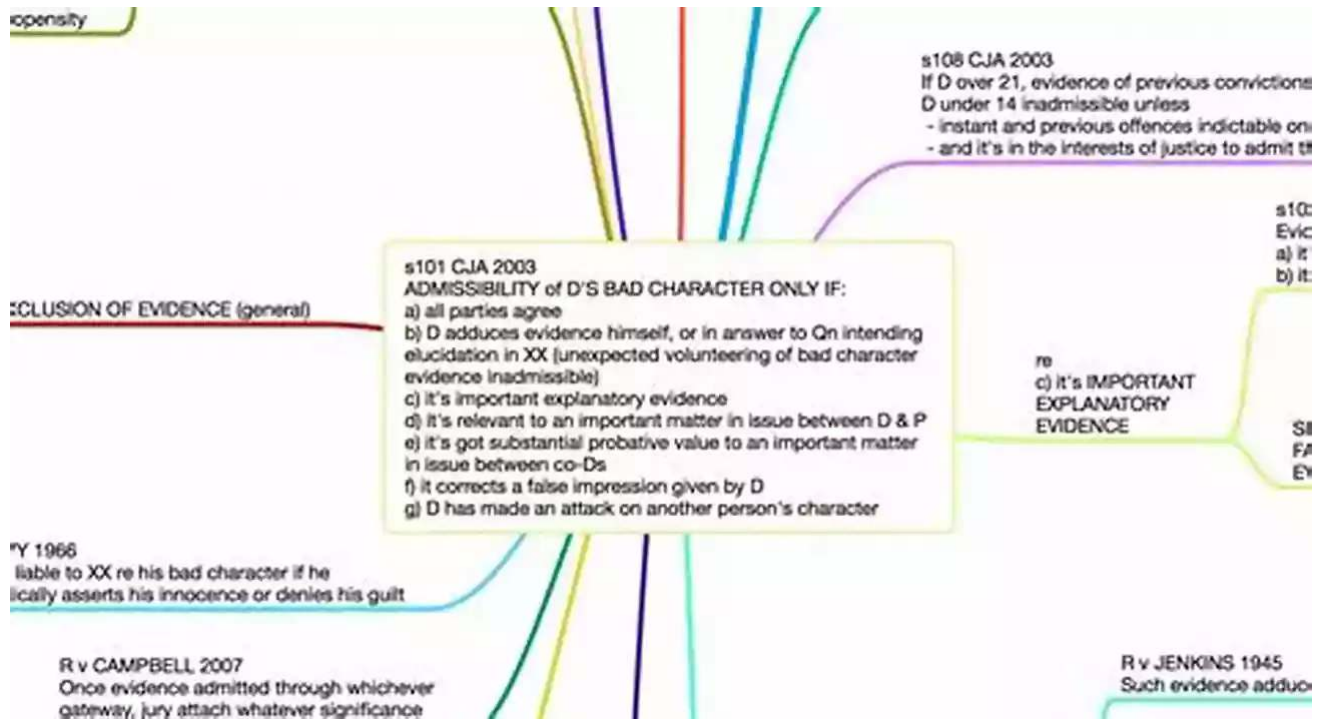


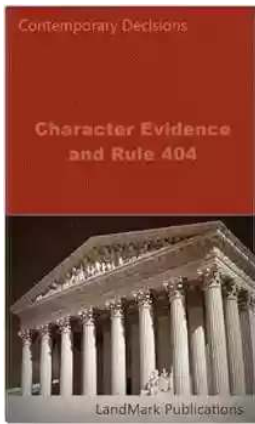
Character Evidence And Rule 404 Litigator Series



The Role and Importance of Character Evidence in Litigation

When it comes to litigation, legal professionals often rely on various forms of evidence to build their cases and support their arguments. Evidence can come in many different forms, such as documents, witness testimonies, or physical objects. However, one often overlooked, but crucially important form of evidence is character evidence.

Character evidence refers to evidence that is used to establish or attack the character of a person and their credibility. It can play a significant role in influencing the judgment of the court and the jury, making it an essential aspect of any litigation strategy.



Character Evidence and Rule 404 (Litigator Series)

by LandMark Publications(Kindle Edition)

★★★★☆ 4 out of 5

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Enhanced typesetting : Enabled
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Understanding Rule 404 of the Federal Rules of Evidence

When it comes to the admissibility of character evidence in litigation, the rules and guidelines set forth by the court must be carefully followed. In the United States, the Federal Rules of Evidence provide specific guidelines for the admission of character evidence.

Rule 404 of the Federal Rules of Evidence states that evidence of a person's character or character trait is not admissible to prove that on a particular occasion, the person acted in accordance with that character or trait. However, there are exceptions to this rule, which allow for the of character evidence in certain circumstances.

The Exceptions to Rule 404

While Rule 404 generally excludes character evidence, there are several exceptions that allow for its admissibility. These exceptions include:

- Character Evidence of the Accused

- Character Evidence of the Victim
- Character Evidence in Self-Defense Cases
- Character Evidence of a Witness

Each of these exceptions has its own set of requirements and criteria that must be met in order for character evidence to be admissible. It is crucial for litigators to understand these exceptions and how they can be effectively utilized to strengthen their cases.

The Role of Character Evidence in the Litigation Process

Character evidence can serve several purposes in the litigation process:

1. **Impeachment:** Character evidence can be used to attack the credibility of a witness, making their testimony less reliable in the eyes of the court.
2. **Propensity:** In certain cases, character evidence may be allowed to prove that a person has a particular propensity or tendency to act in a certain way, which can be relevant to the case at hand.
3. **Reputation:** Character evidence can also be used to establish a person's reputation within a community or industry, which can provide valuable context to the court.

Character Evidence in Practice: The Rule 404 Litigator Series

Understanding the complexities and nuances of character evidence can be challenging for both seasoned litigators and those new to the field. To help legal professionals navigate this intricate area of law, we have created the Rule 404 Litigator Series.

The Rule 404 Litigator Series is a comprehensive guide that explores the different aspects of character evidence and its role in litigation. This series covers various topics, including:

- How to effectively use character evidence in different types of cases
- Common challenges and pitfalls to avoid when presenting character evidence
- Strategies for countering character evidence presented by the opposing party
- Recent case studies showcasing successful utilization of character evidence

Whether you are a litigator looking to improve your understanding of character evidence or a law student just starting your legal career, the Rule 404 Litigator Series provides valuable insights and practical tips to enhance your litigation skills.

Character evidence plays a crucial role in litigation, shaping the outcome of cases and influencing the decisions of the court and jury. Understanding the intricacies of character evidence and the exceptions of Rule 404 is essential for litigators seeking success in their cases.

With the help of the Rule 404 Litigator Series, legal professionals can navigate this complex area of law with confidence, armed with the knowledge and strategies needed to effectively present and counter character evidence.

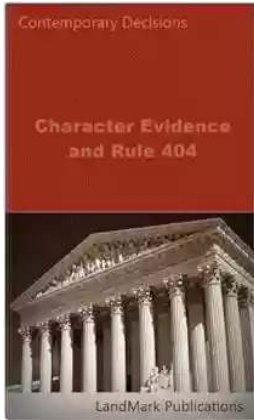
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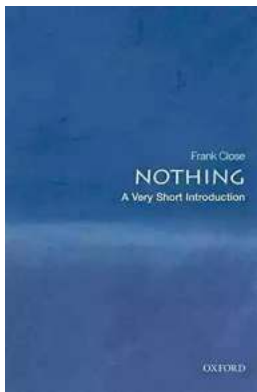
THIS CASEBOOK contains a selection of 208 U. S. Court of Appeals decisions that analyze and interpret the provisions of Rule 404 and discuss the use of a person's character as evidence. The selection of decisions spans from 2007 to the date of publication.

Over the past two hundred years, the prior-acts rule has changed much in form but little in function. In the early days of the common law, courts used an inclusionary approach: evidence of prior acts was presumptively admissible unless it was relevant only to the defendant's propensity to commit a crime. See Julius Stone, *The Rule of Exclusion of Similar Fact Evidence: America*, 51 *Harv. L. Rev.* 988, 989-90 (1938). *US v. Davis*, (3rd Cir. Aug. 9, 2013).

The modern approach is set forth in Federal Rule of Evidence 404(b). "Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character." Fed. R. Evid. 404(b)(1). That principle seems strict, but prior-acts evidence "may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident." Fed. R. Evid. 404(b)(2). Uncontroversial at the time of adoption,

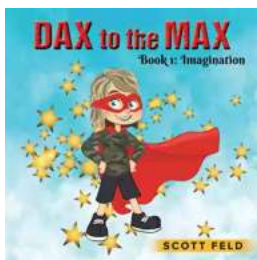
Rule 404(b) has become the most cited evidentiary rule on appeal. See Thomas J. Reed, Admitting the Accused's Criminal History: The Trouble with Rule 404(b), 78 Temp. L. Rev. 201, 211 (2005). *US v. Davis*, (3rd Cir. 2013), *supra*.

The text of Rule 404(b) has led to a four-part test. Prior-acts evidence is admissible only if it is (1) offered for a proper purpose under Rule 404(b)(2); (2) relevant to that purpose; (3) sufficiently probative under the Rule 403 balancing requirement; and (4) accompanied by a limiting instruction, if requested. See *Green*, 617 F.3d at 249; see also *Huddleston v. United States*, 485 U.S. 681, 691-92 (1988) (discussing these four requirements). All this really means is that such evidence must have a nonpropensity purpose and satisfy the same relevancy requirements as any other evidence. *US v. Davis*, (3rd Cir. 2013), *supra*.



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