



FAMILY FALL-OUT SHELTER—Adams county visitors to the Indiana state fair, which opened Wednesday, are urged to visit the model fall-out shelter just north of the Manufacturers building. The above picture shows the cutaway section of the full scale model. John G. (Jack) Gordon, county civil defense director, says the model shelter has 60 square feet of space and is equipped with sufficient water, food, sanitary conveniences, radio and other necessities to take care of a family of six for a period of two weeks. Through aid of the state fair board, Maj. Gen. John W. McConnell, state civil defense director, was able to make this a permanent exhibit which will be on display for the next two years.

Articles Inform Public Of Services Of Lawyer

(Editor's note: This is another in a series of articles presented as a public service by the Adams county bar association. These articles are not intended to answer individual problems which require specific advice.)

RULES OF EVIDENCE

If you ever sit as a juror through a hard-fought trial, you will probably be impressed with the frequent objections raised by the lawyers to the other side's questions and evidence. Many of us who observe this come away with the relief that most objections are frivolous, and the rules of legal evidence are outmoded relics of days gone by, serving only to exclude proper evidence for technical reasons which are no longer valid.

The rules of evidence law enforced in Indiana courts are a product of many years of exper-

ience and growth. These rules are found in the statutes enacted by the Indiana general assembly and in the decisions of the Indiana supreme and appellate courts. If we understand several of the more basic principles underlying our evidence law, we will more readily appreciate why lawyers make objections during trial, and why the judge often sustains objections and excludes testimony or evidence.

RELEVANCY AND MATERIALITY

First, evidence must be relevant to the issues raised in the case, and material to their determination. When a lawyer objects that evidence is "immaterial" or "irrelevant", he means that the evidence has nothing to do with the facts which are in dispute in the case, or that evidence has no value

in helping the judge or jury resolve the fact issues. He contends that the evidence offered is beside the point. For example, if the question raised in the case is whether Joe Hill was careless in driving his car on June 12, when he ran into John Carey's auto, it is irrelevant that Joe is careful in using a rifle, and it is immaterial that John's car is green. Thus, the principle of relevancy is a time-saver, and helps to keep the trial free from important and misleading evidence.

RELIABILITY-HEARSAY

The second basic principle is that of reliability. The most important application of this principle is in the so-called "hearsay rule." When a lawyer asserts that testimony is "hearsay," he means that the witness is testifying to what someone previously told him, to prove that the previous statement is true. The witness has no personal knowledge of the facts he is testifying to; all he can say is that someone else told him that this is true. Hearsay testimony is excluded because of its fundamentally unreliable character, and because the other party to the case has no opportunity to cross-examine the person who has personal knowledge of the facts.

AUTHENTICITY

The third basic principle of evidence law is that of authenticity. When a lawyer objects that "the proper foundation has not yet been laid" for testimony or documents offered, he means that it has not yet been shown that the evidence is authentic, the "real thing." For example, if an account book is to be introduced into evidence, the lawyer may not simply hand it to the judge or jury and say, "This is my client's daily ledger." First, he must have his client's accountant, or ledger clerk, take the witness stand, identify the book and testify as to how entries were made during the normal course of business. The other party to the case may cross-examine as to this preliminary testimony. Thus, requiring a "foundation" helps insure against the introduction of false or inaccurate evidence.

Many volumes have been written on the subject of evidence law, and the myriad of evidence problems which can arise during a trial stagger the imagination. But these three principles are the basis for much of our evidence law in Indiana, and their soundness can be appreciated by one and all.

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