

Multistate Bar Exam Outlines

- a. Inadmissible to prove culpable conduct or defendant's ability to pay
 - b. May be admissible to prove ownership, control or impeachment.
 - c. Lack of liability insurance cannot be used to prove that he was careful on the occasion in question.
 2. **Subsequent Remedial Measures (Subsequent repairs)**
 - a. Inadmissible to prove Negligence, Culpable Conduct, or Defect in a Product or Design.
 - b. May be Admissible to prove Ownership or Control, or Feasibility of a Precautionary Measure (warning sticker)
 3. **Settlement Offers** – In a CIVIL case, evidence of settlements, offers to settle, and related statements are inadmissible to prove liability, validity or amount of a disputed claim.
 - a. **Exceptions**
 - i. NO Claim yet asserted. (Court case need not be filed)
 - ii. NO dispute as to Liability or Amount of damages
 4. **Guilty Pleas** – In a CRIMINAL case, Pleas (including nolo contendere), offers to plead guilty, and related statements are inadmissible to prove guilt.
 5. **Payment or Offers to pay Medical Expenses**
 - a. Inadmissible when offered to prove liability for the injuries in question.
 - b. FRE – Related statements of fault are admissible
2. **CHARACTER EVIDENCE** - INADMISSIBLE to prove that the defendant acted in conformity with his or her character on a particular occasion.
- a. 4 questions to ask:
 - i. What is the purpose for which the character evidence is offered?
 1. Offered to prove character because character is an issue in the case
 2. Offered to prove character as circumstantial evidence of a person's conduct on the occasions in question
 3. Offered to support the credibility of the witness
 - ii. What method or technique is used to prove character?
 1. Specific acts of conduct, Opinion, Reputation
 - iii. Is it a civil or criminal case?
 - iv. Does the evidence prove a pertinent character trait?
 - b. **CIVIL Cases** – character evidence is inadmissible to prove conduct EXCEPT:
 - i. **Defendant's character is directly at issue in the case**
 1. Defamation, Negligent Entrustment, Child Custody, Fraud, Deceit, Misrepresentation, Self-defense, Perjury (character for honesty)
 - a. All methods can be used
 - ii. **Prior Acts of Sexual Assault or Child Molestation** – Evidence of a defendant's prior acts of sexual assault or child molestation are admissible in all forms in a sexual assault or child molestation case (Rape)
 - c. **CRIMINAL Cases (conduct)**
 - i. The PROSECUTION cannot initiate evidence of the defendant's bad character. EXCEPT in cases of: (May offer the evidence in any form)
 1. Prior acts of the D of Sexual assault or child molestation

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