

**Procedural Law  
Module 7 Study Guide**

**What is a remedy?**

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**What is *civil litigation*?**

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**What is a *damage suit*?**

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**What is a *1983 Suit*?**

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**What does “color of law” mean in the context of a 1983 suit?**

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**What is a “constitutional violation” in the context of a 1983 suit?**

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**What does “level of culpability” mean in the context of a 1983 suit?**

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**What are the “theories of liability” applicable under 1983 suits?**

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**What is “sovereign immunity”?**

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**What is the “qualified immunity” defense articulated in *Harlow v. Fitzgerald* (1982)?**

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**What is the Exclusionary Rule? What is its purpose?**

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**Describe the development of the exclusionary rule and how it was applied to the states.**

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**Describe the *Good Faith Exception* to the exclusionary rule and where it comes from.**

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**Describe the *Fruits of the Poisonous Tree Doctrine* and where it comes from.**

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**Describe the purged taint exception and the test for it established by the Supreme Court in *Wong Sun v. United States* (1963).**

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**Describe the Independent Source Exception and where it comes from.**

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**Describe the Inevitable Discovery Exception and where it comes from.**

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**What is an “identification” in the law enforcement context?**

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**What is “leading” a witness in the context of an identification procedure? What major cases govern this?**

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**What is a “field identification”? What rules govern this type of identification procedure?**

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**What is a lineup?**

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**What rule regarding lineups was established by the Court in *United States v. Wade* (1967)?**

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**What rules govern compelled participation in lineups? Where do these rules come from?**

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**What is the legal status of “unreliable” identification procedures? How does this effect law enforcement practice?**

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**What protocols should be followed when conducting a lineup?**

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**Describe the right to counsel in regards to lineups.**

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**What is a photographic array?**

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**What protocols should be followed when conducting a photographic array?**

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**Describe the right to counsel as it applies to photographic arrays.**

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**What is *Hearsay*?**

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**What is a statement under the *Arkansas Rules of Evidence*?**

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**What is a *declarant*?**

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**What are *Hearsay Exceptions* (in general)?**

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**What is a *Present Sense Impression*?**

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**What is an *Excited Utterance*?**

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**What is a *Then Existing Mental, Emotional, or Physical Condition*?**

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**What is a *Recorded Recollection*?**

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**Describe the *Public Records and Reports* exception to the hearsay exclusion.**

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**Describe the *Statements in Ancient Documents* exception to the hearsay exclusion.**

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**Describe the *Learned Treatises* exception to the hearsay exclusion.**

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**Describe the *Reputation as to Character* exception to the hearsay exclusion.**

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