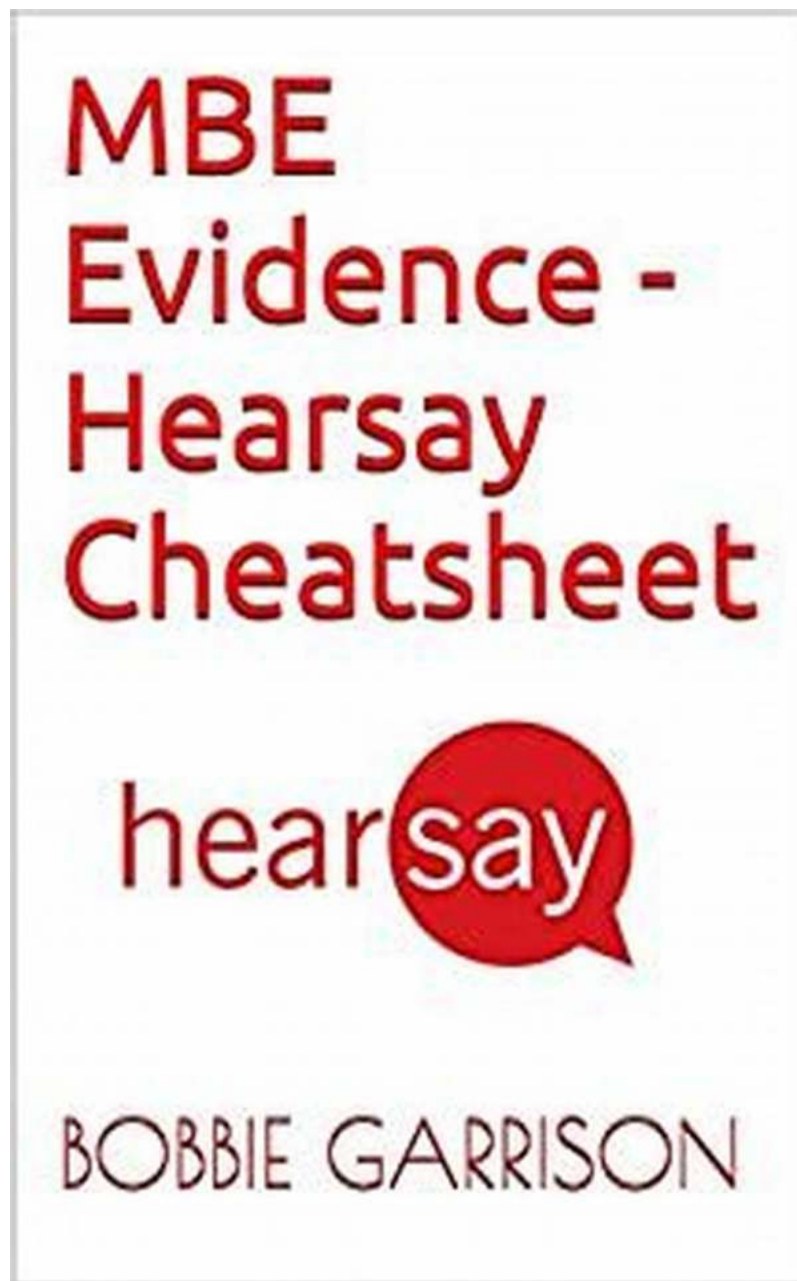


The Ultimate Mbe Evidence Hearsay Cheatsheet: Ace Your Exam!



If you are studying for the Multistate Bar Exam (MBE), one of the most challenging subjects you'll encounter is evidence law. Within this broad domain, hearsay can be particularly complex and troublesome. However, fear not! In this comprehensive MBE Evidence Hearsay Cheatsheet, we will provide you with all

the essential information and strategies you need to conquer hearsay questions on the exam!

Understanding Hearsay: Demystifying the Concept

Before diving into the specifics, let's clarify the concept of hearsay. Essentially, hearsay refers to any statement made outside of court that is offered in court to prove the truth of the matter asserted. It often involves an out-of-court statement made by a person who is not testifying in court. To determine whether a statement falls under the hearsay rule, you must analyze various factors, such as the purpose for which the statement is offered and the type of declarant involved.



MBE Evidence - Hearsay Cheatsheet

by Bobbie Garrison (Kindle Edition)

★★★★☆ 4.6 out of 5

Language : English

File size : 367 KB

Text-to-Speech : Enabled

Screen Reader : Supported

Enhanced typesetting : Enabled

Print length : 15 pages



The Four Main Hearsay Exceptions You Must Master

While hearsay is generally inadmissible, numerous exceptions exist that allow certain statements to be admitted in court. Here are the four main hearsay exceptions you should focus on:

1. The Present Sense Impression Exception: This exception applies when a statement describes or explains an event or condition and is made while the declarant is perceiving the event or condition, or immediately thereafter.

2. The Excited Utterance Exception: Here, a statement relating to a startling event or condition is admissible if it was made while the declarant was under the stress of excitement caused by the event or condition.
3. The State of Mind Exception: This exception deals with statements made about the declarant's then-existing state of mind or emotional, sensory, or physical condition.
4. The Declaration Against Interest Exception: In certain circumstances, statements made by an unavailable declarant that are against their own interest when made may be admitted.

Deconstructing Each Exception: Tips and Examples

To truly master hearsay, you need to delve into each exception and understand its specific requirements. Let's explore each of the exceptions in detail:

The Present Sense Impression Exception

This exception is often encountered in scenarios where an eyewitness describes an event or condition while still perceiving it or immediately thereafter. For example, if a witness states, "I saw the defendant grab the purse and run," this statement would likely qualify as a present sense impression because it describes an event as the witness perceived it.

The Excited Utterance Exception

In this exception, the key aspect is the declarant's emotional state caused by a shocking event. For instance, consider a scenario where a witness exclaims, "Oh my God, he just shot her!" immediately after witnessing a murder. Here, the emotional stress caused by the event qualifies the statement as an excited utterance.

The State of Mind Exception

This exception deals with statements made about the declarant's mental or physical condition at the time they were uttered. For example, if a person says, "I am too drunk to drive," this statement would fall under the state of mind exception as it reveals the person's current condition.

The Declaration Against Interest Exception

This final exception involves statements made by individuals that go against their own interests. For instance, if a witness says, "I saw the defendant sell illegal substances last night," this statement would be deemed against their own interest, making it admissible.

Expert Strategies to Excel in Hearsay Questions

Now that you understand the key hearsay exceptions, it's time to learn some expert strategies to ace those tricky questions on the MBE. Here are a few tips to keep in mind:

- Memorize the four main hearsay exceptions: Knowing them by heart will save you valuable time during the exam.
- Analyze the facts meticulously: Carefully evaluate each piece of evidence mentioned in the question to determine if it falls under an exception.
- Be cautious of multiple layers of hearsay: If a statement within a statement is offered as proof, it may involve multiple hearsay layers that need to satisfy separate exceptions.
- Consider whether additional rules apply: Some statements may involve additional rules, such as statements against penal interest or statements made for medical diagnosis or treatment.

- Practice with real cases: Familiarize yourself with actual cases involving hearsay exceptions to develop a deeper understanding of how they are applied in real-world scenarios.

Mastering hearsay exceptions is crucial for success on the MBE Evidence portion of your bar exam. By thoroughly understanding the concept of hearsay, memorizing the main exceptions, and employing expert strategies, you can confidently approach hearsay questions and maximize your chances of obtaining a top score. So, equip yourself with this ultimate MBE Evidence Hearsay Cheatsheet and conquer the exam with ease!

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Published Date: November 15, 2022



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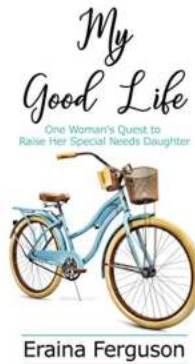


Need help with Hearsay...this is the chart for you. It's designed to help you understand the hearsay rules.



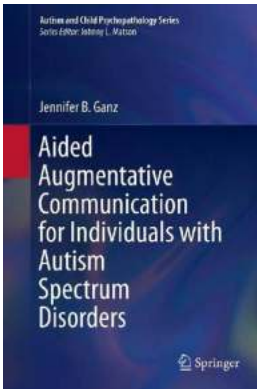
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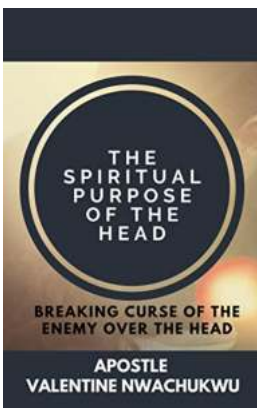
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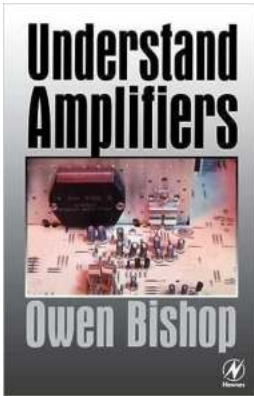
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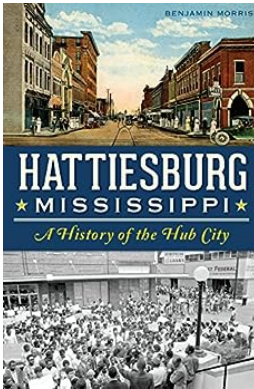
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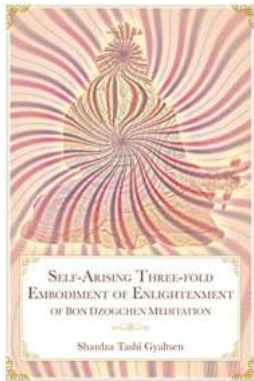
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