

A student at a private university sued the university in federal court for negligence after he fell from scaffolding in a university-owned theater building. At trial, after briefing from both parties, the court permitted the jury to hear testimony that there had been several previous accidents in the same building. The jury found for the student, and the university appealed. One of the university's arguments on appeal is that the testimony about the previous accidents should have been excluded as irrelevant and highly prejudicial.

Which standard of review applies to this argument?

- A. Abuse of discretion.
- B. Clearly erroneous.
- C. De novo.
- D. Harmless error.

Explanation:

Appellate standards of review

Standard	Level of review	Applicability
De novo	<ul style="list-style-type: none">• No deference to trial judge's legal determination• Reverse if reasonably believe trial judge misinterpreted law	Pure legal issues, eg: <ul style="list-style-type: none">• conclusions of law• content of jury instructions
Clear error	<ul style="list-style-type: none">• Highly deferential to trial judge's factual findings• Reverse if no reasonable judge would have made this finding	Factual issues in <i>bench</i> trials, eg: <ul style="list-style-type: none">• credibility of witnesses• factual determinations
Substantial evidence	<ul style="list-style-type: none">• Highly deferential to jury's factual findings• Reverse if no reasonable jury would have made this finding	Factual issues in <i>jury</i> trials, eg: <ul style="list-style-type: none">• credibility of witnesses• jury's verdict
Abuse of discretion	<ul style="list-style-type: none">• Highly deferential to trial judge's discretionary decisions• Reverse only if decision was unreasonable/arbitrary	Discretionary rulings by judge, eg: <ul style="list-style-type: none">• grant/denial of new trial• admissibility of evidence

A party can challenge a final judgment on **appeal** by alleging that the trial court erred. The **standard of review** used by the appellate court depends on the error alleged. A trial court's **discretionary rulings** are reviewed for **abuse of discretion**. Under this highly deferential standard, the trial court's ruling will only be reversed if it was **clearly arbitrary or unreasonable**. That is because the trial court is best suited to understand the circumstances surrounding the discretionary ruling.

Trial courts regularly make discretionary rulings on the admissibility of evidence—as the trial court did here by allowing the jury to hear testimony regarding the previous accidents. One of the university's arguments is that this testimony should have been

excluded as irrelevant and highly prejudicial. Since this argument challenges the trial court's discretionary ruling, abuse-of-discretion review applies.

(Choice B) The clearly-erroneous standard of review is used to review a trial court's factual findings in a bench trial—not discretionary rulings in a jury trial (as seen here). This standard gives great deference to the trial court, so a factual finding will only be reversed if no reasonable judge would have made such a finding.

(Choice C) An appellate court reviews pure legal issues under a de novo standard of review, which allows the appellate court to decide the issue anew without deferring to the lower court's legal interpretation. Evidentiary rulings are not pure issues of law because the trial court must apply the applicable legal rule to the facts.

(Choice D) Harmless error is a conclusion reached by an appellate court when it determines that an erroneous evidentiary ruling did not affect a party's substantial rights. It is not the standard of review that the appellate court applies to determine whether the evidence was erroneously admitted in the first instance.

Educational objective:

The abuse-of-discretion standard of appellate review applies to a trial court's discretionary rulings—eg, whether to admit evidence. Under this highly deferential standard, the appellate court will only reverse a clearly arbitrary or unreasonable ruling.

References

- Gen. Elec. Co. v. Joiner, 522 U.S. 136, 141 (1997) (stating that "abuse of discretion is the proper standard of review of a district court's evidentiary rulings").

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