



Florida Evidence

Florida Bar Exam Multiple Choice Testing

*For access to the complete Florida question bank:
<https://fsu.student.ameribar.com>
(must use fsu.edu email to create account)*

FLORIDA MULTIPLE CHOICE TIPS

1. Read the Question Stem Carefully

Pay close attention to the specific question being asked. Look for keywords like "admissible," "inadmissible," "hearsay," or "privilege."

Try to identify the legal issue before reviewing the answer choices.

Example: If the question asks whether a statement is admissible under the hearsay rule, focus your read on the facts on whether the statement meets the definition of hearsay and/or fits within an exception.

2. Practice the Process of Elimination

Multiple choice questions include distractor answers. Distractor answers seem plausible but are incorrect. Use these strategies to identify and eliminate them:

- Eliminate answers that misstate the law.
- Eliminate answers that apply federal rules instead of Florida rules.
- Look for answers that address the specific facts of the question.
- Avoid overly broad or irrelevant answers.

3. Manage Your Time Effectively

Florida Evidence Law questions are multiple-choice, so you'll need to work quickly and efficiently:


- Spend no more than 2-2.5 minutes per question.
- If you're unsure, make an educated guess and move on. Don't get stuck on one question.

4. Set Realistic Expectations

The multiple choice questions on Part A are **VERY DIFFICULT**. The mean percent answered correctly has consistently been far below the mean percent answered correctly for the MBE. This means that you will "feel worse" about the Florida multiple choice questions. In a way, this is a rite of passage for Florida lawyers. Don't let how you feel about your performance on the Florida multiple choice questions impact how you perform afterwards.

5. Practice, Practice, Practice

Use practice questions to familiarize yourself with the format and style of questions. Review explanations for both correct and incorrect answers to understand the reasoning behind them and refine your knowledge of the law.



EVIDENCE

PRACTICE AND APPLICATION

- Scope and applicability
- Rulings on Evidence - Objections and offers of proof. Must be _____ and _____
- Summing up and comment by judge
- Introduction of related writings or recorded statements

JUDICIAL NOTICE

- Mandatory judicial notice
- Permissive judicial notice
- Web mapping and global satellite imaging
- Denial of request. Must be made _____ and on _____
- Instructing jury
- In subsequent proceedings

RELEVANCE

- Definition
- Admissibility
- Sympathy
- Exclusion on grounds of prejudice or confusion
- Character evidence; when admissible
- Methods of proving character
- Routine practice
- Subsequent remedial measures
- Compromise and offers to compromise
- Payment of medical and similar expenses
- Offer to plead

PRIVILEGES

- Recognized only as provided

- Journalists- not to reveal _____
- Lawyer-client: Protects _____ Florida exception: _____
- Psychotherapist-patient privilege
- Domestic violence advocate-victim privilege
- Husband-wife privilege
- Clergy
- Accountant-client privilege

WITNESSES

- General rule of competency
- Disqualification
- Lack of personal knowledge
- Oath or affirmation of witness
- Competency of certain persons as witnesses: Judge
- Competency of certain persons as witnesses: Jurors
- Who may impeach
- Character of witnesses as impeachment
- Conviction of certain crimes as impeachment
- Religious beliefs or opinions
- Calling of witnesses by court
- Exclusion of witnesses
- Lay testimony

HEARSAY

- Definitions and exceptions to hearsay rule
- Admission by a party opponent. Federal: _____ Florida: _____
- Co-conspirator statement: In Florida, there must be _____ to admit.
- Exceptions; federal rules generally apply
- Omitted hearsay exceptions
- Additional hearsay exceptions
- Hearsay within hearsay
- Attacking and supporting credibility of declarant

FLORIDA-SPECIFIC - TOP 10

1. **Admissions by Party Opponent:** In Florida, admissions by a party opponent are treated as exceptions to the hearsay rule rather than non-hearsay, as they are under federal law.
2. **Co-conspirator Statements:** Florida requires independent evidence of a conspiracy to be presented before co-conspirator statements can be admitted as evidence, unlike federal rules where such statements may be admitted without independent evidence.
3. **Character Evidence for Impeachment:** Only reputation evidence is permitted for impeaching a witness's character for truthfulness in Florida. The federal rules allow both reputation and opinion testimony.
4. **Prior Statements:** Florida mandates that prior inconsistent statements be disclosed to the witness before questioning the witness about them.
5. **Witness Competency:** Florida has two specific grounds for disqualification of a witness: 1) incapability of expressing themselves understandably and 2) incapability of understanding the duty to tell the truth.
6. **Legal Standard for Habit Evidence:** Florida courts apply a more restrictive standard for admitting habit evidence, requiring rigorous proof of frequency and regularity, which is stricter than the federal standard.
7. **Subsequent Remedial Measures:** In Florida, evidence of subsequent remedial measures is inadmissible to show fault or negligence, but can be admitted for purposes such as ownership, consistent with federal rules.
8. **Judges as Witnesses:** Under the Florida rules, a judge can testify on a purely formal matter to facilitate the trial if the parties agree, a distinction that doesn't exist in federal rules.
9. **Competency of Jurors:** Florida law prohibits jurors from testifying to impeach their own verdict absent an overt act of misconduct, differing from more permissive federal rules regarding juror testimony.
10. **Specific Privileges:** Florida recognizes distinct privileges, including those for journalists, domestic violence advocates, and psychotherapist-patient communications, with detailed exceptions not commonly found in federal law.



Sign up for more quiz sets

<https://fsu.student.ameribar.com>

Must use your fsu.edu email address