

Evidence Law Flashcards PDF

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What is the definition of hearsay in evidence law?

Hearsay is an out-of-court statement offered to prove the truth of the matter asserted.

What are the exceptions to the hearsay rule?

There are several exceptions to the hearsay rule, including but not limited to: excited utterances, present sense impressions, statements made for medical diagnosis or treatment, and business records.

What is the difference between direct evidence and circumstantial evidence?

Direct evidence directly proves a fact, such as eyewitness testimony, while circumstantial evidence requires inference to connect it to a conclusion of fact.

What is the purpose of the best evidence rule?

The best evidence rule requires that the original document be submitted as evidence when the contents of that document are in dispute.

What is the role of relevance in evidence law?

Relevance determines whether evidence is admissible in court; evidence must be relevant to the case at hand to be considered.

What is an example of a privileged communication?

An example of privileged communication is the attorney-client privilege, which protects communications between a lawyer and their client from being disclosed.

What is the significance of the Confrontation Clause?

The Confrontation Clause of the Sixth Amendment gives a defendant the right to confront witnesses against them in a criminal case.

What is the difference between lay witness and expert witness?

A lay witness can only testify to facts they have personally observed, while an expert witness can provide opinions based on their specialized knowledge.

What is the standard of proof in a civil case?

The standard of proof in a civil case is 'preponderance of the evidence,' meaning that it is more likely than not that the claim is true.

What is the standard of proof in a criminal case?

The standard of proof in a criminal case is 'proof beyond a reasonable doubt,' which is a higher standard than in civil cases.