

ENGLISH LEGAL LANGUAGE

(PART 2)

Structure of American Cases

Published cases in official and private law reports usually include the following items:

1. Name of the case;
2. Name of the court;
3. Date of the judgment;
4. Citation of the report: The citation is the written reference to the case report.
5. Headnote or syllabus: This is a summary prepared by the publisher of the report and usually includes facts of the case and legal issues handled by the court. The purpose of the headnote is to give the reader an orientation on the issues discussed in the case and is not properly a part of the case. The headnote may never be cited as legal authority.
6. Names of judges hearing the case;
7. Statement of Facts: The statement of disputed and undisputed facts in the reported case of an appellate court is usually not complete. However, briefs submitted by the parties and the complete court record can be requested from the local bar library.
8. Opinion: The opinion is the heart of the decision. It contains the discussion of relevant precedents and the actual conclusions of the court on the law.
9. Decision: The decision is the final result of the finding of facts and the conclusions of law.
10. Judgment: The judgment is the final pronouncement of court on the rights of the parties.
11. Concurring and Dissenting Opinions.

Activity : Identify the different items in the following case:

Fuentes v. Tucker

Supreme Court of California, 1947

31 Cal 2d. 1, 187 P.2d 752

PABLO FUENTES et al., Respondents, v. CLARENCE L. TUCKER, Appellant.

ANDRES L. NEGRETTE et al., Respondents, v. CLARENCE L. TUCKER, Appellant.

GIBSON, CHIEF JUSTICE. The minor sons of the respective plaintiffs were killed by an automobile operated by defendant. The two actions were consolidated for trial, and in each case the verdict of the jury awarded the plaintiffs \$7,500. Defendant appealed from the judgments claiming the trial court erred in permitting plaintiffs to present evidence of facts outside the issues framed by the pleadings.

On the day of the trial defendant filed an amended answer in each case which admitted “that he was and is liable for the death of the deceased ... and the damages directly and proximately caused thereby.” Plaintiffs were nevertheless permitted to prove the circumstances of the accident, including the facts that defendant was intoxicated and that the children were thrown eighty feet by the force of the impact.

It is defendant’s position that the introduction of evidence as to the circumstances of the accident was error because it was not relevant or material to the amount of the damages, which was the only issue to be determined by the jury. Plaintiffs contend that defendant could not, by acknowledging legal responsibility for the deaths of the children, deprive them of the right to show the circumstances surrounding the accident, and that therefore it was not error to admit evidence of such facts. They do not claim, however, that the evidence was material to any of the facts in dispute under the pleadings as they stood at the commencement of the trial.

It is a doctrine too long established to be open to dispute that the proof must be confined to the issues in the case and that the time of the court should not be wasted, and the jury should not be confused, by the introduction of evidence which is not relevant or material to the matters to be adjudicated. This is merely one aspect of the larger problem of delay in the conduct of litigation. Every court has a responsibility to the public to see that justice is administered efficiently and expeditiously and that the facilities of the court are made available at the first possible moment to those whose cases are awaiting trial. It would be an unwarranted waste of public funds, and a manifest injustice to the many litigants seeking an early trial date, to allow counsel in a particular case to occupy substantial periods of time in the useless presentation of evidence on matters not in controversy; and we know of no well considered opinion which asserts such a right.

One of the functions of pleadings is to limit the issues and narrow the proofs. If facts alleged in the complaint are not controverted by the answer, they are not in issue, and no evidence need be offered to prove their existence. *Travelers Ins. Co. v. Byers*, 123 Cal. App. 473, 482, 11 P.2d 444; Code Civ. Proc. §§ 462, 588, 1868, 1870, subs. (1), (15); see 1 *Wigmore on Evidence*, 3d Ed. 1940, p. 9, § 2. Evidence which is not pertinent to the issues raised by the pleadings is immaterial, and it is error to allow the introduction of such evidence. [Citations omitted.]

It follows, therefore, if an issue has been removed from a case by an admission in the answer, that it is error to receive evidence which is material solely to the excluded matter. This, of course, does not mean that an admission of liability precludes a plaintiff from showing how an accident happened if such evidence is material to the issue of damages. In an action for personal injuries, where liability is admitted and the only issue to be tried is the amount of damage, the force of the impact and the surrounding circumstances may be relevant and material to indicate the extent of plaintiff's injuries. *Johnson v. McRee*, 66 Cal. App.2d 524, 527, 152 P.2d 526; *Martin v. Miqueu*, 37 Cal.App.2d 133, 137, 98 P.2d 816. Such evidence is admissible because it is relevant and material to an issue remaining in the case.

The defendant here by an unqualified statement in his answer admitted liability for the deaths of the children, and the sole remaining question in issue was the amount of damages suffered by the parents. In an action for wrongful death of a minor child the damages consist of the pecuniary loss to the parents in being deprived of the services, earnings, society, comfort and protection of the child. *Bond v. United Railroads*, 159 Cal. 270, 285, 113 P. 366, 48 L.R.A., N.S., 687, Ann. Cas.1912C, 50. The manner in which the accident occurred, the force of the impact, or defendant's intoxication could have no bearing on these elements of damage. The evidence, therefore, was not material to any issue before the jury, and its admission was error.

[The court held that the admission of the evidence concerning the circumstance of the death of the children, though erroneous, was not prejudicially so.]

The judgments are affirmed.

SHENK, EDMONDS, TRAYNOR, SCHAUER, and SPENCE, JJ., concur.