

A man sued an auto manufacturer for his wife's death, claiming that a defective steering mechanism on the family car caused it to veer off the road and hit a tree when his wife was driving. The auto manufacturer claims that the steering mechanism was damaged in the collision and offers testimony that the deceased wife was intoxicated at the time of the accident.

Is the testimony concerning the wife's intoxication admissible?

- A. No, because it is improper to prove character evidence by specific conduct.
- B. No, because it is substantially more prejudicial than probative.
- C. Yes, as proper evidence of the wife's character.
- D. Yes, to provide an alternate explanation of the accident's cause.

Explanation:

Evidence must be **relevant** to be admissible. This means that the proffered evidence must tend to **make a material fact**—ie, one of consequence in determining the lawsuit—**more or less probable**. Therefore, testimony that the wife was intoxicated at the time of the accident is relevant because it tends to reduce the probability of a material fact—that a defective mechanism caused the accident. But even when this low threshold for relevance is met, evidence can still be **excluded** by other laws or evidentiary rules.

For example, [Federal Rule of Evidence 403](#) excludes relevant evidence when its **probative value** (ie, degree of relevance) is **substantially outweighed by** the danger of **unfair prejudice** to the opposing party. But here, testimony on the wife's intoxication addresses the accident's cause—a central issue in this case. As a result, the testimony has a high probative value that is *not* substantially outweighed by the danger of unfair prejudice **(Choice B)**.

The other grounds for exclusion raised in this question pertain to character evidence—ie, evidence of a person's general disposition. But the proffered testimony is *not* character evidence since it seeks to provide an alternative explanation for the accident's cause—not to prove the wife's general disposition for intoxication. Additionally, character evidence is only admissible in a civil case when character is an [essential element](#) of a claim or defense (not seen here) **(Choices A & C)**. Therefore, testimony concerning the wife's intoxication is admissible.

Educational objective:

Evidence must be relevant—ie, tend to make a material fact more or less probable—to be admissible. But even relevant evidence can be excluded by other laws or evidentiary rules (eg, unfair prejudice, character evidence).

References

Fed. R. Evid. 401 (test for relevant evidence).

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**Exclusion of relevant evidence
(FRE 402)**

