

Preface to the 2025-2026 Supplement

The 2025-2026 cumulative supplement to Baldwin's Ohio Practice Evidence, 4th volumes 1 and 2 contains significant cases decided by the Ohio Supreme Court and the courts of appeals since the hard bound fourth edition of the treatise was published in 2020.

The 2025-2026 supplement pamphlets replace the 2024-2025 supplement pamphlets in their entirety.

Highlights

- **Exception—Victims of crime § 615.9** (Ohio Evid. R. 615(B)(4) definition of victim changed to reflect Marsy's Law definition of "victim" in the constitutional provisions)
- **Burden of proof—Affirmative defenses § 301.4** (*State v. Nicholson*, burden of production remains with the accused, even though prosecution must disprove self-defense beyond a reasonable doubt)
- **Due process § 404.26** (*Andrew v. White*, due process forbids introduction of evidence so unduly prejudicial as to render a criminal trial fundamentally unfair)
- **Policy & application § 610.3** (*Cleveland Heights v. Swinney*, impeachment with religious beliefs)
- **Attorney-client privilege—Professional relationship—Communications § 501.11** (*State ex rel. Brinkman v. Toledo City School Dist. Bd. of Edn.*, communication does not have to contain purely legal advice; communications that facilitate the rendition of legal services or advice are privileged)
- **Attorney-client privilege—Professional relationship—Waiver § 501.13** (*State ex rel. Brinkman v. Toledo City School Dist. Bd. of Edn.*, client's voluntary disclosure of a communication to a third party waives the privilege)
- **Physician-patient privilege—Communications § 501.19** (*Renne v. Summa Health System*, not all information in medical records is privileged — provider names, triage priority data, and time data (ex., triage times, discharge times, and treatment times not privileged, § 501.19)
- **Time of taking judicial notice § 201.9** (*State ex rel. Curtis v. Turner*, an online municipal-court docket may be judicially noticed, but new facts may not be added to appellate record)

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