
Burden of proof
generally, § 20:7 *et seq.*
defendant's burden of going forward,
§ 20:12
equal probability rule, § 20:9
going forward, burden of, below
identity of defendant, § 35:2
Innocence Presumption (this index)
instructions to jury, § 40:11
intent or knowledge, proof of, § 20:11
reasonable doubt, § 7:4
risk of nonpersuasion, § 20:13
shifting burden of going forward,
§ 20:10
Choice of evils, § 8:16
Closed circuit television, child's
testimony, § 7:18
Clothing of defendant, § 7:19
Codefendants, confessions of, § 37:6
Competency
counsel, right of defendant to
competent, § 7:11
defendant, competency of
generally, § 7:5
defense of incompetency, § 8:2
Conduct of defendant
absence of defendant, § 7:18
disruptive conduct, § 7:16
physical control of defendant, gener-
ally, § 7:17

INDEX

CRIMINAL TRIALS—Cont'd

Conduct of defendant—Cont'd
shackles, defendant in, § 7:19
Confessions (this index)
Contempt of Court (this index)
Continuances, § 11:1
Cost of jury, § 13:9
Crime victims' rights, § 7:30
Cross-examination
defendant, cross-examination of,
§ 25:12
prior wrongs of defendant, cross-ex-
amination on, § 25:13
right of defendant to witness state-
ments, § 25:3
Custodial confessions, § 37:4
Deadlocked jury, § 40:17
Death penalty, voir dire, § 17:28
Defendants
absence
generally, § 7:14
control of defendant, § 7:18
right of defendant to witness state-
ments, § 25:3
waiver of presence, § 7:15
burden of going forward, § 20:12
character evidence, § 33:1
clothing of defendant, § 7:19
codefendants, confessions of, § 37:6
competency, above
conduct of defendant, above
evidence favorable to defendant,
disclosure by prosecution, § 9:9
failure to testify, § 41:14
joinder of defendants, § 7:21
presence or absence, above
Defendant's right to testify, § 24:23
Defenses (this index)
Delay, § 7:1
Demand for jury trial, § 13:8
Directed verdicts, § 39:7
Disclosure
evidence favorable to defendant,
disclosure of, § 9:9
informant, disclosure of, § 9:10
Discovery
generally, § 9:14
open-file discovery, § 9:16
Disqualification of prosecutor, § 9:6
DNA evidence, § 35:13
Dogs, use for identification of
defendant, § 35:12
Double Jeopardy (this index)
Entrapment, § 8:6
Equal probability rule, § 20:9

CRIMINAL TRIALS—Cont'd

Evidence of crimes other than charge on
trial, § 26:3
Extreme emotional disturbance or
distress, defense, § 8:5
Failure of defendant to testify, § 41:14
Failure of proof, § 8:25
Favorable evidence, disclosure by prose-
cution, § 9:9
Fingerprints, § 35:10
Footprints, § 35:11
Going forward, burden of
generally, § 20:8
defendant, burden of, § 20:12
shifting burden, § 20:10
Grand jury, § 9:11
Identification of defendant
generally, § 35:1 et seq.
burden of proof, § 35:2
DNA evidence, § 35:13
dogs, § 35:12
fingerprints, § 35:10
footprints, § 35:11
lineups, § 35:7
mug shots, § 35:6
photograph as confirmation of prior
identification, § 35:5
prior crimes and convictions, § 36:2
show-up, § 35:8
suggestiveness of procedure, § 35:3
tracks, § 35:11
voice identification, § 35:9
Identification of informant, § 28:10
Ignorance of law, defense of, § 8:13
Ignorance or mistake of law as defense,
§ 8:13
Impossibility, defense of, § 8:20
Imprisonment (this index)
Informant, § 9:10
Innocence presumption
generally, §§ 7:2, 22:11
jury instructions, § 7:3
Insanity, intellectual disability, and
mental illness, § 8:4
Instructions to jury
generally, § 40:10 et seq.
Allen charge, § 40:17
burden of proof, § 40:11
deadlocked jury, § 40:17
defenses, § 40:15
innocence presumption, § 7:3
lesser included offenses, § 40:14
objections to instructions, § 40:16
presumptions, § 40:12
silence, right of, § 7:7

CRIMINAL TRIALS—Cont'd

Intent (this index)
 Intoxication as defense, § 8:3
Intoxication (this index)
 Joinder
 defendants, joinder of, § 7:21
 offenses, joinder of, § 7:20
 Judgment, § 44:6
 Jurisdiction, double jeopardy, § 10:4
 Jury trials
 generally, § 13:6 et seq.
 checklist, § 17:30
 considerations, § 13:10
 cost of jury, § 13:9
 death penalty, § 17:28
 demand for jury trial, § 13:8
 nullification of jury, defense of,
 § 8:23
 waiver of jury trial, § 13:8
 Knowledge
 defense of ignorance of law, § 8:13
 proof of intent or knowledge, § 20:11
 Law enforcement, physical force in,
 § 8:11
 Lesser included offenses, § 40:14
 Lineups, § 35:7
 Mental condition
 Defenses (this index)
 Intoxication (this index)
 Mistake of law, defense of, § 8:13
 Mug shots, § 35:6
 Multiple defendants, confessions of
 codefendants, § 37:6
 Negotiations, admissibility, § 34:7
 Objections to jury instructions, § 40:16
 Offenses
 Double Jeopardy (this index)
 joinder of offenses, § 7:20
 lesser included offenses, § 40:14
 Sexual Offenses (this index)
 Opening statements, § 18:3
 Parole, § 41:15
 Photographs, § 35:6
 Physical force in law enforcement
 defense, § 8:11
 Pleadings, § 7:1
 Pleas and plea negotiations, evidence of
 negligence, § 34:7
 Police officers, physical force in law
 enforcement, § 8:11
 Presence or absence
 accused, § 7:14
 counsel, § 7:13
 defendant
 generally, § 7:14

CRIMINAL TRIALS—Cont'd

Presence or absence—Cont'd
 defendant—Cont'd
 control of defendant, § 7:18
 right of defendant to witness state-
 ments, § 25:3
 waiver of presence, § 7:15
 family of accused, § 7:25
 minor, § 7:26
 Presumptions and inferences
 generally, § 22:10 et seq.
 innocence presumption
 generally, §§ 7:2, 22:11
 jury instructions, § 7:3
 instructions to jury, § 40:12
 intoxication while operating vehicle,
 § 22:12
 Pretrial motions, § 7:1
 Prevention of suicide or crime, § 8:17
 Prisoners
 generally. **Imprisonment** (this index)
 prison clothes, appearance in, § 7:19
Probation (this index)
 Procedures, generally, § 7:1
 Proof of an inner knowledge, § 20:11
 Property, protection of, § 8:10
Prosecution (this index)
 Prosecutorial misconduct, defense of,
 § 8:22
 Protection
 another person, protection of, § 8:10
 crime prevention, § 8:17
 law enforcement, physical force in,
 § 8:11
 property, protection of, § 8:10
 self-defense, § 8:8
 suicide prevention, § 8:17
 Public duty, execution of, § 8:15
 Publicity, § 9:7
 Re-enactment photographs, § 31:2
 Reasonable doubt, § 7:4
 Reliance on, advice of counsel, defense
 of, § 8:14
 Right of defendant to testify, § 24:23
 Right to confront witnesses, § 7:31
 Right to counsel
 generally, § 7:8 et seq.
 applicability, § 7:10
 competency of counsel, § 7:11
 conflicts of interest, § 7:9
 pro se or hybrid representation, § 7:8
 waiver of right to counsel, § 7:12
 when defendant is entitled, § 7:10
 Right to remain silent, § 7:6
 Right to trial by jury, § 13:6

INDEX

CRIMINAL TRIALS—Cont'd

- Risk of nonpersuasion, § 20:13
- Scientific tests, § 9:14
- Search and Seizure** (this index)
- Selective prosecution, § 8:24
- Self-defense, § 8:8
- Self-incrimination privilege, § 28:11
- Sentence** (this index)
- Sentencing questions, § 17:27
- Separate trials, § 7:22
- Separation of jurors during deliberation, § 42:5
- Settlements
 - generally, § 14:14
 - negotiations, admissibility, § 26:3
- Sexual Offenses** (this index)
- Shackles, defendant in, § 7:19
- Shifting the burden of going forward, § 20:10
- Show-up, § 35:8
- Silence, Right of** (this index)
- Speedy trial
 - child victims, § 7:29
 - particular delays, effect of, § 7:28
 - right to, generally, § 7:27
- Subpoenas** (this index)
- Suicide** (this index)
- Tracks, identification of defendant, § 35:11
- Truth-in-sentencing, § 44:7
- Unified Prosecutorial System, § 9:1
- Victim's character
 - generally, § 33:1
 - sex offenses, §§ 26:3, 33:1, 33:3
- Vindictiveness, defense of, § 8:21
- Voice identification, § 35:9
- Voir dire
 - generally, §§ 17:1 et seq., 17:5
 - checklist, § 17:30
 - death penalty, § 17:28
- Waivers
 - counsel, § 7:12
 - defendant's right to testify, § 24:23
 - jury trial, waiver of, § 13:8
 - presence of defendant, waiver of, § 7:15
 - right to counsel, waiver of, § 7:12
- Witnesses
 - defendant, failure to testify, § 41:14
 - lists, §§ 7:24, 9:13
 - statements of witnesses, § 9:15
- Wrongs or acts other than one on trial, § 36:2

CROSS-EXAMINATION

- Generally, § 25:1 et seq.

CROSS-EXAMINATION—Cont'd

- Accuracy of witness, § 25:7
- Admissions, § 26:3
- Adverse party as witness, § 25:11
- Assuming a fact, § 25:8
- Character evidence, § 33:2
- Credibility, § 25:1
- Criminal trials
 - criminal record, § 26:3
 - defendant, cross-examination of, § 25:12
 - prior wrongs of defendant, cross-examination on, § 25:13
 - right of defendant to witness statements, § 25:3
- Defendant, cross-examination of, § 25:12
- Defensive, § 25:1
- Demeanor, § 25:1
- Facts not in evidence, assumption of, § 25:8
- Focus, § 25:1
- Friendly witnesses, § 25:10
- Impeachment of witnesses, § 6:9
- Knowledge of witness, § 25:7
- Leading questions, § 26:3
- Learned treatises, § 25:16
- Memory of witness, § 25:7
- Objectives, § 25:1
- Offensive, § 25:1
- Open door rule, § 25:6
- Preparation
 - generally, § 25:1
 - checklist, § 25:2
 - witness, preparation of, § 25:2
- Principles, § 25:1
- Prior false accusations of witness, § 25:15
- Prior wrongs of defendant, cross-examination on, § 25:13
- Prior wrongs of witness, § 25:14
- Purpose, § 25:4
- Recross-examination, § 25:17
- Repetition, § 4:8
- Reputation evidence, § 33:2
- Requirement that answer be responsive, § 25:9
- Responsive answer, § 25:9
- Right of cross-examination, § 25:4
- Scope, §§ 25:5, 26:3
- Source of information, § 25:7
- Sweetheart cross-examination, § 25:10
- Technic, § 25:1

CURATIVE EVIDENCE

- Character evidence, § 33:4

CURRENT EVENTS

Argument, § 41:20

CURTILAGE

Search, § 15:5

CUSTODIAL CONFESSIONS

Generally, § 37:4

CUSTODY OF EVIDENCE

Generally, § 30:1

CUSTOM

Generally, § 34:2

Business, § 34:3

Records of regularly conducted activities, hearsay exception, § 29:11

DAMAGES

Costs, award of, § 44:4

Pain and suffering, § 32:3

Per diem arguments

generally, § 41:24

automobile accidents, § 6:9

Voir dire, § 17:15

DATA UNDERLYING EXPERT OPINION

Disclosure, § 32:14

DAY IN THE LIFE FILM

Generally, § 31:4

DEADLOCKED JURY

Allen charge, § 40:17

DEATH

Hearsay exception, belief of impending death, § 29:12

Judge, death during trial, § 3:21

Presumption of death after 7 years' absence, § 22:3

Sentence, death penalty, § 44:11

Suicide (this index)

Testamentary capacity, § 32:5

Voir dire, death penalty, § 17:28

DECEIT

Direct examination, duplicitous questions, § 24:11

DECLARANT

Attacking credibility, § 29:10

Hearsay exception

child victim, testimony not readily available, § 29:13

declarant unavailable, § 26:3

DECREES

Judgments, Orders, and Decrees (this index)

DEFAMATION

Attorneys, liability of, § 1:12

Trial participants, liability of, § 3:20

DEFECTIVE VERDICTS

Generally, § 43:2

DEFENDANT

Burden of proof

civil proceedings, § 20:6

criminal trials, § 20:12

Civil cases burden of proof, § 20:6

Competency, § 8:2

Cross-examination, criminal case, § 25:12

Disruptive, § 7:16

Double jeopardy, § 10:1 et seq.

Joinder of, § 7:21

Prior wrongs, cross-examination on, § 25:13

Prison clothes, § 7:19

Right to remain silent, § 7:6

DEFENSES

Generally, § 8:1 et seq.

Advice of counsel, § 8:14

Age, criminal cases, § 8:19

Alibi, § 8:18

Another, defense of, § 8:9

Burden of proof, § 20:12

Choice of evils, § 8:16

Competency of defendant, § 8:2

Consent, § 8:12

Crime prevention, § 8:17

Defense of another, § 8:9

Directed verdicts, effect of presenting defense, § 39:5

Drug overdose, immunity, § 8:27

Entrapment, § 8:6

Execution of public duty, § 8:15

Extreme emotional disturbance or distress, § 8:5

Failure of proof, § 8:25

Force, law enforcement, § 8:11

Ignorance or mistake of law, § 8:13

Immunity and protection of self, others, and property, generally, § 8:6

Impossibility, § 8:20

Indictment insufficient, § 8:26

Insanity, intellectual disability, and mental illness, § 8:4

Instructions to jury, § 40:15

Intoxication, § 8:3

Jury instructions, § 40:15

Jury nullification, § 8:23

Law, ignorance or mistake of, § 8:13

INDEX

DEFENSES—Cont'd

- Law enforcement, physical force in, § 8:11
- Mental condition
 - competency to stand trial, § 8:2
 - insanity, § 8:4
 - insanity, intellectual disability, and mental illness, § 8:4
 - intoxication, § 8:3
- Mistake
 - law, § 8:13
- Police officers, physical force in law enforcement, § 8:11
- Prevention of suicide or crime, § 8:17
- Property, protection of, § 8:10
- Prosecutorial misconduct conduct, § 8:22
- Protection
 - another person, protection of, § 8:10
 - crime prevention, § 8:17
 - law enforcement, physical force in, § 8:11
 - property, protection of, § 8:10
 - self, others, and property, immunity, § 8:7
 - self-defense, § 8:8
 - suicide prevention, § 8:17
- Public duty, execution of, § 8:15
- Reliance on advice of counsel, § 8:14
- Selective prosecution, § 8:24
- Self-defense, § 8:8
- Suicide prevention, § 8:17
- Vindictiveness, § 8:21

DEFINITION

- Reasonable doubt, § 7:4

DELIBERATIONS OF JURY

- Generally, § 42:7

DELIVERY OF FINAL ARGUMENT

- Generally, § 41:1

DEMAND FOR JURY TRIAL

- Generally, §§ 13:7, 13:8

DEMONSTRATIONS

- Demonstrative and real evidence, § 31:18

DEMONSTRATIVE AND REAL EVIDENCE

- Generally, §§ 4:6, 31:1 et seq.
- Audio recordings, § 31:5
- Authentication, § 30:1
- Bad faith, § 31:4
- Blackboards, § 31:11
- Charts (this index)

DEMONSTRATIVE AND REAL EVIDENCE—Cont'd

- Computer generated visual evidence, § 31:16
- Demonstrations, § 31:18
- Diagrams, § 31:7
- Diary, § 31:15
- Electronic evidence, § 31:17
- Experiments, § 31:9
- Final argument, § 41:1
- Importance of, § 4:6
- Maps, § 31:7
- Models, § 31:8
- Opening statements, §§ 18:1, 18:8
- Person, view of, § 31:13
- Photographs (this index)
- Preparation for trial, § 4:6
- Research experiments, § 31:9
- Scene, view of, § 31:12
- Social media, § 31:17
- Summary of voluminous records, § 31:14
- Tests and experiments, § 31:9
- Ultrasound recordings, § 31:6
- Video recordings, § 31:4
- View (this index)
- Voluminous records, summary of, § 31:14
- X-rays, § 31:3

DEPOSITIONS

- Libel and slander, § 1:12
- Recess for depositions, § 6:9

DESCRIPTION OF PROPERTY

- Search and seizure, § 15:11

DIAGRAMS

- Evidence, § 31:7

DIARY

- Real and demonstrative evidence, § 31:15

DIRECT CONTEMPT

- Indirect contempt distinguished, § 12:3
- Proceedings, § 12:4

DIRECT EXAMINATION

- Generally, § 24:1 et seq.
- Admissibility of complete written statement, § 26:3
- Adverse party as witness, § 24:15
- Asserting Fifth Amendment privileges, § 24:17
- Assuming a fact not in evidence, § 24:10
- Attention getters, § 24:1

DIRECT EXAMINATION—Cont'd

- Attorney, conduct of, § 24:6
- Clarity, § 4:6
- Competency
 - generally, § 24:3
 - continuances, absence of witnesses, § 11:5
- Compound questions, § 24:11
- Conduct of counsel, § 24:6
- Criminal defendant's right to testify, § 24:23
- Duplicious questions, § 24:11
- Exhibits, introduction of, § 24:7
- Facts not in evidence, assumption of, § 24:10
- Framing questions, § 24:8
- Introducing exhibits, § 24:7
- Judge, examination of witnesses, § 24:19
- Jurors, examination of witnesses, § 24:20
- Knowledge of witness, § 24:4
- Leading questions, §§ 24:9, 26:3
- Learned treatises, § 24:18
- Opening statements, § 24:13
- Personal knowledge of witness, § 24:4
- Preparation
 - direct examination, preparation of, § 24:1
 - witness, preparation of, § 24:2
- Privileges, § 24:17
- Questions by juror, § 24:20
- Questions by trial judge, § 24:19
- Recalling a witness, § 24:22
- Redirect examination, § 24:21
- Refreshing recollection, § 24:12
- Relevancy of evidence, § 24:5
- Repetition, §§ 4:8, 24:1, 24:14
- Requirement of witness to answer, § 24:16
- Scope, § 24:13
- Taking stand, requirement of, § 24:17
- Technique, § 24:1
- Witness, preparation of, § 24:2

DIRECTED VERDICTS

- Generally, §§ 20:2, 39:1 et seq.
- Automobile accidents, § 6:9
- Civil cases, § 39:2
- Criminal cases generally, § 39:7
- Defense, effect of presenting, § 39:5
- Disposition of motion, § 39:4
- Nonjury trials, § 39:6
- Opening statement, § 18:9
- Sufficiency of motion, § 39:3
- The standard, § 20:2

DISABILITY

- Judge, disability during trial, § 3:21
- Lay witness opinion, physical condition, § 32:2
- Opinion of lay witness, § 32:2

DISCIPLINE

- See also Contempt of Court Attorneys
 - generally, § 1:9
 - contempt of court, § 1:8

DISCLOSURE

- Bases underlying expert opinion, § 32:14
- Evidence favorable or unfavorable to defendant, § 9:9
- Expert opinion, disclosure of basis of, § 32:14
- Prosecution, disclosure of evidence favorable to defendant, § 9:9
- Witness statements in criminal cases, § 25:3

DISCOVERY

- Generally, § 9:14
- Bill of Particulars, §§ 7:23, 9:12
- Depositions, recess for, § 6:9
- Exhibits, § 9:14
- Open file, § 9:16
- RCR 7.24, § 9:14
- Witness list, § 7:24
- Witness statements, §§ 9:15, 25:3

DISPOSITION OF MOTION

- Directed verdict motion, civil cases, § 39:4

DISQUALIFICATION

- Judges, § 2:8
- Prosecutors, § 9:6

DISRUPTION

- Defendant, § 7:16

DNA EVIDENCE

- Identification of defendant, § 35:13

DOCTOR-PATIENT PRIVILEGE

- Generally, § 28:4

DOCUMENTARY EVIDENCE

- Generally, § 30:1 et seq.
- Absence. Presence or absence, below
- Ancient Documents** (this index)
- Authentication** (this index)
- Best Evidence Rule** (this index)
- Completeness rule, § 30:7
- Computers or internet, authentication, § 30:3

INDEX

DOCUMENTARY EVIDENCE

—Cont'd

- Continuance, § 11:6
- Continuances due to absence of documentary evidence, § 11:6
- Duces Tecum Subpoenas** (this index)
- Family records, § 29:11
- Files, Organization** (this index)
- Hospital records, § 23:6
- Internet, authentication, § 30:3
- Lost or destroyed, admissibility of contents, § 26:3
- Organization for trial, § 6:7
- Parol evidence rule, § 30:6
- Presence or absence
 - continuances due to absence of document, § 11:6
 - hearsay exception, absence of entry or record, § 29:11
- Production of Witnesses and Documents** (this index)
- Property interests, documents affecting, § 29:11
- Public Records and Reports** (this index)
- Religious organization records and certificates, § 29:11
- Self-authentication, § 30:4
- Subpoenas. **Duces Tecum Subpoenas** (this index)
- Summary, §§ 26:3, 31:14
- Vital statistics records, § 29:11

DOGS

- Drug identification, § 35:12
- Identification of defendant, § 35:12

DOUBLE HEARSAY

- Generally, §§ 26:3, 29:9

DOUBLE JEOPARDY

- Generally, § 10:1 et seq.
- Appeals, § 10:6
- Different offense, § 10:3
- Jurisdiction, § 10:4
- Multiple offenses, § 10:5
- Prosecution for multiple offenses, § 10:5
- Same offense, § 10:2
- Second prosecution for different offense, § 10:3
- Second prosecution for same offense, § 10:2
- Second prosecution in different jurisdiction, § 10:4

DRAWINGS

- Jury selection, drawing names from jury wheel, § 16:4

DRIVER'S LICENSES

- Jury panel, § 16:2

DRUG ABUSE COUNSELOR

- Privilege, §§ 26:3, 28:5

DRUG IDENTIFICATION

- Dogs, § 35:12

DRUG OVERDOSE

- Immunity, § 8:27

DUCES TECUM SUBPOENAS

- Generally, § 23:5
- Hospital records, § 23:6

DUI

- Disclosure, conduct of prosecution, § 9:18

DUPLICATES

- Admissibility, § 26:3
- Best evidence, § 30:5
- Definition under KRE, § 26:3

DUPLICITOUS QUESTIONS

- Direct examination, § 24:11

DYING DECLARATION

- Hearsay exception, § 26:3

DYNAMITE CHARGE

- Generally, § 40:17

EAVESDROPPER RULE

- Generally, § 28:12

ECONOMIC EVIDENCE

- Expert opinion, reduced or destroyed earning capacity, § 32:22

ELECTRONIC COMPUTER SYSTEMS

- Jury selection, §§ 16:1, 16:3

ELECTRONIC DATE

- Best evidence, § 30:5

ELECTRONIC EVIDENCE

- Generally, § 26:3
- Authentication, § 30:2
- Demonstrative and real evidence, § 31:17

EMOTIONAL CONDITION

- Extreme emotional disturbance or distress, defense, § 8:5

EMPLOYMENT

- Admissions by agents and employees, § 29:6
- Hostile work environment, § 40:1

EMPLOYMENT—Cont'd

- Opinion evidence, ability to perform duties, §§ 32:2, 32:22, 32:23
- Presumption of master-servant relationship, § 22:6
- Safety duty, § 34:4

ENTRAPMENT

- Defense of entrapment, § 8:6

EQUAL PROBABILITY RULE

- Civil cases, § 20:2
- Criminal cases, § 20:9

EQUITABLE ACTIONS

- Jury trial, § 13:4

ERROR

- Avowal, § 38:9
- Conduct of trial
 - harmless error, § 3:18
 - plain or palpable error, § 3:19
- Defective verdicts
 - generally, § 43:2
 - impeachment of verdict, § 43:8
- Defense of ignorance or mistake of law, § 8:13
- Preserving for review, § 38:1

ETHICAL CONSIDERATIONS

- Generally, § 1:1 et seq.
- Attorneys
 - AI, § 1:17
 - Attorney Code of Professional Courtesy, § 1:16
 - attorney's personal opinion, ethical standard, § 1:4
 - false evidence, § 1:4
 - prosecutor's duty and conduct, § 1:3
 - trial, § 1:2
- Prosecution
 - evidence favorable to defendant, disclosure of, § 9:9
 - special ethical responsibilities, § 9:4
 - trial ethics, generally, § 9:5

EVALUATION OF CASE FOR SETTLEMENT

- Generally, § 14:2

EVENTS CURRENT

- Closing arguments, § 41:20

EVIDENCE

- See also Kentucky Rules of Evidence
- Admissions** (this index)
- Alcohol breath test, § 31:10
- Assumption of Facts Not in Evidence** (this index)

EVIDENCE—Cont'd

- Audio recordings, § 31:5
- Authentication** (this index)
- Best Evidence Rule** (this index)
- Blackboards, § 31:11
- Burden of Proof** (this index)
- Business** (this index)
- Character Evidence** (this index)
- Charts** (this index)
- Checklists
 - exhibits, § 5:10
 - law of evidence, research checklist, § 5:4
- Confusion or waste of time, § 26:3
- Copies, § 30:5
- Corroborative evidence, confessions, § 37:2
- Custom. Habit, Custom, or Routine Practice** (this index)
- Demonstrative and Real Evidence** (this index)
- Diagrams, § 31:7
- Disability, § 32:2
- Disclosure** (this index)
- DNA evidence, § 35:13
- Dogs, use for identification of defendant, § 35:12
- Duplicates, § 30:5
- Economic evidence, § 32:22
- Exclusion of evidence. **Search and Seizure** (this index)
- Exhibits** (this index)
- Experiments, § 31:9
- Expert Witnesses** (this index)
- Failure of proof, § 8:25
- Failure of prosecution to preserve, § 9:8
- Favorable to defendant, § 9:9
- Fingerprints, § 35:10
- Footprints, identification of defendant, § 35:11
- Fruit of poisonous tree, § 15:4
- Going forward, burden of. **Burden of Proof** (this index)
- Habit, Custom, or Routine Practice** (this index)
- Hearsay** (this index)
- Identification** (this index)
- Insanity, § 32:4
- Intent** (this index)
- Interrogation of Witnesses** (this index)
- Intoxication** (this index)
- Judicial notice, § 21:5
- Jury room, § 42:10
- Kentucky Rules of Evidence** (this index)

INDEX

EVIDENCE—Cont'd

Labor market, opinion evidence, § 32:23
Law of evidence, research checklist, § 5:4
Life expectancy tables, § 21:6
Lineups, § 35:7
Maps, § 31:7
Medical Evidence (this index)
Medical expenses, payment, § 26:3
Mental condition
 hearsay exception, § 29:11
 insanity, § 32:4
 Intent (this index)
 Intoxication (this index)
 Lay Opinion Evidence (this index)
 motive, § 36:2
 psychotherapist-patient privilege, § 28:6
Models, § 31:8
Mortality tables, § 21:6
Motions to suppress evidence, § 15:7
Motive, § 36:2
Motor Vehicles (this index)
Mug shots, § 35:6
Negligence, § 34:1
Negligence (this index)
Objections (this index)
Open fields doctrine, § 15:6
Opinion (this index)
Order of Proof (this index)
Other accidents, § 34:1
Other crimes, §§ 26:3, 36:1
Out-of-state witnesses, § 23:7
Pain and suffering, § 32:3
Parol evidence rule, § 30:6
Payment of medical and similar expenses, § 34:9
Photographs (this index)
Physical condition, § 32:2
Pleas and plea negotiations, § 34:7
Polygraph evidence, § 32:24
Prejudicial impact out weighing probative value, § 26:3
Presentation of Evidence (this index)
Presumptions (this index)
Prior Crimes and Convictions (this index)
Prior Events and Conditions (this index)
Prior Inconsistent Statements (this index)
Prior Litigation (this index)
Prosecution disclosure of evidence
 favorable to defendant, § 9:9
Rebuttal evidence, § 19:4

EVIDENCE—Cont'd

Relevancy of Evidence (this index)
Repetition (this index)
Res ipsa loquitur, § 22:7
Research experiments, § 31:9
Routine practice. **Habit, Custom, or Routine Practice** (this index)
Rules of evidence. **Kentucky Rules of Evidence** (this index)
Safety (this index)
Search and Seizure (this index)
Self-authentication, § 30:4
Sentencing, § 44:12
Settlement and compromise, § 34:6
Show-up, § 35:8
Speed of vehicle, lay opinion, § 32:8
Stipulations, § 21:4
Subsequent remedial measures, § 34:5
Substitutes for Proof (this index)
Summary of voluminous records, § 31:14
Suppression of evidence, motions for, § 15:7
Surrebuttal evidence, § 19:5
Tests and experiments, § 31:9
Ultrasound recordings, § 31:6
Valuation (this index)
Victim's Character (this index)
View (this index)
Vocational evidence, § 32:23
Voice (this index)
Voluminous records, summary of, § 31:14
X-rays, § 31:3

EVIDENCE RULES

Kentucky Rules of Evidence (this index)

EXCITED UTTERANCES

Generally, §§ 26:3, 29:11

EXCITEMENT

Continuances, § 11:7

EXCLUSION FROM COURTROOM

Family of party, exclusion of, § 3:12
In camera proceedings, § 3:11
Persons near courtroom, controlling conduct of, § 3:13
Press, exclusion of, § 3:10
Public, exclusion of, § 3:9
Voir dire, exclusion from, § 17:12

EXCLUSION OF WITNESSES

Generally, § 26:3

EXCLUSIONARY RULE

- Generally, § 15:1
- Exceptions, § 15:2
- Extent of protection, § 15:3
- Fruit of the Poisonous Tree, § 15:4
- Motion to suppress, § 15:7

EXCULPATORY EVIDENCE

- Generally, § 9:9

EXECUTION

- Public duty, criminal defense, § 8:15
- Search warrants, § 15:12

EXHIBIT LIST

- Trial notebook, § 6:5

EXHIBITS

- Authentication, § 30:1
- Checklist, § 5:10
- Closing argument, § 41:7
- Direct examination, introduction of exhibits, § 24:7
- Final arguments, reference to exhibits, § 41:7
- Introducing, § 24:7
- Introduction of exhibits, § 24:7
- Jury room, taking evidence into, § 42:10
- Lists of exhibits, § 6:5
- Opening statements, § 18:8
- Organization of for trial, § 6:7
- Retrial checklist, § 5:10
- Slip, exhibit, § 6:6

EXPERIMENTS

- Evidence, § 31:9

EXPERT WITNESSES

- Generally, §§ 26:3, 32:12 et seq.
- Ability to work impaired, § 32:23
- Appointed by a court, § 26:3
- Automobile accident, § 32:16
- Basis of opinion
 - generally, §§ 26:3, 32:13, 32:14
 - disclosure, § 32:14
 - medical expert witnesses, § 32:18
 - scientific evidence, § 32:17
- Building requirements and codes, § 32:21
- Bullet lead analysis, § 32:12
- Child Sexual Abuse Accommodation Syndrome, § 32:19
- Court appointed, §§ 26:3, 32:25
- Data relied upon to form opinion, § 32:13
- Disclosure of basis of expert opinion, § 32:14
- Economic evidence, § 32:22

EXPERT WITNESSES—Cont'd

- Factual basis. Basis of expert opinion, above
- Hypothetical questions, § 32:15
- Impairment of power to earn money, § 32:22
- Inflation, § 32:22
- Lay witness, § 32:1
- Life expectancy tables, § 32:22
- Medical testimony, § 32:18
- Point of impact in auto case, § 32:16
- Polygraph examination, § 32:24
- Power to earn money, § 32:22
- Property value, § 32:20
- Scientific evidence, § 32:17
- Underlining data, § 26:3
- Valuation of property, § 32:20
- Vocational evidence, § 32:23
- Weapons, bullet lead analysis, § 32:12

EYEWITNESSES

- Accused, identification, § 35:1
- Lineup, § 35:7
- Mug shots, § 35:6
- Suggestive identification, § 35:3

FAILURE TO CALL WITNESS IN CIVIL CASE

- Closing argument comment, § 41:13

FAILURE TO COMPLY WITH COURT ORDER

- Contempt, § 12:1

FAIR AND IMPARTIAL LINEUP

- Generally, § 35:7

FAMILY

- Criminal trial, presence of accused's family during trial, § 7:25
- Curative evidence, incest, § 33:4
- Exclusion from courtroom, § 3:12
- Hearsay
 - history, § 29:11
 - records, §§ 26:3, 29:11
 - religious organization records and certificates, § 29:11
 - statements, § 29:12
 - vital statistics records, § 29:11
- Judgment as to personal, family, or general history, § 29:11
- Privilege, marital, § 28:3
- Records, family, § 29:11
- Religious organization records and certificates, § 29:11
- Vital statistics records, § 29:11
- Voir dire, § 17:22

INDEX

FEAR

- Appeal in an argument, § 41:23
- Final arguments, § 41:23

FEES

- Attorneys' fees, contingent, § 14:12
- Expert witnesses appointed by court, § 32:25
- Final judgments, award of costs, § 44:4
- Judgment, § 44:4
- Jury trials
 - cost of jury, generally, § 13:9
 - juror compensation, § 16:8
- Witness fees
 - generally, § 23:11
 - expert witnesses appointed by court, § 32:25

FELONY CONVICTION

- Impeachment, §§ 26:3, 27:4

FIFTH AMENDMENT PRIVILEGE

- Generally, §§ 7:6, 24:17, 28:11
- Civil case, § 41:13
- Direct examination, § 24:17

FILES, ORGANIZATION

- Checklist, § 5:5
- Trial notebook, § 6:7

FINAL ARGUMENT

- Generally, § 41:1 et seq.
- Accused, failure to testify, § 41:14
- Addressing jurors by name, § 41:6
- Appeals to fear, § 41:23
- Appeals to prejudice, § 41:22
- Appeals to sympathy, § 41:21
- Attack by opposing counsel, § 41:26
- Attack on opposing counsel, § 41:26
- Charts, reference to, § 41:7
- Checklist, § 5:12
- Comment upon failure to call witness in civil cases, § 41:13
- Counsel's opinion, § 41:19
- Current events, § 41:20
- Defendant, failure to testify, § 41:14
- Delivery, § 41:1
- Demonstrative evidence, § 41:1
- Exhibits and charts, § 41:7
- Failure to call witness or testify
 - civil proceedings, § 41:13
 - criminal defendant, § 41:14
- Fear, appeals to, § 41:23
- Golden Rule, § 41:11
- Instructions to jury, § 41:1
- Insurance, § 41:12
- Jury instructions, § 41:1

FINAL ARGUMENT—Cont'd

- Language, § 41:1
- Law, reading or arguing, § 41:25
- Liability insurance, § 41:12
- Matters outside record, § 41:17
- Objections, § 41:27
- Opinion of counsel, § 41:19
- Opposing counsel, attack on, § 41:26
- Order
 - generally, § 41:3
 - right to open and close, § 19:2
- Outcome of previous litigation, § 41:16
- Pain and suffering, § 41:24
- Parole or probation, comment, § 41:15
- Per diem arguments
 - generally, § 41:24
 - automobile accidents, § 6:9
- Plea agreement, § 41:10
- Pleadings, § 41:8
- Prejudice or bias, appeals to, § 41:22
- Preparation
 - generally, § 41:1
 - checklist, § 5:12
 - strong closing, tactics, § 4:4
- Prior litigation, outcome of, § 41:16
- Privacy, § 4:4
- Probation, § 41:15
- Reading or arguing law, § 41:25
- Recency, § 4:4
- Repetition, § 4:8
- Right to final argument, §§ 19:2, 41:2
- Scope, § 41:5
- Settlement, § 41:9
- Simplicity, § 41:1
- Social class, § 41:18
- Structure, § 41:1
- Sympathy, appeals to, § 41:21
- Tactics, strong closing, § 4:4
- Technique, § 41:1
- Theme, § 41:1
- Time restrictions, § 41:4
- Trial record, matters outside, § 41:17
- Witnesses. Failure to call witness or testify, above

FINAL CRIMINAL SENTENCING

- Generally, § 44:10

FINAL JUDGMENTS

- Generally, § 44:1 et seq.
- Civil cases, § 44:1
- Cost, § 44:4
- Interest charges, § 44:5
- Multiple claims or parties, § 44:3
- Nunc pro tunc, § 44:2

FINAL SENTENCING

Generally, § 44:10

FINGERPRINT IDENTIFICATION

Generally, § 35:10

FOOTPRINTS AND TRACKS

Identification, § 35:11

FOREIGN NATIONALS

Search and seizure, § 15:1

FORM OF VERDICT

Generally, § 43:1

FORMER TESTIMONY

Hearsay exception, § 26:3

FOURTH AMENDMENT

Generally, § 15:1

Extent of protection, § 15:3

Motion to suppress, § 15:7

Terry stop, § 15:15

FRAMING QUESTIONS

Direct examination, § 24:8

FRIENDLY WITNESS

Cross examination, § 25:10

**FRUIT OF THE POISONOUS TREE
DOCTRINE**

Generally, § 15:4

Search and seizure, § 15:4

FUNCTIONS OF COURT AND JURY

Generally, § 26:3

GOING FORWARD

Civil cases, § 20:2

Criminal trials

generally, § 20:8

defendant, burden of, § 20:12

shifting burden, § 20:10

Shifting burden of going forward

civil proceedings, § 20:4

criminal trials, § 20:10

GOLDEN RULE

Final arguments, § 41:11

GOOD FAITH

Adverse party, communications with,
§ 1:6

Demonstrative and real evidence, § 31:4

Insurance company liability for malprac-
tice, § 1:13

GOOD TIME CREDIT

Sentencing, evidence at, § 44:10

GOVERNMENT DOCUMENTS

Judicial notice, § 21:6

GRAND JURY

Generally, § 9:11

History, § 9:11

Rules of Evidence not applicable, § 26:3

GRAPHS

Opening statements, § 18:8

**HABEAS CORPUS AD
TESTIFICANDUM**

Generally, § 23:8

HABIT

Generally, § 34:2

Business custom, § 34:3

Character evidence, § 33:5

Records of regularly conducted activi-
ties, hearsay exception, § 29:11

HANDWRITING

Generally, §§ 26:3, 30:2, 32:10

Expert witness, § 30:2

Lay witness, §§ 30:2, 32:10

HARMLESS ERROR

Generally, § 3:18

HEARINGS

Continuances, § 11:9

HEARSAY

Generally, §§ 26:3, 29:1 et seq.

Absence

absence of entry or records, § 29:11

unavailability of declarant, § 29:12

Admissions

admissions exception, § 29:5

agents and employees, § 29:6

Against-interest declarations, § 29:12

Agent and employee admissions, § 29:6

Ancient documents, § 29:11

Applicability, § 29:2

Attacking credibility of declarant,
§ 29:10

Boundaries or general history, § 29:11

Child victim declarant, testimony not
readily available, exception,
§ 29:13

Credibility of client, § 26:3

Credibility of witnesses, § 29:10

Death, belief of impending, § 29:12

Declarant

definition, § 26:3

unavailable, § 29:12

Definition, § 26:3

Employee admissions, § 29:6

Exceptions

generally, § 29:8

INDEX

HEARSAY—Cont'd

Exceptions—Cont'd

- absence of entry in records, §§ 26:3, 29:11
- admission by agents and employees, § 29:6
- admissions
 - admissions exception, § 29:5
 - agents and employees, § 29:6
- against-interest declarations, § 29:12
- ancient documents, §§ 26:3, 29:11
- availability of declarant, §§ 26:3, 29:12
- boundaries or general history, § 29:11
- child victim declarant, testimony not readily available, § 29:13
- death, belief of impending, § 29:12
- declarant unavailable, § 26:3
- dying declaration, § 26:3
- excited utterances, §§ 26:3, 29:11
- existing mental, emotional, or physical condition statements, § 29:11
- family or personal history
 - generally, § 26:3
 - judgment as to personal, family, or general history, § 29:11
 - records, §§ 26:3, 29:11
 - religious organization records and certificates, § 29:11
 - statements, § 29:12
 - vital statistics records, § 29:11
- former testimony, §§ 26:3, 29:12
- hearsay within hearsay, § 29:9
- impending death, belief of, § 29:12
- judgment as to family or property matters, §§ 26:3, 29:11
- judgment of conviction, § 26:3
- learned treatise, §§ 26:3, 29:11
- market reports, §§ 26:3, 29:11
- medical treatment, §§ 26:3, 29:11
- mental, emotional, or physical condition, §§ 26:3, 29:11
- multiple hearsay, § 29:9
- physical condition statements, § 29:11
- present sense impressions, §§ 26:3, 29:11
- prior events and conditions
 - convictions, prior, § 29:11
 - inconsistent statements, prior, § 29:3
 - litigation, prior, former testimony, § 29:12
- property interests, documents affecting, §§ 26:3, 29:11
- public records and reports, §§ 26:3, 29:11

HEARSAY—Cont'd

Exceptions—Cont'd

- recorded recollections, §§ 26:3, 29:11
 - regularly conducted activities, §§ 26:3, 29:11
 - religious organization records, § 29:11
 - reputation
 - boundaries, § 26:3
 - character, §§ 26:3, 29:11
 - personal or family history, § 26:3
 - statement against interest, § 26:3
 - then-existing mental, emotional or physical condition, § 29:11
 - vital statistics, §§ 26:3, 29:11
- Excited utterances, § 29:11
- Exemptions, § 29:2
- Existing mental, emotional, or physical condition statements, § 29:11
- Family or personal history
 - judgment as to personal, family, or general history, § 29:11
 - records, family, § 29:11
 - religious organization records and certificates, § 29:11
 - statements, § 29:12
 - vital statistics records, § 29:11
- Former testimony, § 29:12
- Hearsay within hearsay, §§ 26:3, 29:9
- History
 - family or personal history, above general history, § 29:11
- Impeachment of witnesses, § 29:10
- Impending death, belief of, § 29:12
- Judgment as to personal, family, or general history, § 29:11
- Market reports and commercial publications, § 29:11
- Medical evidence
 - expert witnesses, § 32:18
 - statements for medical treatment, § 29:11
- Mental, emotional, or physical condition statements, § 29:11
- Multiple hearsay, § 29:9
- Necessity for objection, § 29:7
- Objections, § 29:7
- Official records, § 29:11
- Personal history. Family or personal history, above
- Physical condition statements, § 29:11
- Presence or absence
 - absence of entry or records, § 29:11
 - unavailability of declarant, § 29:12
- Present sense impressions, § 29:11

HEARSAY—Cont’d

- Prior consistent statements exception, § 29:4
- Prior events and conditions
 - convictions, prior, § 29:11
 - inconsistent statements, prior, § 29:3
 - litigation, prior, former testimony, § 29:12
- Property interests, documents affecting, § 29:11
- Public records and reports, § 29:11
- Recorded recollections, § 29:11
- Regularly conducted activities, records of, § 29:11
- Religious organization records and certificates, § 29:11
- Reputation, § 29:11
- Specific exceptions, § 29:11
- Statements not considered hearsay, § 29:2
- Unavailability of declarant, § 29:12
- Vital statistics records, § 29:11

HISTORY

- Family or personal history
 - judgment as to personal, family, or general history, § 29:11
 - records, family, § 29:11
 - religious organization records and certificates, § 29:11
 - statements, § 29:12
 - vital statistics records, § 29:11
- General history, § 29:11

HOSPITAL RECORDS

- Subpoena, § 23:6

HUNG JURY

- Instructions, § 40:17

HUSBAND-WIFE PRIVILEGE

- Generally, §§ 26:3, 28:3

HYPOTHETICAL QUESTIONS

- Generally, § 32:15
- Expert witnesses, § 32:15
- Voir dire, § 17:17

IDENTIFICATION

- Burden of proving, § 35:2
- Defendant
 - generally, § 35:1 et seq.
 - burden of proof, § 35:2
 - DNA evidence, § 35:13
 - dogs, § 35:12
 - fingerprints, § 35:10
 - footprints, § 35:11
 - lineups, § 35:7

IDENTIFICATION—Cont’d

- Defendant—Cont’d
 - mug shots, § 35:6
 - photograph arrays or collections, § 35:4
 - photograph as confirmation of prior identification, § 35:5
 - prior crimes and convictions, § 36:2
 - show-up, § 35:8
 - suggestiveness of procedure, § 35:3
 - tracks, § 35:11
 - voice identification, § 35:9
- Fingerprints, § 35:10
- Footprints, § 35:11
- Handwriting
 - generally, §§ 26:3, 30:2, 32:10
 - authentication, § 30:2
 - expert witness, § 30:2
 - lay witness, §§ 30:2, 32:10
- Informant, § 28:10
- Lineup, § 35:7
- Photograph arrays or collections, defendants, § 35:4
- Photograph as confirmation of prior identification, § 35:5
- Prior crimes and convictions, § 36:2
- Scientific evidence, § 35:1 et seq.
- Show up, § 35:8
- Telephone conversations, § 30:2
- Tracking dogs, § 35:12
- Tracks, § 35:11
- Voice
 - generally, §§ 26:3, 30:2, 35:9
 - audio recordings, § 31:5
 - defendants, identification of, § 35:9
 - telephone conversations, § 30:2

IGNORANCE OF LAW

- Defense, § 8:13

IMMUNITY

- Defense witnesses, § 9:17
- Judge, § 2:7

IMPANELING JURY

- Generally, § 16:11
- Voir dire, § 17:8

IMPEACHMENT OF VERDICT

- Generally, § 43:8

IMPEACHMENT OF WITNESSES

- Generally, §§ 26:3, 27:1 et seq.
- Character evidence, § 33:1
- Collateral issues, § 27:6
- Conviction
 - impeachment by evidence of conviction, § 26:3

INDEX

IMPEACHMENT OF WITNESSES

—Cont'd

- Conviction—Cont'd
 - time limit, § 26:3
- Cross-examination, § 6:9
- Hearsay evidence, § 29:10
- Inconsistent statements, § 27:3
- Insurance, § 27:8
- Interest or prejudice, impeachment by evidence of bias, § 27:2
- Liability insurance, § 27:8
- Prejudice or bias, § 27:2
- Prior felony conviction, § 27:4
- Prior inconsistent statements, § 27:3
- Rehabilitation, § 27:7
- Reputation, § 27:5
- Tactics, § 27:9
- Technique, § 27:9

IMPLIED BIAS

- Voir dire, § 17:21

IMPOSSIBILITY

- Defense to criminal case, § 8:20

IMPRISONMENT

- Criminal defendant in prison clothing, § 7:19
- Habeas corpus ad testificandum, § 23:8

IN CAMERA PROCEEDING

- Generally, § 3:11

IN LIMINE MOTIONS

- Generally, § 26:3
- Objections, § 38:12
- Opening statements, § 18:7

INADEQUATE COUNSEL

- Generally, § 7:11

INCEST

- Curative evidence, § 33:4

INCONSISTENCY

- Prior Inconsistent Statements** (this index)
- Verdicts, § 43:4

INDICTMENT

- Defense counsel's indictment during trial, effective assistance of counsel, § 1:4
- Defense in criminal case, insufficient indictment, § 8:26
- Joinder of offenses, § 7:20

INDIRECT CONTEMPT

- Generally, § 12:3

INEFFECTIVE ASSISTANCE OF COUNSEL

- Generally, § 7:11

INFERENCES

- Presumptions** (this index)

INFLATION

- Expert witness, § 32:22

INFORMANTS

- Disclosure by prosecution, § 9:10
- Identity, §§ 26:3, 28:10
- Privileged communications, § 28:10
- Prosecution's duty, § 9:10

INJURIES

- Evidence of other injuries, § 34:1
- Jury view, § 31:13
- View of person, § 31:13

INNER KNOWLEDGE

- Proof, § 20:11

INNOCENCE PRESUMPTION

- Generally, §§ 7:2, 22:11
- Jury instructions, § 7:3

INSANITY

- Insanity, intellectual disability, and mental illness, § 8:4
- Lay opinion evidence, § 32:4
- Lay witness opinion, § 32:4
- Test, § 8:4

INSPECTION

- Witness statements, criminal cases, § 25:3

INSTRUCTIONS TO JURY

- Generally, § 40:1 et seq.
- Allen charge, § 40:17
- Burden of proof
 - civil proceedings, § 40:5
 - criminal trials, § 40:11
 - missing evidence instruction, § 40:6
- Checklist, § 5:13
- Civil cases generally, § 40:1
- Criminal trials
 - generally, § 40:10 et seq.
 - Allen charge, § 40:17
 - burden of proof, § 40:11
 - deadlocked jury, § 40:17
 - defenses, § 40:15
 - innocence presumption, § 7:3
 - lesser included offenses, § 40:14
 - objections to instructions, § 40:16
 - presumptions, § 40:12
 - silence, right of, § 7:7

INSTRUCTIONS TO JURY—Cont'd

- Deadlocked jury, § 40:17
- Defenses, § 40:15
- Final arguments, § 41:1
- Form verdict, § 40:8
- Innocence presumption, § 7:3
- Interrogatories by jury, special verdicts, § 40:2
- Issues submitted, § 40:3
- Judge, comments of, § 40:7
- Lesser included offenses, § 40:14
- Missing evidence instruction, § 40:6
- Objections to instructions
 - civil proceedings, § 40:9
 - criminal trials, § 40:16
- Presumptions
 - civil proceedings, § 40:5
 - criminal trials, § 40:12
 - innocence, § 7:3
- Right to remain silent, § 7:7
- Separation of jurors, admonition upon, § 42:6
- Silence, right of, § 7:7
- Special verdicts, § 40:2
- Undue prominence, § 40:4
- Verdict contrary to instructions, § 43:3
- Verdict form, § 40:8

INSURANCE

- Admissibility, §§ 26:3, 34:8
- Closing argument, § 41:12
- Final arguments, § 41:12
- Impeachment, § 27:8
- Negligence, evidence of, § 34:8

INTENT

- Prior crimes and convictions, § 36:2
- Proof of intent or knowledge, § 20:11

INTEREST BEARING JUDGMENT

- Generally, § 44:5

INTEREST CHARGES

- Final judgments, § 44:5

INTEREST IN LITIGATION

- Impeachment, § 27:2

INTEREST IN MATTER

- Hearsay exception, documents affecting property interests, § 29:11
- Impeachment of witnesses, § 27:2

INTEREST ON JUDGMENT

- Generally, § 44:5

INTERFERENCE

- Production of witnesses and documents, § 23:10

INTERNET

- Authentication of documentary evidence, § 30:3
- Juror's social network friends, misconduct regarding, § 42:14

INTERPRETERS

- Generally, §§ 23:13, 26:3

INTERROGATION OF WITNESSES

- Clarity, § 4:5
- Compound questions, § 24:11
- Demonstration v. telling, § 4:6
- Duplicious questions, § 24:11
- Framing questions, generally, § 24:8
- Judge, examination of witnesses, § 24:19
- Jurors, examination of witnesses, § 24:20
- Key words, § 4:7
- Leading questions, § 24:9
- Personal factors, § 4:2
- Repetition
 - generally, § 4:8
 - direct examination, § 24:14
 - opening statements, § 18:1
- Requirement of witness to answer, § 24:16
- Simplicity, § 4:3
- Theme of case, § 4:1

INTERROGATORIES

- Jury interrogatories, special verdicts, § 40:2

INTERWOVEN CRIMINAL ACTS

- Other crimes evidence, § 36:2

INTOXICATION

- Defense of intoxication, § 8:3
- Lay opinion evidence, § 32:6
- Presumption of intoxication while operating vehicle, § 22:12
- Privileged communications, alcohol abuse counselor, § 26:3

INTRODUCING EXHIBITS

- Generally, § 24:7

INVENTORY SEARCH

- Generally, § 15:19

INVESTIGATION OF CASE BEFORE TRIAL

- Generally, § 1:15

INVESTIGATIVE HEARSAY

- Generally, § 29:2

INDEX

INVOLUNTARY INTOXICATION

Generally, § 8:3

JOINDER

Criminal trials

defendants, joinder of, § 7:21

offenses, joinder of, § 7:20

JUDGES

Generally, § 2:1 et seq.

Absence of judge during trial, § 3:21

Admissions, judicial, § 21:3

Appointment of expert witnesses,
§ 32:25

Bench conferences, § 3:15

Calling witnesses, §§ 2:6, 26:3

Checklist, § 5:6

Comments, instructions to jury, § 40:7

Communications with jury, § 42:12

Competency as witness, § 26:3

Conduct of judge

generally, § 2:1 et seq.

calling witnesses, § 2:6

disqualification, § 2:8

immunity, § 2:7

order, duty to preserve, § 2:2

parties, conduct toward, § 2:5

recusal, § 2:8

remarks of judge, § 2:4

witnesses, conduct toward, § 2:5

Death or disability of judge during trial,
§ 3:21

Disqualification, § 2:8

Errors in conduct of trial

harmless error, § 3:18

plain or palpable error, § 3:19

Examination of witnesses, § 24:19

Expert witnesses appointed by court,
§ 32:25

Immunity, § 2:7

In camera proceedings, § 3:11

Instructions to Jury (this index)

Interest in proceedings, § 2:8

Judicial notice, § 21:5

Jury communications with judge,
§ 42:12

Nonjury Trials (this index)

Number of witnesses, limiting, § 3:14

Order, duty to preserve, § 2:2

Parties, conduct toward, § 2:5

Presence or absence of judge during
trial, § 3:21

Recusal, § 2:8

Remarks of judge, § 2:4

Trial by court

Nonjury Trials (this index)

JUDGES—Cont'd

Voir dire, examination by court, § 17:9

Witnesses

generally, § 2:3

appointment of expert witnesses,
§ 32:25

calling witnesses, § 2:6

conduct toward witnesses, § 2:5

examination of witnesses, § 24:19

number of witnesses, limiting, § 3:14

JUDGMENT

Civil cases, § 44:1

Continuances, orders for, § 11:9

Cost, § 44:4

Criminal cases, § 44:6

Directed Verdicts (this index)

Final judgments

generally, § 44:1 et seq.

civil cases, § 44:1

cost, § 44:4

interest charges, § 44:5

multiple claims or parties, § 44:3

nunc pro tunc, § 44:2

Hearsay exception

judgment as to property or family
matters, § 26:3

judgment of conviction, § 26:3

Interest, § 44:5

Multiple claims, § 44:3

Multiple parties, § 44:3

Nunc Pro Tunc, § 44:2

Personal, family, or general history,
judgment as to, § 29:11

Verdicts (this index)

JUDICIAL NOTICE

Generally, §§ 21:5, 26:3

Facts, § 26:3

Life expectancy in mortality table,
§ 21:6

Substitutes for proof, § 21:5

JURISDICTION

Double jeopardy, § 10:4

JURY OF PEERS

Generally, §§ 16:9, 16:10

Alternate jurors on jury panel, § 16:14

Conduct of jury

generally, § 42:1

Deliberations, § 42:7

Questioning witnesses, § 42:17

Deliberations

Rereading testimony, § 42:11

Jury panel

Alternate jurors, § 16:14

JURY OF PEERS—Cont'd

- Jury panel—Cont'd
 - Challenge to array, § 16:9
 - Merging two jury panels, generally, § 16:12
 - Rehabilitation of juror, § 16:13
 - Merging two jury panels, generally, § 16:12
 - Rehabilitation of juror, § 16:13
 - Witnesses, questioning of by jury, § 42:17

JURY PANEL

- Challenge, §§ 16:9, 16:10
- Collections, § 16:1
- Computer selection, § 16:3
- Cross section, §§ 16:9, 16:10
- Driver's licenses, § 16:2
- Master list, § 16:2
- Statistical evidence, §§ 16:9, 16:10
- Strict compliance, § 16:2

JURY SELECTION

- Generally, § 16:1 et seq.
- Challenges to Jury** (this index)
- Checklists
 - generally, § 5:7
 - civil jury selection, §§ 17:3, 17:4
 - race-neutral reasons for peremptory challenge, § 17:30
- Compensation of jurors, § 16:8
- Computer system, § 16:3
- Constitutional challenges to array, § 16:10
- Drawing names from jury wheel, § 16:4
- Duties of jurors, § 16:8
- Excuses, § 16:7
- Exemptions, § 16:7
- Impaneling Jury** (this index)
- Master list, § 16:2
- Names
 - computer system, § 16:3
 - drawing names from jury wheel, § 16:4
 - master list, § 16:2
- Peremptory Challenges** (this index)
- Prejudice or bias. **Voir Dire** (this index)
- Qualifications of jurors
 - generally, § 16:6
 - challenges for cause, failure to meet qualifications, § 17:19
- Race neutral reasons for peremptory challenge, § 17:30
- Summoning jurors, § 16:5
- Voir Dire** (this index)
- Wheel, drawing names from jury, § 16:4

JURY SERVICE

- Exclusion of lawyers, physicians and teachers, § 16:7
- Excuses, § 16:7

JURY TRIAL

- Generally, §§ 13:1, 16:8
- Accounts of trial, reading or hearing, § 42:4
- Addressing jurors by name, § 41:6
- Admonition upon separation of jurors, § 42:6
- Allen charge, § 40:17
- Bench conferences, § 3:15
- Challenges to Jury** (this index)
- Checklists
 - Jury Selection** (this index)
 - preparation for trial, § 5:7
- Civil cases, § 13:2
- Communications
 - judge, communications with, § 42:12
 - post-verdict communications, § 43:7
- Compensation of jurors, § 16:8
- Competency of juror as witness, § 26:3
- Complicated issues, § 13:2
- Computer system for jury selection, § 16:3
- Conduct of jury
 - generally, § 42:1 et seq.
 - accounts of trial, reading or hearing, § 42:4
 - deliberations, § 42:7
 - evidence, taking into jury room, § 42:10
 - hearing accounts of trial, § 42:4
 - illness of juror, § 42:15
 - internet social network, juror's, § 42:14
 - judge, communications with, § 42:12
 - misconduct of jury, § 42:13
 - Note-taking by Jury** (this index)
 - oaths and affirmations, § 42:3
 - objections, § 42:16
 - outside influences, § 42:4
 - reading, below
 - separation of jurors, below
 - witnesses, jurors as, § 42:2
- Constitutional challenges to array, § 16:10
- Cost, § 13:2
- Deadlocked jury, § 40:17
- Defective verdicts. **Verdicts** (this index)
- Defense of jury nullification, § 8:23
- Delay of deliberations, § 42:8
- Deliberations, §§ 42:7, 42:8
- Demand, §§ 13:7-13:9

INDEX

JURY TRIAL—Cont'd

Directed Verdicts (this index)
Drawing names from jury wheel, § 16:4
Duties of jurors, § 16:8
Equitable actions, § 13:4
Evidence taken into jury room, § 42:10
Excuses from jury service, § 16:7
Exemptions from jury service, § 16:7
Final arguments, addressing jurors by name, § 41:6
Form verdict, § 40:8
Grand jury, § 9:11
Hung jury, instructions, § 40:17
Illness of juror, § 42:15
Impaneling Jury (this index)
Impeaching of verdict by juror, § 43:8
Instructions to Jury (this index)
Internet social network, juror's, § 42:14
Interrogatories by jury, special verdicts, § 40:2
Issues submitted, § 40:3
Judge, communications with, § 42:12
Jury of peers, §§ 16:9, 16:10
Legal actions defined, § 13:3
Master list, § 16:2
Misconduct of juror, § 42:13
Names of jurors
generally, § 41:6
computer system, § 16:3
drawing names from jury wheel, § 16:4
master list, § 16:2
New forms of action, § 13:5
News reports of trial heard by juror, § 42:4
Notes taken by jurors, §§ 6:9, 42:9
Nullification of jury, defense of, § 8:23
Number of jurors necessary for verdict, § 43:5
Oath of jurors, § 42:3
Objections to conduct of jury, § 42:16
Outside influences, § 42:4
Polling jury, § 43:6
Prejudice or bias. **Voir Dire** (this index)
Presence or absence of jury
bench conferences, § 3:15
in camera proceedings, § 3:11
Qualifications of jurors. **Jury Selection** (this index)
Questions of witnesses by juror, § 24:20
Reading
accounts of trial, reading by jurors, § 42:4
law, counsel reading in final argument, § 41:25

JURY TRIAL—Cont'd

Reading—Cont'd
testimony, jurors rereading, § 42:11
Right, § 13:1
Selection of jury. **Jury Selection** (this index)
Separation of jurors
generally, § 42:5
admonition upon separation, § 42:6
Special verdicts, § 40:2
Summary jury trials, § 14:10
Summoning jurors, § 16:5
Undue prominence, instructions to jury, § 40:4
Verdicts (this index)
Voir Dire (this index)
Waiver of jury trial, §§ 13:7, 13:8
Wheel, drawing names from jury, § 16:4
Witnesses
examination by jurors, § 24:20
jurors as witnesses, § 42:2

JURY VIEW

Crime scene, § 31:12
Injury, § 31:13
Person, view of, § 31:13
Scene, view of, § 31:12

JURY WHEEL

Generally, § 16:4

JUVENILE CODE

Generally, § 8:19

KENTUCKY BAR ASSOCIATION

Code of profession courtesy, § 1:16

KENTUCKY CODE OF PROFESSIONAL RESPONSIBILITY

Generally, § 1:1 et seq.

KENTUCKY RULES OF EVIDENCE

Generally, § 26:1 et seq.
Amendments, § 26:3
Applicability, § 26:3
Civil proceedings, § 26:3
Criminal proceedings, § 26:3
Effective date, § 26:3
Objections, § 26:3
Official commentary, § 26:3
Purpose and construction, § 26:3
Review commission, § 26:3
Scope, § 26:3

KEY WORDS

Preparation for trial, § 4:7

KNOWLEDGE

- Authentication, § 30:2
- Cross-examination, § 25:7
- Defense of ignorance of law, § 8:13
- Direct examination, § 24:4
- Judicial notice, § 21:5
- Other crimes evidence, § 36:2
- Prior crimes and convictions, § 36:4
- Proof of intent or knowledge, § 20:11

LABOR MARKET EVIDENCE

- Opinion, § 32:23

LANGUAGE

- Final arguments, § 41:1
- Interpreters, § 23:13
- Interrogation of witnesses, § 4:7
- Key words
 - preparation for trial, § 4:7
- Opening statements, § 18:1
- Simplicity, language at trial, § 4:3

LAW, QUESTIONS OF

- Final arguments, § 41:25
- Research checklists
 - evidence law, § 5:4
 - substantive law, § 5:3
- Voir dire, § 17:16

LAW ENFORCEMENT

- Defense of physical force in law enforcement, § 8:11

LAWSUITS

- Evidence of other lawsuits, § 34:1

LAY OPINION EVIDENCE

- Generally, § 32:1 et seq.
- Automobile accidents
 - generally, § 32:9
 - speed of vehicle, § 32:8
- Behaviour, § 32:11
- Demeanor, § 32:11
- Disability, § 32:2
- Handwriting, §§ 30:2, 32:10
- Insanity, § 32:4
- Intoxication, § 32:6
- Mental condition
 - intoxication, § 32:6
 - sanity or insanity, § 32:4
 - testamentary capacity, § 32:5
- Pain and suffering, § 32:3
- Physical condition, § 32:2
- Sanity or insanity, § 32:4
- Speed of vehicle, § 32:8
- Testamentary capacity, § 32:5
- Value of property, § 32:7

LEADING QUESTIONS

- Cross examination, § 26:3
- Direct examination, § 24:9
- Medical expert witnesses, § 32:18

LEARNED INTERMEDIARY DOCTRINE

- Civil cases, § 40:1

LEARNED TREATISES

- Cross examination, § 25:16
- Direct examination, § 24:18
- Hearsay exception, §§ 26:3, 29:11

LEGAL ACTIONS

- Jury trial, § 13:3

LEGAL MALPRACTICE

- Generally, § 1:13

LESSER INCLUDED OFFENSES

- Burden of proof, § 20:12
- Instructions to jury, § 40:14
- Jury instructions, § 40:14

LIABILITY INSURANCE

- Generally, § 26:3
- Admissibility, § 34:8
- Argument, § 41:12
- Closing argument, § 41:12
- Final argument, § 41:12
- Impeachment, § 27:8

LIBEL AND SLANDER

- Attorneys, liability of, § 1:12
- Trial participants, liability of, § 3:20
- Witnesses deposition, § 1:12

LIE DETECTOR

- Generally, § 32:24

LIFE EXPECTANCY

- Expert witness, § 32:22
- Judicial notice, § 21:6

LIMINE

- Motion, §§ 26:3, 38:12
- Opening statements, § 18:7

LIMITATION OF ACTIONS

- Malpractice, § 1:13

LIMITED ACCESS

- News media, § 3:10

LIMITED ADMISSIBILITY

- Evidence, § 26:3

LIMITED NUMBER OF WITNESSES

- Generally, § 3:14

INDEX

LINEUPS

Identification of defendant, § 35:7

LISTS

Jury selection, master list, § 16:2

Witness Lists (this index)

LOST DOCUMENTS

Admissibility of contents, § 26:3

MAILING

Presumption of receipt, § 22:4

MALICIOUS PROSECUTION

Generally, § 1:14

MALPRACTICE

Attorney liability, § 1:13

MANDATORY PRESUMPTIONS

Generally, § 22:1

MAPS

Evidence, § 31:7

MARIJUANA

Warrantless searches, § 15:13

MARITAL PRIVILEGE

Generally, §§ 26:3, 28:3

MARKET REPORTS

Hearsay exception, §§ 26:3, 29:11

MARRIAGE

Baptismal and similar certificates,
hearsay exception, § 26:3

Marital privilege, §§ 26:3, 28:3

MASTER LIST

Jurors, § 16:2

MASTER-SERVANT RELATIONSHIP

Presumption, § 22:6

MEDIA

Ethical consideration, news release,
§ 1:5

Exclusion of for trial, § 3:10

Jurors hearing news reports, § 42:4

Limiting right to access to evidence,
§ 3:10

Trial, exclusion from, § 3:10

Voir dire, exclusion from, § 17:12

MEDICAL EVIDENCE

Expenses

payment

generally, § 34:9

admissibility, §§ 26:3, 34:8

presumptions, §§ 22:7, 22:8

Expert witnesses

generally, § 32:18

MEDICAL EVIDENCE—Cont'd

Expert witnesses—Cont'd

bases of an opinion, § 32:18

leading question, § 32:18

Hearsay evidence

exception, § 26:3

expert witnesses, § 32:18

statements for medical treatment,
§ 29:11

Hospital records, subpoenas, § 23:6

Negligence cases, admissible evidence,
§ 32:18

Opinion, § 32:18

Physician-patient privilege, § 28:4

Presumptions, §§ 22:7, 22:8

Psychotherapist-patient privilege, § 28:6

Reasonableness

expenses, §§ 22:7, 22:8

expert witnesses, reasonable certainty,
§ 32:18

MEDICAL EXPENSES

Negligence, payment of medical and
similar expenses, § 34:9

MEMORANDUM

Generally, § 6:8

Automobile accidents, § 6:9

MEMORY

Cross-examination, testing memory of
witness, § 25:7

Hearsay exception, recorded recollec-
tions, § 29:11

Refreshed recollection, §§ 24:12, 26:3

MENTAL CONDITION

Competency (this index)

Defense

competency to stand trial, § 8:2

insanity, intellectual disability, and
mental illness, § 8:4

intoxication, § 8:3

Hearsay exception, §§ 26:3, 29:11

Insanity (this index)

Intent (this index)

Lay opinion evidence

intoxication, § 32:6

sanity or insanity, § 32:4

testamentary capacity, § 32:5

Motive, § 36:2

Motive, evidence of, § 36:2

Plans, § 36:2

Psychotherapist-patient privilege, § 28:6

Witnesses, mental capacity, § 26:3

MERGER

Jury panels, § 16:12

MESSAGE OF CASE

Generally, § 4:2

METHODS OF PROOF

Character evidence, § 33:2

MINISTERS

Privileged communications, § 28:7

MINORS

Children and Minors (this index)

MIRANDA RULE

Generally, § 37:4

MISCONDUCT OF COUNSEL

Direct examination, § 24:6

Prosecution, § 9:1 et seq.

MISCONDUCT OF JUDGE

Parties, conduct toward parties by judge,
§ 2:5

MISCONDUCT OF JURY

Generally, §§ 42:1, 42:13, 42:16

MISCONDUCT OF PARTIES

Generally, §§ 3:4, 3:5

MISCONDUCT OF SPECTATORS

Generally, § 3:13

MISREPRESENTATION

Argument of counsel, misrepresentation
of witnesses' testimony, § 41:28

MISSING DEFENDANT

Generally, § 7:18

MISSING EVIDENCE

Instructions to jury, § 40:6

MISTAKE

Avowal, § 38:9

Conduct of trial

harmless error, § 3:18

plain or palpable error, § 3:19

Defective verdicts

generally, § 43:2

impeachment of verdict, § 43:8

Defense of ignorance or mistake of law,
§ 8:13

Preserving for review, § 38:1

MISTRIAL

Generally, § 38:10

MODELS

Evidence, § 31:8

MORTALITY TABLES

Generally, § 21:6

MOTION IN LIMINE

Generally, §§ 18:7, 26:3, 38:12

MOTION PICTURES

Videotapes and Motion Pictures (this
index)

MOTIONS

Generally, § 5:11

Checklist, § 5:11

Directed Verdicts (this index)

Evidence, motions to suppress, § 15:7

In limine motions, §§ 18:7, 26:3, 38:12

Invited error, § 38:13

Objections, § 38:12

Opening statements, § 18:7

Search and seizure, motion to suppress,
§ 15:7

Suppression of evidence, § 15:7

MOTIVE

Prior crimes and convictions, § 36:2

MOTOR VEHICLES

Directed verdicts, accidents, § 6:9

Expert witnesses, automobile accident,
§ 32:16

Intoxication while operating vehicle,
presumption of, § 22:12

Lay opinion evidence

accidents, generally, § 32:9

speed of vehicle, § 32:8

Probable cause, automobile searches,
§ 15:18

Sample trial memorandum, § 6:9

Search and seizure, § 15:18

Speed, lay witness opinion, § 32:8

Stops, § 15:18

Tracks, identification of, § 35:11

Trial memorandum, accidents, § 6:9

MUG SHOTS

Generally, §§ 31:2, 35:6

Admissibility, § 35:6

Eyewitness, § 35:6

Identification of defendant, § 35:6

MULTIPLE CLAIMS

Final judgments, § 44:3

Judgment, § 44:3

MULTIPLE DEFENDANTS

Generally, § 7:21

Attorney representation of multiple
clients, § 14:11

Confessions of codefendants, § 37:6

Final judgments, § 44:3

Judgment, § 44:3

INDEX

MULTIPLE HEARSAY

Generally, § 29:9

MULTIPLE OFFENSES

Double jeopardy, § 10:5

Prior Crimes and Convictions (this index)

MULTIPLE PARTIES

Generally, § 7:21

Attorney representation of multiple clients, § 14:11

Confessions of codefendants, § 37:6

Final judgments, § 44:3

Judgment, § 44:3

NAMES

Final arguments, addressing jurors by name, § 41:6

Jurors

argument of counsel, § 41:6

computer system, § 16:3

drawing names from jury wheel, § 16:4

master list, § 16:2

NECESSARY NUMBER OF JURORS FOR VERDICT

Generally, § 43:5

NEGLIGENCE

Generally, § 34:1 et seq.

Business custom, § 34:3

Compromise and settlement, § 34:6

Custom and usage, business, § 34:3

Habit, § 34:2

Insurance, liability, § 34:8

Medical evidence

expert witnesses, § 32:18

payment of medical and similar expenses, § 34:9

Offers to compromise, § 34:6

Other accidents, § 34:1

Payment of medical expenses, admissibility, § 34:9

Per se, § 34:4

Pleas and plea negotiations, § 34:7

Prior accidents, § 34:1

Safety rules, § 34:4

Subsequent remedial measures, § 34:5

Weapons, safety rules, § 34:4

NEGOTIATIONS

Admissibility as evidence, § 26:3

Pleas and plea negotiations, evidence of negligence, § 34:7

Settlement negotiations, § 14:3

NEWS MEDIA

Ethical consideration, news release, § 1:5

Exclusion of for trial, § 3:10

Jurors hearing news reports, § 42:4

Limiting right to access to evidence, § 3:10

Trial, exclusion from, § 3:10

Voir dire, exclusion from, § 17:12

NOLO CONTENDERE PLEA

Inadmissibility, § 26:3

NON-RESIDENCE

Subpoena, § 23:7

NONJURY TRIAL

Generally, § 13:1

Considerations, § 13:10

Cost of jury trials, § 13:9

Directed verdicts, § 39:6

Verdicts, § 43:9

Waiver of jury trial, §§ 13:7, 13:8

NOTE-TAKING BY JURY

Generally, § 42:9

Automobile accidents, § 6:9

NOTEBOOK FOR TRIAL

Generally, § 6:1 et seq.

Automobile accidents, § 6:9

During trial, use, § 6:3

Exhibit list, § 6:5

Exhibit slip, § 6:6

Files, organization of, § 6:7

Organization of files, § 6:7

Pretrial use, § 6:2

Use of notebook

before trial, § 6:2

during trial, § 6:3

Witness list, § 6:4

NOTICE

Authentication, § 30:2

Cross-examination, § 25:7

Defense of ignorance of law, § 8:13

Direct examination, § 24:4

Judicial notice, substitutes for proof, § 21:5

Other crimes evidence, §§ 26:3, 36:2, 36:4

Proof of intent or knowledge, § 20:11

Sexual behavior, notice of intention to offer evidence, §§ 26:3, 33:3

NULLIFICATION OF LAW

Generally, § 8:23

NUMBER OF JURORS NECESSARY FOR VERDICT

Generally, § 43:5

NUNC PRO TUNC

Final judgments, § 44:2

NURSE

Expert witness, § 32:12

Hearsay exception, § 29:11

OATHS

Jurors, § 42:3

Witness, §§ 23:12, 26:3

Witnesses, § 23:12

OBJECTION

Generally, §§ 26:3, 38:1 et seq.

Argument, § 41:27

Avowals, § 38:9

Closing arguments, § 41:27

Continuing, § 38:11

Exceptions, formal, § 38:8

Final argument, § 41:27

Hearsay evidence, § 29:7

Improper evidence, necessity for objection, § 38:3

In limine motions, § 38:12

Instructions

 civil proceedings, § 40:9

 criminal trials, § 40:16

Invited error, § 38:13

Juror conduct, § 42:16

Mistrials, § 38:10

Motions in limine, § 38:12

Necessity of ruling, § 38:7

Need for, § 38:3

Opening statements, § 18:6

Preserving record, § 38:1

Right to, § 38:2

Ruling, necessity of, § 38:7

Sufficiency, § 38:6

Tactics, § 38:4

Time, § 38:5

OFFER OF PROOF

Generally, § 26:3

OFFER TO SETTLE

Evidence of negligence, § 34:6

OFFICIAL COMMENTARY

Kentucky rules of evidence, § 26:3

OFFICIAL RECORDS

Admissibility, § 26:3

Authentication

 generally, § 30:2

 self-authentication, § 30:4

OFFICIAL RECORDS—Cont'd

Hearsay exception, §§ 26:3, 29:11

Self-authentication, § 26:3

OFFICIALS

Court officials, attorney communications with, § 1:7

Law enforcement, physical force in, § 8:11

Probation officers, privileged communications, § 28:8

OPEN DOOR RULE

Cross examination, § 25:6

OPEN FIELD

Search, § 15:6

OPEN FILE DISCOVERY

Generally, § 9:16

OPENING STATEMENT

Generally, § 18:1 et seq.

Argument prohibited, § 18:5

Automobile collision case, § 18:1

Charts, § 18:8

Checklist, § 5:8

Civil cases generally, § 18:4

Clarity, § 4:6

Complicity, § 18:1

Criminal cases generally, § 18:3

Demonstrative evidence, §§ 18:1, 18:8

Direct examination, § 24:13

Directed verdict, § 18:9

Exhibits, § 18:8

Graphs, § 18:8

Importance, § 18:2

In limine motions, § 18:7

Language, § 18:1

Motion in limine, § 18:7

Objections, § 18:6

Opinion prohibited, § 18:5

Positive statements, § 18:1

Preparation

 generally, §§ 4:4, 18:1

 checklist, § 5:8

Principles, § 18:1

Privacy, § 4:4

Punitive damages, § 18:1

Purpose of opening statement, § 18:2

Recency, § 4:4

Repetition, §§ 4:8, 18:1

Right to open and close, § 19:2

Simplicity, § 18:1

Tactics, strong opening, § 4:4

Technique, § 18:1

Theme, § 18:1

INDEX

OPENING STATEMENT—Cont'd

- Truth, § 18:1
- Use of charts, graphs and exhibits, § 18:8

OPINION

- Automobile accident, § 32:16
- Cell-Site location information, § 32:27
- Counsel, opinion of, final arguments, § 41:19
- Court appointed expert, § 32:25
- Expert
 - basis, § 32:13
 - bias, § 32:24
- Expert Witnesses** (this index)
- Hypothetical questions, § 32:15
- Lay Opinion Evidence** (this index)
- Medical evidence, § 32:18
- Opening statement, opinion prohibited in, § 18:5
- Underlining data, § 26:3

ORDER OF ARGUMENTS

- Closing argument, § 41:3
- Final argument, § 41:3
- Right to open and close, § 19:2

ORDER OF PROOF

- Generally, § 19:1 et seq.
- Basic rule, § 19:1
- Burden of proof, § 19:1
- Plaintiff as first witness, § 6:9
- Rebuttal evidence, § 19:4
- Reopen, right to, § 19:6
- Right to open and close, § 19:2
- Right to re-open, § 19:6
- Surrebuttal evidence, § 19:5
- Witnesses, order of, generally, § 19:3

ORDERS

- Contempt, § 12:1
- Continuance, § 11:9
- Pretrial orders, § 3:16

ORGANIZATION OF CASE

- Generally, § 5:5

ORGANIZATION OF FILES

- Generally, § 6:7

ORIGINAL

- Best evidence, § 30:5
- Definition under KRE, § 26:3
- Requirement, § 26:3

OTHER CRIMINAL ACTS

- Generally, §§ 26:3, 36:1, 36:2
- Identity, § 36:2
- Inextricably intertwined, § 26:3

OTHER CRIMINAL ACTS—Cont'd

- Intent, § 36:2
- Interwoven criminal acts, § 36:2
- Notice, § 36:4
- Plan, § 36:2
- Sexual offenses, § 36:3

OUT-OF-CONTROL DEFENDANT

- Generally, § 7:17

OUT-OF-COURT STATEMENTS

- Hearsay, § 26:3

OUT-OF-STATE WITNESSES

- Subpoena, § 23:7
- Testimony, § 23:7

OUTCOME OF PREVIOUS LITIGATION

- Final argument, § 41:16

OVERDOSE

- Drugs, immunity, § 8:27

PAIN AND SUFFERING

- Lay witness opinion, § 32:3
- Per diem arguments
 - generally, § 41:24
 - automobile accidents, § 6:9

PALPABLE ERROR

- Generally, § 26:3

PAROL EVIDENCE RULE

- Generally, § 30:6

PAROLE

- Final arguments, § 41:15
- Sentencing, § 44:14
- Victim impact statement, § 44:15

PARTIES

- Adverse party as witness, §§ 24:15, 25:11
- Attorney communications with adverse party, § 1:6
- Conduct of parties, § 3:4
- Cross-examination, adverse party, § 25:11
- Family of party, exclusion from courtroom, § 3:12
- Joinder of defendants, § 7:21
- Judge, conduct toward parties, § 2:5
- Liability of, § 3:20
- Preparedness for trial, § 11:2
- Presence at trial, § 3:2
- Seating of, § 3:3
- Unpreparedness for trial, § 11:2
- Witness, adverse party as, § 24:15

PATIENT-DOCTOR PRIVILEGE

Generally, § 28:4

PAYMENT

Medical expenses
generally, § 34:9
admissibility, §§ 26:3, 34:8
Negligence evidence, payment of medical and similar expenses, § 34:9

PEER REVIEW COMMITTEE

Generally, § 28:13

PEERS

Jury of peers, §§ 16:9, 16:10

PENDING LITIGATION

Continuances, § 11:8

PER DIEM ARGUMENTS

Generally, § 41:24
Automobile accidents, § 6:9

PER SE NEGLIGENCE

Generally, § 34:4

PEREMPTORY CHALLENGES

Generally, §§ 16:11, 17:29
Reasons for peremptory challenges, § 17:29
Voir dire, § 17:29

PERIODIC PAYMENT SETTLEMENT TAX ACT

Generally, § 14:9

PERJURY

Generally, § 23:17
Subornation of perjury, § 23:18

PERMISSIVE PRESUMPTION

Generally, § 22:1

PERSONAL FACTORS IN ADVOCACY

Generally, § 4:2

PERSONAL HISTORY

Judgment as to personal, family, or general history, § 29:11
Records, family, § 29:11
Religious organization records and certificates, § 29:11
Statements, § 29:12
Vital statistics records, § 29:11

PERSONAL KNOWLEDGE

Witness, §§ 24:4, 26:3

PERSUASION

Burden of Proof (this index)

PHARMACY RECORDS

Search and seizure, administrative searches, § 15:20

PHOTOGRAPHS

Generally, § 31:2
Best evidence rule, § 30:5
Confirmation of prior identification, § 35:5
Definition under KRE, § 26:3
Enlargements, § 31:2
Identification of defendant, §§ 35:4, 35:6
Mug shots, § 35:6
Real and demonstrative evidence, § 31:2
X-rays, § 31:3

PHYSICAL CONDITION

Disability
judge, disability during trial, § 3:21
lay opinion evidence, § 32:2
opinion of lay witness, § 32:2
Hearsay exception, § 29:11
Lay opinion evidence, § 32:2

PHYSICAL CONTROL OF DEFENDANT

Generally, § 7:17

PHYSICIAN-PATIENT PRIVILEGE

Generally, § 28:4

PLAIN ERROR

Generally, § 3:19

PLAIN VIEW

Search, §§ 15:12, 15:16

PLAN

Other crimes evidence, § 36:2

PLEA AGREEMENT

Settlement, § 41:10

PLEA IN CRIMINAL CASE

Generally, § 7:1

PLEA NEGOTIATIONS

Evidence of negligence, § 34:7

PLEA OF GUILTY

Admissibility, § 34:7

PLEA OF NOLO CONTENDERE

Admissibility, § 34:7

PLEA UNDER ALFORD

Admissibility, § 34:7

PLEADINGS

Admissions in pleadings, § 21:2
Bill of particulars, §§ 7:23, 9:12

INDEX

PLEADINGS—Cont'd

- Closing argument, § 41:8
- Criminal cases, § 7:1
- Final arguments, § 41:8

POINT OF IMPACT

- Expert opinion, § 32:16

POLICE OFFICERS

- Defense of physical force in law enforcement, § 8:11

POLLING JURY

- Generally, § 43:6

POLYGRAPH

- Comment upon, § 32:24
- Expert opinion, § 32:24

POWER OF ADVOCATE

- Generally, § 4:2

POWER TO EARN MONEY

- Opinion, §§ 32:2, 32:22, 32:23

PREJUDICE

- Admissibility of prejudicial evidence, § 26:3
- Continuances, § 11:7
- Final arguments, § 41:22
- Impeachment of witnesses, § 27:2
- Outweighing probative value, § 26:3
- Voir dire
 - actual bias, § 17:20
 - challenges for cause, § 17:19
 - implied bias, § 17:21
 - right to impartial jury, § 17:7

PRELIMINARY HEARINGS

- Rules of Evidence not applicable, § 26:3

PRELIMINARY QUESTIONS

- Admissibility of evidence, § 26:3

PREMISES

- Presumption of unreasonably safe premises, § 22:13
- Search, § 15:10

PREPARATION FOR TRIAL

- Generally, §§ 1:1, 4:1 et seq.
- Checklists** (this index)
- Clarity, § 4:5
- Continuances due to unpreparedness of party, § 11:2
- Cross-Examination** (this index)
- Demonstration v. telling, § 4:6
- Direct Examination** (this index)
- Ethical duty, § 1:1
- Files, Organization** (this index)
- Final Arguments** (this index)

PREPARATION FOR TRIAL—Cont'd

- Key words, § 4:7
- Opening Statements** (this index)
- Personal factors, § 4:2
- Repetition** (this index)
- Simplicity, § 4:3
- Theme, § 4:1
- Unfair Claims Settlement Practices Act, § 1:1
- Unpreparedness of party, continuances, § 11:2
- Voir dire, preparation of, § 17:2
- Witnesses
 - checklist, § 5:9
 - cross-examination, preparation for, § 25:2
 - direct examination, preparation for, § 24:2

PRESENCE

- Accused
 - generally, § 7:14
 - family, § 7:25
 - minor, § 7:26
- Attorneys
 - civil proceedings, § 3:2
 - continuances, § 11:3
 - criminal trials, § 7:13
- Bench conferences, § 3:15
- Civil cases, presence of parties, § 3:2
- Continuances
 - counsel, absence of, § 11:3
 - documentary evidence, absence of, § 11:6
 - parties, absence of, § 11:4
- Criminal trials
 - counsel, § 7:13
 - defendant
 - generally, § 7:14
 - control of defendant, § 7:18
 - right of defendant to witness statements, § 25:3
 - waiver of presence, § 7:15
- Death, presumption after 7 years' absence, § 22:3
- Documentary evidence
 - continuances due to absence of document, § 11:6
 - hearsay exception, absence of entry or record, § 29:11
- Exclusion from courtroom
 - family of party, exclusion of, § 3:12
 - in camera proceedings, § 3:11
 - persons near courtroom, controlling conduct of, § 3:13
 - press, exclusion of, § 3:10

PRESENCE—Cont'd

- Exclusion from courtroom—Cont'd
 - public, exclusion of, § 3:9
 - voir dire, exclusion from, § 17:12
- Hearsay evidence
 - absence of entry or records, § 29:11
 - unavailability of declarant, § 29:12
- In camera proceedings, § 3:11
- Judge, § 3:21
- Jury
 - bench conferences, § 3:15
 - in camera proceedings, § 3:11
- Parties
 - civil proceedings, § 3:2
 - continuance, § 11:4
- Presumption of death after 7 years' absence, § 22:3
- Public record or entry, hearsay exception, § 26:3
- Records, hearsay exception, § 26:3
- Unavailability of declarant, hearsay exceptions, § 29:12
- Waiver, presence of accused, § 7:15
- Witness, continuance, § 11:5

PRESENT SENSE IMPRESSION

- Except to hearsay rule, § 26:3
- Hearsay exception, § 29:11

PRESENTATION OF EVIDENCE

- Clarity, § 4:5
- Final Arguments** (this index)
- Key Words** (this index)
- Number of witnesses, limiting, § 3:14
- Opening Statements** (this index)
- Order of Proof** (this index)
- Personal factors, § 4:2
- Repetition** (this index)
- Simplicity** (this index)
- Theme of Case** (this index)

PRESERVING RECORD

- Generally, §§ 26:3, 38:1
- Avowal, § 38:9
- Conduct of trial, generally, § 3:17
- Objections, § 38:1

PRESS

- Ethical consideration, news release, § 1:5
- Exclusion of for trial, § 3:10
- Jurors hearing news reports, § 42:4
- Limiting right to access to evidence, § 3:10
- Trial, exclusion from, § 3:10
- Voir dire, exclusion from, § 17:12

PRESUMPTIONS

- Generally, §§ 22:1 et seq., 26:3
- Absence of 7 years, presumption of death after, § 22:3
- Applicability of foreign law, § 26:3
- Assuming a fact
 - cross examination, § 25:8
 - not in evidence, § 24:10
- Constitutional questions in criminal cases, § 22:1
- Criminal trials
 - generally, § 22:10 et seq.
 - innocence presumption
 - generally, §§ 7:2, 22:11
 - jury instructions, § 7:3
 - instructions to jury, § 40:12
 - intoxication while operating vehicle, § 22:12
- Death, presumption after 7 years' absence, § 22:3
- Employment, presumption of master-servant relationship, § 22:5
- Innocence
 - generally, §§ 7:2, 22:10
 - jury instructions, §§ 7:3, 22:10
- Instructions to jury
 - civil cases, § 40:5
 - criminal cases, § 40:12
- Intoxication while operating vehicle, presumption of, § 22:12
- Mailing, presumption of receipt, § 22:4
- Master-servant relationship, §§ 22:5, 22:6
- Medical expenses, presumption of reasonableness, § 22:8
- Medical expenses, reasonable, § 22:7
- Non-defective product, presumption of, § 22:14
- People, §§ 22:8, 22:9
- Premises, unreasonably safe, § 22:13
- Presumed facts, § 22:1
- Procedural effect, §§ 22:2, 26:3
- Properly mailed letter, § 22:3
- Res ipsa loquitur, §§ 22:6, 22:7
- Suicide, §§ 22:4, 22:5

PRETRIAL CHECKLIST

- Generally, § 5:1 et seq.
- Exhibits, § 5:10
- Final argument, § 5:12
- Motions during trial, § 5:11
- Witnesses, § 5:9

PRETRIAL DISCLOSURE

- Witness statements in criminal cases, § 25:3

INDEX

PRETRIAL MOTIONS

Criminal cases, § 7:1

PRETRIAL ORDERS

Control of proceedings, § 3:16

PRETRIAL RESEARCH

Generally, § 5:3 et seq.

PREVENTION OF SUICIDE OR CRIME

Criminal defense, § 8:17

PREVIOUS LITIGATION OUTCOME

Argument, § 41:16

PRIOR ACCIDENTS

Evidence of negligence, § 34:1

PRIOR CONSISTENT STATEMENTS

Generally, § 26:3

Hearsay, §§ 29:3, 29:4

PRIOR CRIMINAL ACTS

Generally, § 36:1 et seq.

Hearsay evidence, § 29:11

Identification, § 36:2

Impeachment of witnesses, § 27:4

Motive, intent, or plan, evidence of,
§ 36:2

Notice, § 36:4

Other crimes, wrongs, or acts, § 36:2

Sexual offenses, § 36:3

PRIOR FALSE ACCUSATIONS

Cross-examination of witness regarding,
§ 25:15

PRIOR INCONSISTENT STATEMENTS

Generally, §§ 26:3, 27:3

Hearsay, § 29:3

Impeachment of witnesses, § 27:3

PRIOR LITIGATION

Final arguments, § 41:16

Hearsay exception, former testimony,
§ 29:12

Voir dire, § 17:25

PRIOR SEXUAL CONDUCT

Admissibility, § 26:3

PRIOR WRONGS

Cross-examination of witness regarding,
§ 25:14

PRISON CLOTHES

Defendant, § 7:19

PRISONER

Subpoena, § 23:8

PRISONERS

Testimony, § 23:8

PRIVACY

Generally, § 4:4

PRIVILEGE

Generally, §§ 26:3, 28:1 et seq.

Self-incrimination privilege

generally, §§ 7:6, 24:17

civil case, § 41:13

direct examination, § 24:17

witness, § 28:11

Taking stand, requirement of, § 24:17

Waiver of, §§ 26:3, 28:12

PRIVILEGED COMMUNICATIONS

Attorney-client privilege

generally, §§ 26:3, 28:2, 28:4

qualified privilege, § 28:5

Clergyman-communicant privilege,
§ 28:7

Clinical social worker, § 26:3

Counselor-client qualified privilege,
§ 28:5

Direct examination, § 24:17

Informant identity, § 28:10

Marital privilege, § 28:3

Peer review committee, § 28:13

Physician-patient privilege, § 28:4

Probation officers, § 28:8

Probationers, § 28:9

Psychotherapist-patient, §§ 26:3, 28:6

Religious personnel, §§ 26:3, 28:7

Social worker, § 28:6

PRO SE REPRESENTATION

Criminal trials, § 7:8

PROBABILITY

Medical expert witnesses, § 32:18

PROBABLE CAUSE

Automobile searches, § 15:18

PROBATION

Generally, § 44:8

Final arguments, § 41:15

Privileged communications

probation officers, § 28:8

probationer, § 28:9

Probation officer privilege, § 28:8

Revocation, § 44:9

Rules of Evidence, probation hearings,
§ 26:3

Sentencing, § 44:8

**PROCESS AND SERVICE OF
PROCESS AND PAPERS**

Habeas corpus ad testificandum, § 23:8
Jurors, summoning, § 16:5
Right to interview witnesses, § 23:9
Subpoenas (this index)

PRODUCT LIABILITY

Learned intermediary doctrine, prescription drug manufacturer, § 40:1
Non-defective product, presumption of, § 22:14
Remedial measures, §§ 26:3, 34:5

PRODUCTION OF WITNESSES AND DOCUMENTS

Broadcasts, testimony on public, § 23:15
Closed circuit video or recording, testimony by, § 23:14
Compensation of witnesses. **Costs and Fees** (this index)
Duces Tecum Subpoenas (this index)
Habeas corpus ad testificandum, § 23:8
Hospital records, § 23:6
Interfering with a witness, § 23:10
Interpreters, § 23:13
Liability of witnesses. Witnesses (this index)
Oaths and affirmations, § 23:12
Out-of-state witnesses, § 23:7
Perjury (this index)
Public broadcasts, testimony on, § 23:15
Retaliation against a witness, § 23:10
Right to interview witnesses, § 23:9
Separation of witnesses, § 23:19
Subpoenas (this index)
Tampering with a witness, § 23:10

PROFESSIONAL RESPONSIBILITY

Prosecutor, § 9:5

PROOF

Character evidence, methods of proof, § 33:2
Judicial notice, substitute for proof, § 21:5

PROPERTY

Defense of protection of property, § 8:10
Expert opinion, § 32:20
Hearsay, §§ 26:3, 29:11
Value of according to lay witness, § 32:7

PROSECUTION

Generally, § 9:1 et seq.
Bill of particulars, §§ 7:23, 9:12

PROSECUTION—Cont'd

Comment about charges, § 1:5
Conduct and duties, § 1:3
County attorney, § 9:3
Defense of selective prosecution, § 8:24
Disclosure
 evidence disclosure of, § 9:9
 informant, disclosure of, § 9:10
Discovery
 generally, § 9:14
 open-file discovery, § 9:16
Disqualification of prosecutor, § 9:6
Double Jeopardy (this index)
Duties and conduct, § 1:3
Duty to disclose favorable evidence, § 9:4
Ethics
 disclosure of evidence, § 9:9
 special ethical responsibilities, § 9:4
 trial ethics, generally, § 9:5
Evidence, failure to preserve, § 9:8
Failure to preserve evidence, § 9:8
Favorable evidence, prosecution disclosure of, § 9:9
Grand jury, § 9:11
Informant, disclosure of, § 9:10
Open-file discovery, § 9:16
Publicity, § 9:7
Selective prosecution, § 8:24
Special ethical responsibilities, § 9:4
Trial ethics, § 9:5
Trial publicity, § 9:7
Unified Prosecutorial System, § 9:1
Vindictiveness, § 8:21
Witnesses
 lists, § 9:13
 statements of witnesses, § 9:15

PROSECUTORIAL MISCONDUCT

Defense to criminal case, § 8:22
Misconduct, § 8:22

PROSECUTORS

DUI disclosures, § 9:18
Immunity to defense witnesses, § 9:17

PROTECTING RECORD

Generally, §§ 26:3, 38:1
Avowal, § 38:9
Conduct of trial, generally, § 3:17
Objections, § 38:1

PROTECTIVE SWEEP

Search and seizure, § 15:17

INDEX

PSYCHOLOGIST-CLIENT

PRIVILEGE

Generally, §§ 26:3, 28:4, 28:6

Privileges, § 28:6

PUBLIC DEFENDER

Generally, § 7:8

PUBLIC DUTY

Defense of execution of public duty,
§ 8:15

PUBLIC OFFICIALS

Court officials, attorney communications
with, § 1:7

Law enforcement, physical force in,
§ 8:11

Probation officers, privileged com-
munications, § 28:8

PUBLIC RECORDS AND REPORTS

Admissibility, § 26:3

Authentication

generally, § 30:2

self-authentication, § 30:4

Hearsay exception, §§ 26:3, 29:11

Self-authentication, § 26:3

PUBLIC TRIAL

Exclusion at trial, § 3:9

PUBLICATIONS

Hearsay exception, § 29:11

Self-authentication, § 30:4

PUBLICITY

Ethical consideration, news release,
§ 1:5

Exclusion of for trial, § 3:10

Jurors hearing news reports, § 42:4

Limiting right to access to evidence,
§ 3:10

Trial, exclusion from, § 3:10

Voir dire, exclusion from, § 17:12

Witness testimony on public broadcasts,
§ 23:15

PUNISHMENT

Contempt, § 12:9

Contempt of court, § 12:9

Criminal trials, generally, § 44:6 et seq.

Probation (this index)

Rules of Evidence, applicability at
sentencing, § 26:3

Subpoenas, noncompliance, § 23:4

Truth-in-sentencing, § 44:7

Voir dire as to death penalty, § 17:28

QUALIFICATIONS

Expert witness, § 32:12

QUALIFICATIONS—Cont'd

Jury Selection (this index)

Property value, testimony, § 32:20

QUALIFIED PRIVILEGE

Generally, § 28:5

QUEEN'S CASE RULE

Generally, § 26:3

QUESTIONS BY JUROR

Generally, § 24:20

RACE

Jury selection, race neutral reasons for
peremptory challenge, § 17:30

RAPE

Generally, §§ 26:3, 33:3

Character of victim, § 33:3

DNA evidence of defendant, § 35:13

Other crimes evidence, § 36:3

Prior crimes and convictions, § 36:3

Privileged communications, sexual
assault counselor, §§ 26:3, 28:5

Victim's character, § 33:3

READING

Accounts of trial, reading by jurors,
§ 42:4

Law, counsel reading in final argument,
§ 41:25

Testimony, jurors re-reading, § 42:11

REAL EVIDENCE

Demonstrative and Real Evidence
(this index)

REAL PROPERTY

Boundaries, hearsay exception, § 29:11

Search and Seizure (this index)

Value of property, lay witness opinion,
§ 32:7

REASONABLE DOUBT

Generally, §§ 7:4, 22:10

Jury instructions, § 40:11

**REASONABLE MEDICAL
PROBABILITY**

Generally, § 32:18

REBUTTAL EVIDENCE

Generally, § 19:4

Order of proof, § 19:4

RECALLING WITNESSES

Generally, § 24:22

RECESSES

Depositions, recess for, § 6:9

RECOLLECTION

Generally, **Memory** (this index)

RECOLLECTION RECORDED

Hearsay exception, § 26:3

RECORD

Conduct of trial, generally, § 3:17
Contempt of court, § 12:8
Final arguments, matters outside record,
§ 41:17
Objections, § 38:1
Preserving record
generally, §§ 26:3, 38:1
avowal, § 38:9
conduct of trial, generally, § 3:17
objections, § 38:1

RECORDED RECOLLECTION

Exception to hearsay rule, § 26:3

RECORDS

Duces tecum subpoenas
generally, § 23:5
hospital records, § 23:6
Family, § 29:11
Hearsay exceptions, § 29:11
Hospital records, subpoenas, § 23:6
Pharmacy records, administrative
searches, § 15:20
Property records, hearsay exception,
§ 26:3
Regularly conducted activity, hearsay
exception, §§ 26:3, 29:11
Religious organizations, §§ 26:3, 29:11
Summary of voluminous records,
§ 31:14
Vital statistics, §§ 26:3, 29:11

RECROSS-EXAMINATION

Generally, § 25:17

RECUSAL

Judge, § 2:8
Prosecutor, § 9:6

REDIRECT EXAMINATION

Generally, § 24:21

REFRESHED RECOLLECTION

Generally, §§ 24:12, 26:3
Direct examination, § 24:12

REHABILITATION

Impeachment, § 27:7
Juror, § 16:13

REHABILITATION OF WITNESS

Generally, § 27:7

RELATED PENDING LITIGATION

Continuance, § 11:8

RELEASE FROM LIABILITY

Settlement and compromise, § 14:13

RELEASE OF INFORMATION

Attorneys, release by, § 1:5

RELEVANCY OF EVIDENCE

Generally, §§ 24:5, 26:3
Admissible, § 26:3
Direct examination, § 24:5
Exclusion, § 26:3

RELEVANT EVIDENCE

Direct examination, § 24:5

RELIANCE

Advice of counsel, defense of, § 8:14

RELIGION

Credibility, religious beliefs, § 26:3
Records and certificates of religious
organizations, § 29:11
Religious privilege, §§ 26:3, 28:7

REMARKS

Claim of privilege, § 26:3
Judge, §§ 2:4, 40:7

REMEDIAL MEASURES

Generally, §§ 26:3, 34:5
Product liability exclusion, §§ 26:3,
34:5

REOPENING

Right to reopen, § 19:6

REPAIRS

Evidence, repair bill, § 32:16
Product liability, § 34:5
Subsequent remedial measures, § 34:5

REPARATION

Civil cases, § 39:2

REPETITION

Generally, § 4:8
Direct examination, § 24:14
Opening statements, § 18:1

REPUTATION

Character, §§ 26:3, 33:2
Hearsay, §§ 26:3, 29:11
Impeachment, § 27:5

REPUTATION IN THE COMMUNITY

Generally, § 33:2

RES IPSA LOQUITUR

Generally, §§ 22:6, 22:7

INDEX

RESEARCH

Tests and experiments, § 31:9

RESIDENCE

Curtilage, search of, § 15:5

RESPONSIVE ANSWER

Cross examination, § 25:9

RESTRICTIONS ON TIME

Final argument, § 41:4

RETALIATION

Production of witnesses and documents,
§ 23:10

RETURN OF VERDICT

Generally, § 43:1

REVIEW COMMISSION

Rules of Evidence, § 26:3

REVOCAION

Probation, § 44:9

RIGHT OF CONFRONT

Witnesses in criminal trials, § 7:31

RIGHT OF DEFENDANT TO TESTIFY

Criminal trials, § 24:23

RIGHT TO COUNSEL

Conflicts of interest, criminal trials,
§ 7:9

Criminal trials, §§ 7:8, 7:12

RIGHT TO REMAIN SILENT

Criminal trials, § 7:6

Jury instructions, § 7:7

RISK OF NON-PERSUASION

Generally, § 20:5

ROADBLOCKS

Search and seizure, § 15:22

ROUTINE PRACTICE

Generally, § 34:2

Business custom, § 34:3

Character evidence, § 33:5

Records of regularly conducted activities, hearsay exception, § 29:11

RULES OF EVIDENCE

Generally, § 26:1 et seq.

Amendments, § 26:3

Applicability, § 26:3

Authentication, § 30:1 et seq.

Civil proceedings, § 26:3

Criminal proceedings, § 26:3

Effective date, § 26:3

Objections, § 26:3

RULES OF EVIDENCE—Cont'd

Official commentary, § 26:3

Purpose and construction, § 26:3

Review commission, § 26:3

Scope, § 26:3

RULINGS

Objections, necessity of rulings, § 38:7

SAFETY

Admissibility, safety handbooks, § 34:4

Employer duty, § 34:4

Subsequent remedial measures, § 34:5

SAME OFFENSE

Double jeopardy, § 10:2

SAMPLE TRIAL MEMORANDUM

Generally, § 6:9

SCHOOL COUNSELOR PRIVILEGE

Generally, §§ 26:3, 28:5

SCIENTIFIC EVIDENCE

Expert witnesses, § 32:17

SCIENTIFIC TESTS

Discovery in criminal cases, § 9:14

SCOPE

Cross-examination, §§ 25:5, 26:3

Direct examination, § 24:13

Final argument, § 41:5

SEARCH AND SEIZURE

Generally, § 15:1 et seq.

Administrative searches, § 15:20

Arrests, lawful, § 15:14

Automobile searches, § 15:18

Computer files, extent of protection,
§ 15:3

Consent, § 15:21

Containers, § 15:19

Curtilage, search of, § 15:5

Descriptions of premises and property,
§§ 15:10, 15:11

Exceptions to exclusionary rule, § 15:2

Execution of warrant, § 15:12

Extent of exclusionary rule, § 15:3

Foreign nationals, § 15:1

Fruit of poisonous tree, § 15:4

Motions to suppress, § 15:7

Motor vehicle searches, § 15:18

Open fields doctrine, § 15:6

Pharmacy records, administrative
searches, § 15:20

Plain view, § 15:16

Protective sweep, § 15:17

Roadblock searches, § 15:22

Scope of exclusionary rule, § 15:3

SEARCH AND SEIZURE—Cont'd

- Standing, § 15:8
- Stop and frisk, § 15:15
- Traffic stops, § 15:23
- Warrantless searches
 - generally, § 15:13
 - Extent of protection, computer files, § 15:3
- Warrantless searches and seizures, § 15:13

SEARCH WARRANTS

- Generally, § 15:9 et seq.
- Descriptions of premises and property, §§ 15:10, 15:11
- Execution of warrant, § 15:12
- Premises, description of, § 15:10
- Property, description of, § 15:11
- Rules of Evidence not applicable, § 26:3
- Warrantless searches and seizures, § 15:13

SEATING

- Counsel, parties, and witnesses, seating of, § 3:3

SEIZURE

- Search and Seizure** (this index)

SELECTIVE PROSECUTION

- Defense, § 8:24

SELF-AUTHENTICATION

- Generally, §§ 26:3, 30:4
- Business records, §§ 26:3, 30:4
- Commercial paper, § 30:4
- Public document, § 30:4

SELF-DEFENSE

- Generally, § 8:8

SELF-INCRIMINATION PRIVILEGE

- Generally, §§ 7:6, 24:17
- Civil case, § 41:13
- Direct examination, § 24:17
- Witness' privilege, § 28:11

SENTENCE

- Contempt of court, § 12:9
- Criminal trials, generally, § 44:6 et seq.
- Probation** (this index)
- Rules of Evidence, applicability at sentencing, § 26:3
- Subpoenas, noncompliance, § 23:4
- Truth-in-sentencing, § 44:7
- Voir dire as to death penalty, § 17:28

SENTENCING

- Consecutive sentences, § 44:10
- Correct sentence, motion to, § 44:13

SENTENCING—Cont'd

- Death sentence, § 44:11
- Evidence, § 44:12
- Good time credit, evidence as to, § 44:10
- Parole, § 44:14
- Set aside, motion to, § 44:13
- Vacate, motion to, § 44:13
- Victim impact evidence, § 44:12

SEPARATE TRIALS

- Criminal trials, § 7:22

SEPARATION

- Criminal trials, separate, § 7:22
- Jury Trials** (this index)
- Witnesses, separation of, § 23:19

SERVICE OF PROCESS

- Habeas corpus ad testificandum, § 23:8
- Jurors, summoning, § 16:5
- Right to interview witnesses, § 23:9
- Subpoena
 - generally, § 23:1 et seq.
 - civil action, § 23:2
 - contempt, § 23:4
 - criminal proceedings, generally, § 23:3
- Duces Tecum Subpoenas** (this index)
 - failure to comply, § 23:4
 - hospital records, § 23:6
 - noncompliance, § 23:4
 - out-of-state witnesses, § 23:7
 - right to interview witnesses, § 23:9

SET ASIDE

- Sentence, motion to set aside, § 44:13

SETTLEMENT

- Generally, § 14:1 et seq.
- Admissibility of statements, § 26:3
- Aggravating circumstances, § 14:5
- Attorneys
 - generally, § 14:5
 - contingent fees, § 14:12
 - handling client, § 14:4
 - multiple clients, representation of, § 14:11
- Brochures
 - sample brochure, § 14:7
 - video brochures, § 14:8
- Civil cases, § 34:6
- Client relations, § 14:4
- Closing argument, § 41:9
- Contingent fees, § 14:12
- Criminal case, § 14:14
- Criminal trials, generally, § 14:14

INDEX

SETTLEMENT—Cont'd

- Evaluation, § 14:2
- Evidence of negligence, § 34:6
- Fees of attorney, contingent, § 14:12
- Final arguments, § 41:9
- Legal requirements, § 14:1
- Multiple clients, attorney representation of, § 14:11
- Negligence, evidence of, § 34:6
- Negotiations, § 14:3
- Offers to compromise, evidence of negligence, § 34:6
- Plea agreement, § 41:10
- Releases, §§ 14:6, 14:13
- Representation of multiple clients, § 14:11
- Sample brochure, § 14:7
- Structured settlements, § 14:9
- Subrogation, § 14:1
- Summary jury trial, § 14:10
- Video brochures, § 14:8
- Video presentation, § 28:5

SEX OFFENSES

- Character of victim, § 33:3
- DNA evidence of defendant, § 35:13
- Other crimes evidence, § 36:3
- Prior crimes and convictions, § 36:3
- Privileged communications, sexual assault counselor, §§ 26:3, 28:5

SEXUAL CONDUCT

- Admissibility, §§ 26:3, 33:3

SHACKLES

- Criminal defendant in shackles, § 7:19

SHAREHOLDERS

- Attorneys fees, document inspection, § 44:4
- Civil cases, § 39:2

SHIFTING BURDEN

- Burden of going forward, §§ 20:4, 20:10

SHOW-UP

- Identification, § 35:8
- Suggestive, § 35:8
- Witnesses, § 35:8

SIDE BAR CONFERENCES

- Generally, § 3:15

SIGNATURE

- Pleadings, § 1:15

SILENCE, RIGHT OF

- Generally, § 7:6
- Instructions to jury, § 7:7

SIMPLICITY

- Final arguments, § 41:1
- Presentation of evidence, § 4:3

SLANDER

- Libel and Slander** (this index)

SMALL CLAIMS

- Rules of Evidence not applicable, § 26:3

SOCIAL CLASS

- Final argument, § 41:18

SOCIAL MEDIA

- Demonstrative and real evidence, § 31:17
- Juror's social network friends, misconduct regarding, § 42:14

SOCIAL RELATIONSHIPS

- Final arguments, § 41:18
- Voir dire, § 17:24

SOCIAL WORKER

- Expert witness, § 32:12
- Privilege, §§ 26:3, 28:6

SPECIAL IMMUNITY

- Generally, § 2:7

SPECIAL VERDICTS

- Civil cases, § 40:2

SPECTATORS

- Coaching of witness by spectators, § 3:6
- Conduct of spectators, § 3:5
- Exclusion From Courtroom** (this index)
- Family of party, exclusion of, § 3:12
- Persons near courtroom, controlling conduct of, § 3:13
- Press, exclusion of, § 3:10
- Public, exclusion of, § 3:9
- Voir dire, exclusion from, § 17:12

SPEED OF VEHICLE

- Lay opinion evidence, § 32:8

SPEEDY TRIAL

- Generally, § 7:27
- Child victims, § 7:29
- Particular delays, effect of, § 7:28

SPOUSAL PRIVILEGE

- Generally, §§ 26:3, 28:3

STANDARD OF PROOF

- Reasonable doubt, § 7:4

STANDING

- Search and seizure question, § 15:8

STATEMENT AGAINST INTEREST

Hearsay exception, § 26:3

STATUTE OF LIMITATIONS

Malpractice, § 1:13

STIPULATIONS

Generally, § 21:4

STOP AND FRISK

Search and seizure, § 15:15

STRUCTURED SETTLEMENTS

Generally, § 14:9

Taxation, § 14:9

SUBORNATION OF PERJURY

Generally, § 23:18

SUBPOENAS

Generally, § 23:1 et seq.

Civil action, § 23:2

Contempt, § 23:4

Criminal proceedings, generally, § 23:3

Duces Tecum Subpoenas (this index)

Failure to comply, § 23:4

Hospital records, § 23:6

Noncompliance, § 23:4

Out-of-state witnesses, § 23:7

Right to interview witnesses, § 23:9

SUBROGATION

Civil cases, § 40:1

Settlement, § 14:1

SUBSCRIBING WITNESS

Testimony, § 26:3

SUBSEQUENT REMEDIAL MEASURES

Generally, §§ 26:3, 34:5

Evidence, § 34:5

SUBSTITUTES FOR PROOF

Generally, § 21:1 et seq.

Admissions (this index)

Judicial notice, § 21:5

Life expectancy and mortality tables, § 21:6

Pleadings, admissions in, § 21:2

Stipulations, § 21:4

SUFFERING

Pain and Suffering (this index)

SUFFICIENCY

Civil cases, sufficiency of evidence, § 39:2

Criminal cases, sufficiency of evidence, § 39:7

Directed verdict motion, § 39:3

SUFFICIENCY—Cont'd

Judge's comment, sufficiency of evidence, § 40:7

Objection, § 38:6

SUGGESTIVE

Identification, § 35:3

Lineup, § 35:7

Show-up, § 35:8

SUICIDE

Defense of suicide prevention, § 8:17

Presumption against suicide, §§ 22:4, 22:5

SUMMARIES OF DOCUMENTS

Admissibility, § 26:3

Voluminous records, § 31:14

SUMMARY CONTEMPT

Generally, §§ 12:3, 12:4

Rules of Evidence, § 26:3

SUMMARY JURY TRIAL

Generally, § 14:10

SUMMONS

Service of Process (this index)

SUPPRESSION OF EVIDENCE

Generally, § 15:1

Exceptions, § 15:2

Extent of protection, § 15:3

Fruit of the Poisonous Tree, § 15:4

Motion to suppress, § 15:7

SURPRISE

Continuance, § 11:7

SURREBUTTAL EVIDENCE

Order of proof, § 19:5

SWEETHEART

CROSS-EXAMINATION

Generally, § 25:10

SYMPATHY

Final arguments, § 41:21

SYSTEM OR PROCESS

Authentication, § 29:11

TACTICS

Objection, § 38:4

TAMPERING

Production of witnesses and documents, § 23:10

TAPE RECORDING

Authentication, § 30:2

INDEX

TAXATION OF COST

Generally, § 44:4

TAXPAYER ACTIONS

Civil cases, § 39:2

TELEPHONE CONVERSATIONS

Generally, § 26:3

Authentication, § 30:2

Identification, § 30:2

TERRY STOP

Generally, § 15:15

TESTAMENTARY CAPACITY

Lay opinion evidence, § 32:5

Lay witness opinion, § 32:5

TESTS AND EXPERIMENTS

Alcohol breath test, § 31:10

Evidence, § 31:9

Real and demonstrative evidence, § 31:9

TEXTBOOKS

Cross examination, § 25:16

THEME

Auto accident case, § 4:1

Death collection case, § 4:1

Final argument, § 41:1

Homeowner suit against contractor,
§ 4:1

Opening statements, § 18:1

Preparation, § 4:1

TIME

Continuances (this index)

Final arguments, § 41:4

Nunc pro tunc, § 44:2

Objections, time of, § 38:5

Presumption of death after 7 years'
absence, § 22:3

Pretrial Matters (this index)

TOPE OF VOICE

Advocacy, § 4:2

TRACKING DOGS

Identification, § 35:12

TRACKS

Identification, § 35:11

TRADE JOURNALS

Self-authentication, § 26:3

TRAFFIC STOPS

Search and seizure, § 15:23

TRIAL BY COURT

Generally, § 13:1

Considerations, § 13:10

TRIAL BY COURT—Cont'd

Cost of jury trials, § 13:9

Directed verdicts, § 39:6

Verdicts, § 43:9

Waiver of jury trial, §§ 13:7, 13:8

TRIAL IN ABSENTIA

Generally, § 7:18

TRIAL NOTEBOOK

Generally, § 6:1 et seq.

Automobile accidents, § 6:9

During trial, use, § 6:3

Exhibit list, § 6:5

Exhibit slip, § 6:6

Files, organization of, § 6:7

Organization of files, § 6:7

Pretrial use, § 6:2

Use of notebook

before trial, § 6:2

during trial, § 6:3

Witness list, § 6:4

TRIAL PREPARATION

Checklist, § 5:1 et seq.

Clarity, § 4:6

Simplicity, § 4:3

Theme, § 4:1

TRIAL RECORD

Conduct of trial, generally, § 3:17

Contempt of court, § 12:8

Final arguments, matters outside record,
§ 41:17

Objections, § 38:1

Preserving record

generally, §§ 26:3, 38:1

avowal, § 38:9

conduct of trial, generally, § 3:17

objections, § 38:1

TRUTH

Opening statements, § 18:1

Voir dire, § 17:18

TRUTH-IN-SENTENCING

Generally, § 44:7

ULTRASOUND RECORDINGS

Evidence, § 31:6

UNAVAILABILITY OF DECLARANT

Hearsay exceptions, §§ 26:3, 29:12

UNDERLYING DATA

Expert opinion, § 32:13

UNDUE PROMINENCE

Jury instructions, § 40:4

**UNFAIR CLAIMS SETTLEMENT
PRACTICES ACT**

Preparation for trial, § 1:1

**UNIFIED PROSECUTORIAL
SYSTEM**

Generally, § 9:1

VACATE OR SET ASIDE

Sentence, motions regarding, § 44:13

VALUATION

Expert witnesses, § 32:20

Lay opinion evidence, § 32:7

Lay witness opinion, § 32:7

Settlements, § 14:2

VERDICTS

Generally, § 43:1 et seq.

Communications after verdict, § 43:7

Contrary to instructions, § 43:3

Damages (this index)

Deadlocked jury, § 40:17

Defective verdicts

generally, § 43:2

impeachment of verdict, § 43:8

Directed Verdicts (this index)

Errors. Defective verdicts, above

Form of verdict, § 43:1

Form verdict, § 40:8

Impeachment of verdict, § 43:8

Inconsistency, § 43:4

Instructions to jury, verdict contrary to,
§ 43:3

Nonjury trials, § 43:9

Number of jurors for verdict, § 43:5

Polling jury, § 43:6

Special verdicts, § 40:2

VICTIM IMPACT EVIDENCE

Parole, § 44:15

Sentencing, § 44:12

VICTIM'S CHARACTER

Generally, § 33:1

Evidence, § 33:3

Sex offenses, §§ 26:3, 33:1, 33:3

VIDEOTAPES AND MOTION

PICTURES

Admissibility, § 26:3

Evidence, § 31:4

Real and demonstrative evidence, § 31:4

Settlement, § 14:8

VIEW BY JURY

Crime scene, § 31:12

Injury, § 31:13

Person, view of, § 31:13

VIEW BY JURY—Cont'd

Scene, view of, § 31:12

VINDICTIVENESS

Defense to criminal case, § 8:21

VITAL STATISTICS RECORDS

Hearsay exception, § 29:11

VOCATIONAL EVIDENCE

Expert witnesses, physical abilities and
work history, § 32:23

VOICE

Generally, §§ 26:3, 30:2, 35:9

Audio recordings, § 31:5

Defendants, identification of, § 35:9

Telephone conversations, § 30:2

VOIR DIRE

Generally, § 17:1 et seq.

Actual bias, challenge for cause, § 17:20

Alternate jurors, § 17:31

Business relationships, § 17:23

Challenges to Jury (this index)

Checklists

Jury Selection (this index)

Closing voir dire to public and press,
§ 17:12

Competent counsel, right to, § 17:11

Counsel, examination by, § 17:9

Court, examination by, § 17:9

Criminal Trials (this index)

Damages, § 17:15

Death penalty, § 17:28

Family relationships, § 17:22

Hypothetical questions, § 17:17

Impaneling jury, § 17:8

Impartial jury, right to, § 17:7

Implied bias, § 17:21

Individual voir dire, § 17:10

Insurance, § 17:14

Judge, examination by, § 17:9

Law, principles of, § 17:16

Litigation, prior similar, § 17:25

Peremptory Challenges (this index)

Prejudice or bias

actual bias, § 17:20

challenges for cause, § 17:19

implied bias, § 17:21

right to impartial jury, § 17:7

Preparation of voir dire, § 17:2

Press, exclusion of, § 17:12

Principles of voir dire, § 17:1

Prior events and conditions

connection with case, § 17:25

similar litigation, prior, § 17:25

INDEX

VOIR DIRE—Cont'd

- Public, exclusion of, § 17:12
- Relationships
 - business relationships, § 17:23
 - family relationships, § 17:22
 - social relationships, § 17:24
- Scope of voir dire, § 17:13
- Sentencing questions, § 17:27
- Separate and individual voir dire, § 17:10
- Similar litigation or crime, prior, § 17:26
- Social relationships, § 17:24
- Technique, § 17:1
- Truthfulness, duty of jurors, § 17:18

VOLUMINOUS RECORDS

- Summary, §§ 26:3, 31:14

VOLUNTARINESS

- Confessions, § 37:3
- Disclosure of informant, § 9:10
- Intoxication, § 8:3

WAIVERS

- Counsel, waiver of right to, § 7:12
- Defendant's right to testify, § 24:23
- Jury trial, waiver of, §§ 13:7, 13:8
- Presence of defendant, waiver of, § 7:15
- Privileges, §§ 26:3, 28:12
- Right to counsel in criminal cases, § 7:12

WARRANTLESS SEARCHES

- Generally, § 15:13
- Extent of protection, computer files, § 15:3
- Marijuana growing, § 15:13

WARRANTS

- Search and seizure, generally, § 15:9

WEAPONS

- Admissibility, bullet lead analysis, § 32:12
- Negligence, safety rules, § 34:4

WIFE-HUSBAND PRIVILEGE

- Generally, §§ 26:3, 28:3

WILLS

- Testamentary capacity, § 32:5

WITHERSPOON RULE

- Generally, § 17:28

WITNESS LISTS

- Generally, § 6:4
- Prosecution, § 9:13
- Trial notebook, § 6:4

WITNESSES

- Absence of witnesses, continuances, § 11:5
- Accuracy of witness, testing on cross-examination, § 25:7
- Adverse party as witness, §§ 24:15, 25:11
- Attorneys as witnesses, § 1:11
- Attorney's misrepresentation of testimony during final argument, § 41:28
- Character, §§ 26:3, 33:1
- Checklist, § 5:9
- Closed circuit television, child's testimony, § 7:18
- Closed circuit video or recording, testimony by, § 23:14
- Coaching of witness by spectators, § 3:6
- Compensation, § 23:11
- Competency of judge, § 26:3
- Competency of juror, § 26:3
- Competency of witnesses
 - generally, §§ 24:3, 26:3
 - taking stand, requirement of, § 24:17
- Conduct of judge, § 2:5
- Contempt, § 12:7
- Continuances, absence of witnesses, § 11:5
- Credibility. Impeachment of Witnesses** (this index)
- Cross-Examination** (this index)
- Direct Examination** (this index)
- Economic evidence, § 32:22
- Examination by court, § 26:3
- Exclusion, § 3:7
- Exclusion from hearing testimony, § 26:3
- Expenses, § 23:11
- Expert Witnesses** (this index)
- Immunity, § 9:17
- Impeachment of Witnesses** (this index)
- Interest in subject matter, § 27:2
- Interfering with a witness, § 23:10
- Interpreters, §§ 23:13, 26:3
- Interrogation of Witnesses** (this index)
- Interview, § 23:9
- Judges** (this index)
- Jurors, §§ 26:3, 42:2
- Jury as questioning witnesses, § 42:17
- Lay Opinion Evidence** (this index)
- Liability
 - generally, §§ 3:20, 23:16
 - libel and slander, § 3:20
- Libel and slander; liability for, § 3:20
- Limiting the number, § 3:12

WITNESSES—Cont'd

- Lists. **Witness Lists** (this index)
- Memory** (this index)
- Oath, § **23:12**
- Out-of-state witnesses, subpoenas, § **23:7**
- Perjury** (this index)
- Personal Knowledge** (this index)
- Personal mileage, § **26:3**
- Prejudice or bias, § **27:2**
- Preparation for cross examination, § **25:2**
- Presence or absence of witnesses continuances, § **11:5**
- Process and Service of Process and Papers** (this index)
- Subpoenas** (this index)
 - unavailability of declarant, hearsay exceptions, § **29:12**
- Pretrial preparation checklist, § **5:9**
- Prior accusations, § **25:15**
- Prior convictions, § **27:4**
- Prior Inconsistent Statements** (this index)
- Prior wrongs, § **25:14**
- Privilege, § **23:16**
- Production of Witnesses and Documents** (this index)
- Public broadcasts, testimony on, § **23:15**
- Recalling, § **24:22**
- Recross-examination, § **25:17**
- Redirect examination, § **24:21**

WITNESSES—Cont'd

- Rehabilitation of witness, § **27:7**
 - Repetition** (this index)
 - Reputation, § **27:5**
 - Requirements
 - cross-examination, requirement that answer be responsive, § **25:9**
 - direct examination, requirement to answer, § **24:16**
 - taking stand, requirement of, § **24:17**
 - Retaliation, § **23:10**
 - Right to confront, § **7:31**
 - Right to interview witnesses, § **23:9**
 - Seating of, § **3:3**
 - Separation, § **23:19**
 - Showup procedure, § **35:8**
 - Source of information, § **25:7**
 - Spectators, coaching of witness by, § **3:6**
 - Subornation of perjury, § **23:18**
 - Subpoenas** (this index)
 - Taking stand, requirement of, § **24:17**
 - Tampering with a witness, § **23:10**
 - Trial notebook, § **6:4**
 - Underlining data, § **26:3**
 - Witness Lists** (this index)
- WRITINGS**
- Definition under KRE, § **26:3**
 - Refreshing memory, § **26:3**
- X-RAYS**
- Evidence, § **31:3**