

Evidence Outline

- I. Evidence Generally
 - A. Why Evidence Law
 - 1. Mistrust of juries
 - 2. To serve substantive policies re: matter being litigated
 - 3. To serve substantive policies re: matters unrelated to the matter being litigated
 - 4. To ensure accurate fact-finding
 - 5. To control scope and duration of trial
 - B. What happens at trial
 - 1. Jury selection
 - a. Summons
 - b. Voir dire
 - 1) For cause
 - 2) Peremptory challenge
 - 2. Opening statement
 - a. Party bearing burden of proof has right to go first (usu. P or prosecution)
 - 3. Presentation of Proof
 - a. Order of proof
 - 1) P presents case in chief, then rests
 - 2) D presents case in chief then rests
 - 3) P presents case in rebuttal
 - 4) D presents case in rebuttal
 - 5) Each side presents further cases in rebuttal
 - b. Order of examination
 - 1) Direct exam by calling party
 - 2) Cross
 - 3) Re-direct
 - 4) Re-cross
 - 5) Etc...
 - 4. Trial Motions
 - a. Ex: Motion for judgment
 - 5. Closing argument
 - a. Party bearing burden of proof has right to make 2 closing arguments book-ending opponent's argument
 - 6. Instructions
 - a. Limiting
 - b. Presumptions
 - 7. Deliberations
 - 8. Verdict
 - 9. Judgment/Post-Trial Motions
 - 10. Appellate Review
 - C. The Record
 - a. Pleadings