

HEARSAY EXCEPTION QUIK-CHART

HEARSAY EXCEPTION	NATURE OF STATEMENT	ELEMENTS
STATEMENTS OF MENTAL OR PHYSICAL STATE [EC §1250; EC §1251; EC §1252; FRE 803(3); FRE 803(4)] 1. <i>Statement of Then-Existing State of Mind or Physical Sensation</i> [EC §§1250, 1252; FRE 803(3)]	Declarant's then-existing mental or physical state to prove such state or as evidence explaining acts or conduct – not memory or belief	a) Declarant's state of mind, emotion or physical sensation at the time the statement was made must be at issue; b) Statement must be a direct manifestation of declarant's state of mind, emotion or physical sensation; and c) Indicia of trustworthiness.
	2. <i>Statement of Previously Existing State of Mind or Physical Sensation</i> [EC §§1251, 1252, 240; FRE 803(4)]	a) Declarant unavailability; b) Declarant's state of mind, emotion or physical sensation must be at issue; and c) Indicia of trustworthiness.
ADMISSIONS [EC §§1220-1227; FRE 801] 1. <i>Party Admissions and Confessions</i> [EC §1220; FRE 801(d)(2)(A)]	Opinion, hearsay or anything else from an opposing party in the case	a) Declarant is a party; b) The party made the statement; and c) Statement offered by a party opponent against declarant. <i>Federal Rules: Party admissions are admissible nonhearsay (FRE 801(d)(2)(A)).</i>
	2. <i>Adoptive Admissions</i> [EC §1221; FRE 801(d)(2)(B)]	Adoption of something said by another in his or her presence – words, conduct or silence <i>The party must: a) have knowledge (i.e., heard and understood) of the content of the other person's hearsay statement and b) by words or conduct adopt or express a belief in the truth of the statement.</i> <i>Federal Rules: Adoptive admissions are admissible nonhearsay (FRE 801(d)(2)(B)).</i>
	3. <i>Authorized Admissions</i> [EC §1222; FRE 801(d)(2)(C)(D)]	Statement made by someone authorized to speak for an opposing party in the case concerning the subject matter spoken about Declarant must be authorized by the party to either: a) make the hearsay statement (express or implied) or b) make the statement for the party regarding the subject matter of the statement. <i>Federal Rules: Authorized admissions are admissible nonhearsay (FRE 801(d)(2)(C)(D)).</i>
	4. <i>Admission of Co-Conspirator</i> [EC §1223; FRE 801(d)(2)(E)]	Statement made by someone participating in a conspiracy to commit a crime or civil wrong a) Existence of a conspiracy; b) Declarant participated in the conspiracy when the statement was made; c) Statement made in furtherance of conspiracy; and d) At the time statement made the co-conspirator party was participating in the conspiracy or would do so at a later time. <i>Federal Rules: Admissions by co-conspirators are admissible nonhearsay (FRE 801(d)(2)(E)).</i>

Hearsay Exceptions Cheat Sheet

Brent McDonald

A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the author's name.

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New York Evidence Handbook Michael M. Martin, Daniel J. Capra, Faust F. Rossi, 2003-01-01 If you litigate or preside in any court in the state of New York you know just how confounding the state's evidence law can be New York Evidence Handbook is the new comprehensive guide to all of the rules and principles of evidence applicable in New York courts This new 1 000 page handbook presents a practical contemporary approach to evidence written with the real world challenges of the New York trial lawyer and judge in mind It gathers into one easy to use handbook all of the rules the leading decisions and the significant statutes you need to consider when assessing the admissibility of evidence The book walks you through all the rules and their operation as they relate to judicial notice presumptions relevance the best evidence rule etc discussing all of the leading authorities and citing numerous trial examples Throughout New York Evidence Handbook special attention is paid to helping you quickly solve commonly encountered but difficult evidence questions *California Guide to Criminal Evidence 2024-25 (8th edition)* Judge Elia V. Pirozzi (Ret.), 2025-02-01 This treatise is used by attorneys and judges throughout California as a comprehensive resource on evidentiary and constitutional issues It is unique in its approach with numerous checklists courtroom scripts and easy reference charts The California Guide to Criminal Evidence currently in its 8th edition is the one publication in California that provides a systematic approach for practitioners and judicial officers to efficiently address evidentiary and constitutional issues during a trial or motion hearing Complete with federal and state case and statutory law legal commentary and comprehensive easy to access flowcharts and tables the California Guide to Criminal Evidence is the primary resource a litigator will need to accurately resolve complex evidentiary or constitutional questions and effectively introduce an item for admission into evidence and get it admitted by the court It is also functional and compact in that it was created to be brought to court along with counsel's trial binder and materials to be used when quick answers are required concerning evidentiary matters The California Guide to Criminal Evidence was designed as a practice guide to assist attorneys navigate through the maze of legal issues that surface during a proceeding with ease speed and precision Although organized with a criminal law emphasis the California Guide to Criminal Law Evidence has been widely used by both civil and criminal law practitioners judges and law professors Unlike other evidence treatises on the market the California Guide to Criminal Evidence was written for new and experienced litigators complete with in depth legal analysis and commentary practice charts and tables sample scripts and scholarly and practical insight from an experienced criminal and civil trial judge It highlights what judges look for and expect from counsel when seeking to introduce specific items of evidence for admission and how to respond to a judge's questions swiftly concisely and with applicable legal reasoning While other books on the market cover evidence and constitutional issues separately the California Guide to Criminal Evidence does both for one affordable price far below the cost of other texts offering less content And while competitor publications focus primarily on California state cases the California Guide to Criminal Evidence contains a comprehensive examination of the

Federal Rules of Evidence and U S Supreme Court and Ninth Circuit Court of Appeals decisions And the California Guide to Criminal Evidence can be purchased in print version or eBook format There is simply no equal to this unique practice resource on the market today The California Guide to Criminal Evidence is organized in two distinct parts Part 1 is a comprehensive discussion and analysis of the Evidence Code the Fourth Fifth and Sixth Amendments to the U S Constitution and all relevant case and statutory law The discussion is organized to give the practitioner a practical and step by step methodology to assess the admissibility of evidence in a criminal trial or hearing This approach requires the practitioner to address the following questions whenever the admissibility of evidence is in issue Chapter 1 Relevance Is the evidence relevant Chapter 2 Foundation Can the necessary foundation be established for the evidence Chapter 3 Hearsay Does the evidence constitute hearsay and if so does it fall within a recognized exception to the hearsay rule Chapter 4 Statutory Limits on Particular Evidence Is the evidence subject to exclusion or limitation under evidentiary rules related to character evidence impeachment or privilege Chapter 5 Exclusion of Evidence on Constitutional Grounds Is the evidence subject to exclusion under the Fourth Fifth or Sixth Amendment to the U S Constitution Chapter 6 Discretionary Exclusion Under Evid C 352 Can the evidence survive exclusion under Evidence Code 352 Chapter 7 Preliminary Fact Determinations Does the admissibility of a particular item of evidence depend on the existence or nonexistence of some other fact Chapter 8 Burdens Presumptions Are there any burdens of proof or presumptions applicable to a fact or issue in the case Part 2 provides an assortment of charts and tables to assist the practitioner in addressing the evidentiary issues discussed in Part 1 quickly and effectively in the courtroom These charts and tables cover topics such as evidentiary objections hearsay exceptions character evidence privileges and numerous issues under the U S Constitution REVIEWS and WORDS OF PRAISE What took us several hours of research in the law library this book succinctly and accurately summarized It s hard to imagine a criminal trial lawyer not having this useful guide in his trial briefcase James Campbell Esq Campbell DeMetrick PLC San Francisco Past President of the American Board of Criminal Lawyers Former Dean of the Nat l College of DUI Defense The book gives quick and reliable answers to all evidence questions demonstrating what is admissible what is not and the hows and whys of using the rules of evidence to win cases All busy lawyers will find it useful just about every day Edward Mallett Mallett Saper Berg LLP Past President of the Nat l Ass n of Criminal Defense Lawyers With this book I will no longer be panicking when the issue of admissibility as to a critical piece of evidence is suddenly being litigated mid trial Louis J Shapiro Law Offices of Louis J Shapiro Los Angeles Certified Specialist Criminal Law This book provides a systematic approach to determining evidence issues complete with insightful commentary flowcharts and tables to identify analyze and resolve evidence and constitutional questions during trial While serving as a Superior Court Judge it was always within arms reach and one of my most valuable resources Honorable Stanford Reichert ret California Superior Court Judge *How I Beat Law School At Its Own Game, And You Can Too* Brent McDonald, 2014-10-21 Some books cover everything from getting into law school to going to your first

interview or even how to practice law Others focus solely on taking your exams This book is about one thing getting A s in law school But it starts at the beginning of school and ends at your final exam It is the complete package of what you need to get A s without discussing off topic items such as interviewing skills This isn t another work harder or be more intelligent type of book Instead it teaches anyone how to get A s by playing the game correctly The techniques in the book have been tested and proven by numerous law students and will work for you too Here is what you will find in this book What to expect in the classroom Want to know what law school is really like Ease your pre law school nerves by understanding how each class will be conducted and understanding the different types of professors you will encounter You will also learn how the court systems are structured and understand why you will read and brief cases in law school The psychological game Unfortunately law school is a psychological game that you must be prepared to deal with The book covers the games played by your professors and some of your fellow students so that you can take it in stride and focus on getting good grades instead Getting a jump start There is a simple technique that you can follow to buy yourself an extra week of studying at exam time This technique is covered in detail Getting the big picture One of the most frustrating things about law school is that professors intentionally or unintentionally hide the ball Luckily for you there is a simple technique that won t require digging through hundreds of pages of expensive supplements This book shares that technique with you to get you ahead of the rest of your class in seeing the big picture I R A C This book covers how to use IRAC to brief cases but also how to take it one step further to give you what you need to ace your exams Note Taking in Class Note taking in law school is an art Learn the specifics of what should and should not be included in your notes By following this novel technique you will save valuable hours come exam time Study Aids Should you spend your money on study aids Learn the pros and cons and the proper way to use study aids to maximize your study time and potential to get A s Studying for the Exam The last week or two before exams is the time that separates that A s from everything else This book walks you through how to use your time day by day Also learn concrete methods to reduce your material to the essentials and what you should and should not memorize for your exams Following these techniques will send you to your exams more prepared than nearly all of your fellow students without killing you in the process How to Ace the Exam Learn everything you need to know about how to actually get A s on your exams both open and closed book exams You will learn how exams are graded and why more than just issue spotting is required Learn how to lay out your exam answer from start to finish in a format that will set you apart from the average student Using this book s techniques will alleviate significant stress as you will have a clear game plan and steps that you can follow to maximize your allotted exam time The step by step techniques taught in this book were written by a practicing lawyer The author was an average undergraduate student but he graduated at the top of his class after figuring out how to play the game of law school

Evidence Ronald Jay Allen, Richard B. Kuhns, Eleanor Swift, 2002 Known for its strong analytical framework this popular casebook continues to examine the significant policy themes that underlie interpretation

and application of the Federal Rules of Evidence Refined through years of successful classroom use and fortified by user feedback Evidence Text Problems and Cases Third Edition provides the perfect vehicle for introducing students to this vital area of study the Third Edition retains the most successful features of its predecessors clear and concise text with up to date cases and case references that make the book descriptive analytical and policy oriented use of Key Points to reinforce student understanding of topics realistic problems that involve students in the application of basic and cutting edge Evidence issues more quickly than other casebooks a transcript from an actual criminal law case that illustrates the relationship between the structure of trial And The goals of Evidence law

Evaluation for Civil Commitment Debra Pinals, Douglas Mossman, 2012-01-05 Forensic mental health assessment FMHA has grown into a specialization informed by research and professional guidelines This series presents up to date information on the most important and frequently conducted forms of FMHA The 19 topical volumes address best approaches to practice for particular types of evaluation in the criminal civil and juvenile family areas Each volume contains a thorough discussion of the relevant legal and psychological concepts followed by a step by step description of the assessment process from preparing for the evaluation to writing the report and testifying in court Volumes include the following helpful features Boxes that zero in on important information for use in evaluations Tips for best practice and cautions against common pitfalls Highlighting of relevant case law and statutes Separate list of assessment tools for easy reference Helpful glossary of key terms for the particular topic In making recommendations for best practice authors consider empirical support legal relevance and consistency with ethical and professional standards These volumes offer invaluable guidance for anyone involved in conducting or using forensic evaluations Evaluation for Civil Commitment gives readers comprehensive overview of the laws policies and evaluation practices focused on the civil commitment of persons with mental illness This volume also provides ethical clinical and practical guidance for the clinician s role in such proceedings including a summary of best practices for gathering information relevant to civil commitment hearings and providing testimony

Readings in Law and Society ,1997 **American Maritime Cases** ,1972

Evidence Iain Duncan Macphail,1987 *Kentucky Law Journal* ,1998 **Rules of Evidence for the United States Courts and Magistrates** Paul F. Rothstein,1973 This looseleaf volume contains the official text of the Federal Rules of Evidence and amendments complete with the Advisory Committee s notes The practice comments to the rules and case citations explain what actions can or cannot be taken under the rules

Wildlife Surveys Vincent Schultz,Tennessee. State Game and Fish Commission,1954 *American Law Reports Annotated Second Series* ,1965 *American Law Reports Annotated, Second Series. Word Index to Annotations* ,1965 *American Law Reports Annotated, Second Series: Covering vols. 76-100 ALR2d* ,1961

Trial Hearsay John L. Conlon, Mark A. Dombroff,1984 **The Hearsay Rule** G. Michael Fenner,2003 Professor G Michael Fenner s book provides a clear easy to follow discussion of the hearsay rule This text should be used in every law school evidence classroom TRIAL Magazine December 2003 Hearsay is the most difficult part of

an Evidence course and for many the most difficult rule of evidence to understand and apply in the practice of law This treatise on hearsay will be invaluable for students practitioners and judges anyone involved with the law of evidence Chapter 1 explains the basic concept using both time tested and brand new ways of seeing and understanding the subject Other chapters take a foundational approach to the exclusions and exceptions One of these chapters includes important new ways to use the residual exception Yet other chapters take a foundational approach to hearsay exceptions found outside of the rules of evidence such as exceptions in the Federal Rules of Civil and Criminal Procedure Fenner offers chapters on multiple levels of hearsay on evidence that is inadmissible hearsay to one issue and admissible hearsay to another on the interrelation between the hearsay rule and the competence of witnesses including ways in which a lawyer with an incompetent witness might be able to use hearsay to get that witness s evidence before the trier of fact and much more The Hearsay Rule includes discussions of and commentary on ways in which the rules can be used to advance the student s or the advocate s goals and on the many ways various rules interrelate topics not commonly addressed in other works No other treatise gives the student and the lawyer this kind of help with hearsay This treatise on hearsay will be invaluable for students practitioners judges or anyone involved with the law of evidence McGill Gotsdiner Workman Lepp P C L L O In my experience it is rare for a law school text to be equally valuable to practitioners and judges The Hearsay Rule is one of these rare books Used as a text at a number of law schools it is organized to provide both a ready reference and an in depth treatment of the hearsay rule Barbara Fritschel Law Library Journal Professor G Michael Fenner s book provides a clear easy to follow discussion of the hearsay rule This text should be used in every law school evidence classroom The uniformity of his analysis helps the reader develop a construct to evaluate hearsay This book would be a great addition to a new lawyer s collection and it should be used widely in law schools since it so clearly sets forth the hearsay rule in its various permutations More experienced lawyers who believe they know it when they see it would benefit from this helpfull refresher Trial December 2003 **Federal Evidence** Professor Steven, 2014-05-31 A law school book Expert witness evidence must be necessary for jury understanding of facts and then go through certain hoops to be admitted These hoops include the relevance of the evidence to the facts of the particular trial Hearsay is the biggest single law school issue and is heavily tested All the federal rules and all the exceptions to the hearsay rule are in this book properly explained and illustrated in understandable language StudyPrivatelyForTheBar com No more law school tears *Federal Evidence* Professor Steven, 2014-06-01 a law school book Value Bar Prep books 6 published bar exam essays Expert witness evidence must be necessary for jury understanding of facts and then go through certain hoops to be admitted These hoops include the relevance of the evidence to the facts of the particular trial Hearsay is the biggest single law school issue and is heavily tested All the federal rules and all the exceptions to the hearsay rule are in this book properly explained and illustrated in understandable language StudyPrivatelyForTheBar com No more law school tears **Recommendation, Miscellaneous Hearsay Exceptions**

California Law Revision Commission, 2008

A Student's Guide to Hearsay Clifford S. Fishman, 1999

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