

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)]	Declarant's mental or physical state at a prior time to statement to prove only such state	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	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>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

Professor Steven



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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.

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

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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, 2012-01-12 This book gives readers comprehensive overview of the laws policies and evaluation practices focused on the civil commitment of persons with mental illness

Readings in Law and Society , 1997

American Maritime Cases , 1972 **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

Evidence Iain Duncan Macphail, 1987 Wildlife Surveys Vincent Schultz, Tennessee. State Game and Fish Commission, 1954 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 helpful 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 The Hearsay Handbook David F. Binder, 1975 *A Student's Guide to Hearsay* Clifford S. Fishman, 1999 **Federal Evidence Expert Witnesses, Hear Say and Hear Say Exceptions** Value Bar Prep Books, 2014-06-01 Paper back law book Value Bar Prep law books Author of 6 published bar

exam essays including Evidence 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 **The Hearsay Rule and Its Exceptions** Judson F. Falknor,1954 An Irreverent Introduction to Hearsay Irving Younger,1977

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