

Table of Contents

CHAPTER 901 EVIDENCE—GENERAL PROVISIONS

- § 901.01 Scope
 - § 101.1 Scope of the Wisconsin Rules of Evidence
- § 901.02 Purpose and Construction
 - § 102.1 Purpose and construction of the rules
- § 901.03 Rulings on Evidence
 - § 103.1 In general
 - § 103.2 Objections at trial
 - § 103.201 Counsel must object or move to strike
 - § 103.202 Objection or motion to strike must be on the record
 - § 103.203 Objection must be timely
 - § 103.204 The “specific” ground for the objection
 - § 103.205 Objections at depositions later used at trial
 - § 103.206 Motions in limine seeking to admit or exclude evidence
 - § 103.3 Offers of proof
 - § 103.4 Record of offer and ruling
 - § 103.5 Hearing of jury
 - § 103.6 Effects of evidentiary errors
 - § 103.601 Harmless error
 - § 103.602 Strategic waiver and curative admissibility (“door opening”)
 - § 103.7 Plain error
 - § 103.8 Ineffective assistance of counsel and evidence law
- § 901.04 Preliminary Question
 - § 104.1 Overview; questions of admissibility under Wis. Stats. § 901.04(1)
 - § 104.2 Conditional relevancy determinations
 - § 104.3 Hearing of jury
 - § 104.4 Testimony by accused
 - § 104.5 Weight and credibility
- § 901.05 Admissibility of Certain Test Results
 - § 105.1 Admissibility of certain test results: HIV and sexually transmitted disease testing
- § 901.053 Admissibility of Evidence Relating to Use of Protective Headgear While Operating Certain Motor Vehicles
 - § 1053.1 Protective headgear
- § 901.055 Admissibility of Results of Dust Testing for The Presence of Lead
 - § 1055.1 Lead-paint testing
- § 901.06 Limited Admissibility
 - § 106.1 The doctrine of limited admissibility

- § 106.2 Procedure
- § 901.07 Remainder of or Related Writings or Recorded Statements
 - § 107.1 The rule of completeness generally: Written, recorded, and oral statements
 - § 107.2 The evidentiary status of the additional evidence
- § 901.08 Admissibility of Sexual Conduct
 - § 108:1 “Rape shield” protection in civil litigation
- § 901.09 Submission of Writings; Languages Other Than English
 - § 109.1 Submission of writings; languages other than English

CHAPTER 902 EVIDENCE—JUDICIAL NOTICE

- § 902.01 Judicial Notice of Adjudicative Facts
 - § 201.1 General considerations governing judicial notice
 - § 201.2 “Adjudicative facts” (distinguished from “legislative” facts and common knowledge)
 - § 201.3 “Indisputable” facts and their sources
 - § 201.4 Procedure for taking judicial notice of adjudicative facts
- § 902.02 Uniform Judicial Notice of Foreign Law Act
 - § 202.1 Commentary
- § 902.03 County and Municipal Ordinances; Administrative Rules of State and Federal Agencies
 - § 203.1 Commentary

CHAPTER 903 EVIDENCE—PRESUMPTIONS

- § 903.01 Presumptions in General
 - § 301.1 Introduction; burdens of proof
 - § 301.2 Presumptions and inferences generally
 - § 301.3 Thayer’s theory of presumptions; Fed. R. Evid. 301
 - § 301.4 Morgan’s theory of presumptions; Wis. Stats. § 903.01
- § 903.03 Presumptions in Criminal Cases
 - § 303.1 Introduction
 - § 303.2 The operation of Wis. Stats. § 903.03

CHAPTER 904 EVIDENCE—RELEVANCY AND ITS LIMITS

- § 904.01 Definition of “Relevant Evidence”
 - § 401.1 The concept of relevancy; introduction and definition
 - § 401.101 Consequential propositions
 - § 401.102 “Any tendency”
 - § 401.2 Demonstrative and real evidence generally
 - § 401.3 Objects and instrumentalities of the crime or wrong; exhibiting injuries
 - § 401.4 Photographs, movies, videos, and “silent witnesses”
 - § 401.5 Maps, models, charts or diagrams

TABLE OF CONTENTS

- § 401.6 Courtroom demonstrations
- § 401.601 Animations and simulations
- § 401.7 Views
- § 401.8 Spoliation; flight; destroying, concealing, or withholding evidence; bribery; subornation of perjury
- § 401.9 Mathematical and statistical evidence
- § 401.10 The collateral source rule
- § 401.11 “Missing witnesses”
- § 904.02 Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible
- § 402.1 Relevance and admissibility
- § 402.2 The constitutional right to present a defense: admissibility compelled irrespective of the rules of evidence
- § 904.03 Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time
- § 403.1 The exclusionary balancing test
- § 904.04 Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes
- § 404.1 Introduction to propensity and character proof: What is “character” and what is it being used to prove?
- § 404.101 What is “character”?
- § 404.102 What is the evidence being used to prove?
- § 404.2 Witnesses’ character for truthfulness, civil and criminal cases
- § 404.3 Character evidence in civil cases; character at issue
- § 404.4 Character of the accused in criminal cases
- § 404.401 The defendant’s “election” of his character to prove propensity
- § 404.402 The “greater latitude” rules in sex crimes and domestic abuse cases
- § 404.403 Character and “other” uses
- § 404.404 Character at issue
- § 404.5 Character of the victim or third parties generally; “character” of a place
- § 404.501 In general
- § 404.502 “*McMorris* evidence” and self-defense cases
- § 404.503 Character of a place or a third party “at issue”
- § 404.6 Other act evidence in civil and criminal cases—General considerations
- § 404.601 Purpose and policy
- § 404.602 What are “other acts” and how must they be proven?
- § 404.603 Procedural incidents: Pretrial notice, making the record, and the judge’s power to control timing and form
- § 404.604 The *Sullivan* standard of admissibility
- § 404.7 Illustrations of other act evidence, civil and criminal

- § 404.701 In general
- § 404.702 The “doctrine of chances”
- § 404.703 Custom, usage, or practice
- § 404.704 Other accidents
- § 404.705 Absence of accidents
- § 404.706 Other sales
- § 404.707 State of mind in civil cases
- § 404.708 Context
- § 404.709 Element of the crime
- § 404.710 Plan or scheme
- § 404.711 Motive
- § 404.712 Intent
- § 404.713 Knowledge
- § 404.714 “*McMorris* evidence”
- § 404.715 Opportunity
- § 404.716 Absence of mistake or accident
- § 404.717 Modus operandi (method of operation)
- § 404.718 Identity
- § 404.719 The “third-party” defense in criminal cases generally
- § 404.720 The “greater latitude” rule and child sexual abuse
- § 904.05 Methods of Proving Character
 - § 405.1 Methods of proving character generally: Sequencing proof
 - § 405.2 Reputation, opinion (lay and expert), and specific instances
 - § 405.201 Reputation evidence (“gossip”)
 - § 405.202 Opinion evidence (lay and expert)
 - § 405.203 Specific instances
 - § 405.3 Restricting character witnesses
- § 904.06 Habit; Routine Practice
 - § 406.1 Introduction; habit, routine behavior and character
 - § 406.2 Proving habits
 - § 406.3 Routine practice of an organization
- § 904.07 Subsequent Remedial Measures
 - § 407.1 Subsequent remedial measures in general
 - § 407.2 Subsequent remedial measures and Wis. Stats. § 904.07
 - § 407.3 “Manufactured” products and Wis. Stats. § 894.047(4)
- § 904.08 Compromise and Offers to Compromise
 - § 408.1 Evidence of compromise generally
 - § 408.2 Evidence of civil settlement talk in criminal prosecutions
- § 904.085 Communications in Mediation
 - § 4085.1 Mediations
- § 904.09 Payment of Medical and Similar Expenses
 - § 409.1 Payment of medical related expenses
- § 904.10 Offer to Plead Guilty; No Contest; Withdrawn Plea of Guilty

TABLE OF CONTENTS

- § 410.1 Evidence of guilty pleas, no contest pleas and related statements
- § 904.11 Liability Insurance
 - § 411.1 Liability insurance
- § 904.12 Statement of Injured; Admissibility; Copies
 - § 412.1 Admissibility of statements made within 72 hours
 - § 412.2 Copies of statements
 - § 412.3 Inapplicability to statements taken by law enforcement personnel
- § 904.13 Information Concerning Crime Victims
 - § 413.1 Crime victim information
- § 904.14 Inadmissibility of Statement by Health Care Provider of Apology or Condolence
 - § 414.1 Apologies, etc. by health care providers
- § 904.15 Communication in Farmer Assistance Programs
 - § 415.1 Communications in farmer assistance programs
- § 904.16 Health Care Reports
 - § 416.1 Health care reports

WISCONSIN'S RAPE SHIELD LAW

- § 971.31 Motions Before Trial
- § 972.11 Evidence and Practice; Civil Rules Applicable
 - § 420.1 Introduction to Wisconsin's Rape Shield Law
 - § 420.2 Sexual conduct, definition
 - § 420.3 The exclusionary rule: Evidence of "sexual conduct" or "manner of dress"
 - § 420.4 Statutory exceptions generally
 - § 420.401 Prior sexual conduct with the defendant
 - § 420.402 Prior sexual conduct offered to show origin or source of semen, pregnancy, or injury
 - § 420.403 Prior untruthful claims of sexual assault
 - § 420.5 Constitutionally compelled exceptions
 - § 420.6 Therapist-patient (client) shield law

CHAPTER 905 EVIDENCE—PRIVILEGES

- § 905.01 Privileges Recognized Only As Provided
 - § 501.1 Introduction to privileges
- § 905.015 Interpreters for Persons With Language Difficulties, Limited English Proficiency, or Hearing or Speaking Impairments
 - § 5015.1 Privilege for interpreter
- § 905.02 Required Reports Privileged by Statute
 - § 502.1 Required reports
- § 905.03 Lawyer-Client Privilege

- § 503.1 Policy and purpose
- § 503.2 Scope of the privilege
- § 503.201 The client must consult a “lawyer” acting in a professional capacity
- § 503.202 Who is a “client”; corporate clients
- § 503.203 What is a “communication” within the privilege?
- § 503.204 The “confidentiality” requirement: Third persons, representatives, and joint representation
- § 503.3 Who may claim the privilege
- § 503.35 Waiver (express and implied) of the privilege
- § 503.36 Inadvertent disclosures and forfeiture of the privilege
- § 503.4 Exceptions to the privilege
- § 503.401 Furtherance of crime or fraud
- § 503.402 Claimants through the same deceased
- § 503.403 Breach of duty by lawyer or client
- § 503.404 Document attested by lawyer
- § 503.405 Joint clients
- § 503.5 Work product
- § 905.04 Physician-Patient, Registered Nurse-Patient, Chiropractor-Patient, Psychologist-Patient, Social Worker-Patient, Marriage and Family Therapist-Patient, Podiatrist-Patient and Professional Counselor-Patient Privilege
 - § 504.1 Definitions
 - § 504.2 Scope of the privilege
 - § 504.3 Who may claim the privilege; waiver
 - § 504.4 Exceptions
 - § 504.401 Proceedings for commitment, etc.
 - § 504.402 Proceedings for guardianships
 - § 504.403 Examination by order of judge
 - § 504.404 Condition as element of claim or defense
 - § 504.405 Homicide trials
 - § 504.406 Abused, neglected or injured child
 - § 504.407 Tests for intoxication
 - § 504.408 Paternity proceedings
 - § 504.409 Reporting wounds and burn injuries
 - § 504.410 Juvenile matters
- § 905.045 Domestic Violence or Sexual Assault Advocate-Victim Privilege
 - § 5045.1 Domestic violence or sexual assault advocate-victim privilege
- § 905.05 Husband-Wife and Domestic Partner Privilege
 - § 505.1 Scope of the privilege
 - § 505.2 Exceptions
- § 905.06 Communications to Members of Clergy
 - § 506.1 Privilege for clergy communications

TABLE OF CONTENTS

- § 905.065 Honesty Testing Devices
 - § 5065.1 Privilege for honesty testing devices
- § 905.07 Political Vote
 - § 507.1 Voter's privilege
- § 905.08 Trade Secrets
 - § 508.1 Trade secrets
- § 905.09 Law Enforcement Records
 - § 509.1 Law enforcement records
- § 905.10 Identity of Informer
 - § 510.1 Scope and purpose
 - § 510.2 Exceptions—Voluntary disclosure; informer a witness
 - § 510.201 Exceptions—Testimony on merits
 - § 510.202 Exceptions—Legality of obtaining evidence
- § 905.11 Waiver of Privilege by Voluntary Disclosure
 - § 511.1 Waiver of privilege
 - § 511.2 The *Shiffra/Green* procedures: Production of a witness's privileged health care records
- § 905.12 Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege
 - § 512.1 Compelled disclosure; opportunity to assert privilege
- § 905.13 Comment Upon or Inference From Claim of Privilege; Instruction
 - § 513.1 Comments and instructions on claims of privilege
- § 905.14 Privilege in Crime Victim Compensation Proceedings
 - § 514.1 Crime victim compensation proceeding
- § 905.15 Privilege in Use of Federal Tax Return Information
 - § 515.1 Confidentiality of federal tax return information
- § 905.16 Communications to Veteran Mentors
 - § 516.1 Communications to veteran mentors

CHAPTER 906 EVIDENCE—WITNESSES

- § 906.01 General Rule of Competency
 - § 601.1 Qualifications of witnesses
 - § 601.2 The hearsay declarant
 - § 601.3 The Dead Man's statutes
- § 906.02 Lack of Personal Knowledge
 - § 602.1 Witnesses generally
 - § 602.2 Stealth hearsay and the personal knowledge requirement
- § 906.03 Oath or Affirmation
 - § 603.1 The oath or affirmation requirement
- § 906.04 Interpreters
 - § 604.1 Interpreters
- § 906.05 Competency of Judge As Witness
 - § 605.1 Judge incompetent as a witness

- § 906.06 Competency of Juror As Witness
 - § 606.1 Jurors as witnesses at trial
 - § 606.2 Inquiries into validity of verdict or indictment
 - § 606.3 Exceptions to the rule of juror incompetency
 - § 606.4 Wisconsin's juror bias test
- § 906.07 Who May Impeach
 - § 607.1 General considerations: Credibility, bolstering, methods of attack, "good faith," and rehabilitation
 - § 607.2 Impeachment of a party's own witness
 - § 607.3 Limits on impeachment: Cross-examination and extrinsic evidence
 - § 607.4 Impeachment of a witness's testimonial capacity
 - § 607.5 Bias and interest
 - § 607.6 Impeachment by contradiction
- § 906.08 Evidence of Character and Conduct of Witness
 - § 608.1 Lay testimony on truthfulness: Reputation, opinion, and cross-examination
 - § 608.101 The *Haseltine* rule and "Were they lying?" questions
 - § 608.2 Specific instances of conduct bearing on truthfulness
 - § 608.3 Expert testimony on credibility: *Jensen* evidence and *Maday* evidence
 - § 608.4 Polygraph evidence
 - § 608.401 Wisconsin practice
 - § 608.402 Federal practice
- § 906.09 Impeachment by Evidence of Conviction of Crime or Adjudication of Delinquency
 - § 609.1 Wisconsin's counting rule
 - § 609.2 Federal practice
- § 906.10 Religious Beliefs or Opinions
 - § 610.1 Impeachment by religious belief precluded
- § 906.11 Mode and Order of Interrogation and Presentation
 - § 611.1 Control by judge
 - § 611.2 Scope of cross-examination
 - § 611.3 Leading questions
 - § 611.4 Exhibits generally; sending exhibits to jury for deliberations
- § 906.12 Writing Used to Refresh Memory
 - § 612.1 Introduction
 - § 612.2 What may be used to refresh a witness's recollection?
 - § 612.3 When can a witness's recollection be refreshed?
 - § 612.4 Production, inspection, and introduction of the object
 - § 612.5 Use of hypnosis to refresh recollection
- § 906.13 Prior Statements of Witnesses
 - § 613.1 In general
 - § 613.2 Prior inconsistent statements: Definition of "inconsistent"; substantive and impeachment use

TABLE OF CONTENTS

- § 613.3 Prior inconsistent statements: Cross-examination and extrinsic evidence
- § 613.4 Consistent statements offered to rehabilitate credibility
- § 906.14 Calling and Interrogation of Witnesses by Judge
 - § 614.1 The judge's power to call witnesses
 - § 614.2 Interrogation of witness by judge
 - § 614.3 Objections
- § 906.15 Exclusion of Witnesses
 - § 615.1 Sequestration

CHAPTER 907 EVIDENCE—OPINIONS AND EXPERT TESTIMONY

PART I LAY OPINION TESTIMONY

- § 907.01 Opinion Testimony by Lay Witnesses
 - § 701.1 Lay opinions generally
 - § 701.2 Distinguishing lay and expert testimony based on experience; the “skilled lay observer” (common people with uncommon experiences)
 - § 701.3 Police officers as witnesses; “dual” fact and expert testimony
 - § 701.4 Property values

PART II EXPERT TESTIMONY

- § 907.02 Testimony by Experts
- § 907.03 Bases of Opinion Testimony by Experts
- § 907.04 Opinion on Ultimate Issue
- § 907.05 Disclosure of Facts or Data Underlying Expert Opinion
- § 907.06 Court Appointed Experts
- § 907.07 Reading of Report by Expert
 - § 702.1 Expert testimony: Introduction
 - § 702.2 Expert testimony: Constitutional considerations
 - § 702.3 Mandatory use of expert testimony
 - § 702.4 Expert opinion testimony under Wis. Stats. § 907.02: Threshold admissibility
 - § 702.401 Foundations generally for lay and expert opinions
 - § 702.402 Means of proving the foundation for expert reliability
 - § 702.403 Elements of expert opinion testimony under Wis. Stats. § 907.02
 - § 702.4031 Relevance, qualifications, and helpfulness
 - § 702.4032 Opinions and exposition
 - § 702.4033 Sufficient facts and data
 - § 702.4034 Reliable principles and methods
 - § 702.4035 Experienced-based specialized knowledge; ipse dixit challenges

- § 702.4036 Reliable application of an otherwise reliable methodology
- § 702.4037 Admissibility and weight of the expert testimony
- § 702.5 Other approaches: Wisconsin’s relevancy rule and the *Frye* “general acceptance” standard
- § 702.6 Presenting expert testimony: Direct examination
- § 702.601 Qualifications
- § 702.602 Expository (nonopinion) testimony and the witness’s specialized knowledge
- § 702.603 Opinion testimony generally
- § 702.604 Case-specific information
- § 702.6041 Eliciting an expert’s methods, reasoning, and factual bases: Wis. Stats. § 907.05 and direct questioning methodology
- § 702.6042 The expert’s factual basis and Wis. Stats. § 907.03: Personal knowledge, hypothetical questions, and hearsay
- § 702.7 Impeachment and cross-examination
- § 702.8 The expert privilege
- § 702.9 Court-appointed experts

CHAPTER 908 EVIDENCE—HEARSAY

- § 908.01 Definitions
 - § 801.1 Overview of the Wisconsin hearsay rules
 - § 801.2 Definitions: “Declarant”; “statement”; and “out-of-court”
 - § 801.201 Declarant
 - § 801.202 Statement
 - § 801.203 Assertive conduct: Verbal and nonverbal
 - § 801.204 Nonassertive conduct: Verbal and nonverbal
 - § 801.205 Out-of-court
 - § 801.3 Statements offered for the truth of the matter asserted; express and implied assertions; nonhearsay purposes (verbal acts, effect on listener, declarant’s state of mind, continuity of mental states, and trace theory)
 - § 801.301 Truth of the matter asserted
 - § 801.302 Explicit and implicit assertions
 - § 801.303 Verbal acts or verbal parts of acts
 - § 801.304 Effect on listener
 - § 801.305 Declarant’s knowledge, belief, or state of mind
 - § 801.306 Continuity of mental states; inferences of prior or subsequent conduct
 - § 801.307 Trace theory
 - § 801.4 General considerations, Wis. Stats. § 908.01(4): The “exemptions” for prior statements by witnesses and admissions by an opposing party

TABLE OF CONTENTS

§ 801.401	Prior statements by witnesses, generally
§ 801.402	Prior inconsistent statements
§ 801.403	Consistent statements
§ 801.404	Statement of identification
§ 801.5	Admissions by party opponent: General considerations
§ 801.501	Personal admissions; admissions made in a representative capacity
§ 801.502	Adoptive admissions
§ 801.503	Speaking agent admissions
§ 801.504	Ordinary agent, servant or employee
§ 801.505	The coconspirator exemption
§ 908.02	Hearsay Rule
§ 802.1	Admissibility of hearsay generally
§ 802.2	Failure to object to hearsay; objections
§ 802.3	The Constitution and the hearsay rule: Confrontation and compulsory process
§ 802.301	The confrontation right: Overview
§ 802.302	Testimonial hearsay defined: the declarant's "primary purpose" and the prosecution's use of the evidence
§ 802.303	Testimonial hearsay under the <i>Crawford</i> rule
§ 802.304	Waiver and objections
§ 802.305	Exceptions to <i>Crawford</i> (dying declarations and forfeiture by wrongdoing)
§ 802.306	Nontestimonial hearsay and the confrontation right
§ 802.307	Compulsory process: the defendant's right to present hearsay
§ 802.4	Admissibility of depositions in civil cases
§ 802.5	Depositions in criminal cases
§ 802.6	Hearsay at preliminary examinations
§ 908.03	Hearsay Exceptions; Availability of Declarant Immaterial
§ 803.0	General considerations: Availability immaterial; declarant's personal knowledge; use of exceptions
§ 908.03(1)	Present Sense Impression
§ 803.1	Present sense impression
§ 908.03(2)	Excited Utterance
§ 803.2	Excited utterance
§ 908.03(3)	Then Existing Mental, Emotional, or Physical Condition
§ 803.301	Then existing mental, emotional or physical condition
§ 803.302	Statements of intent to prove <i>later</i> conduct in conformity: The <i>Hillmon</i> doctrine
§ 908.03(4)	Statements for Purposes of Medical Diagnosis or Treatment
§ 803.4	Statements for purposes of medical diagnosis or treatment

- § 908.03(5) Recorded Recollection
 - § 803.5 Recorded recollection
- § 908.03(6) Records of Regularly Conducted Activity
 - § 803.601 Records of regularly conducted activity generally
 - § 803.602 Third-party records
 - § 803.603 Foundations: Certificates and witnesses
- § 908.03(6m) Patient Health Care Records
 - § 803.6m Health care provider records
- § 908.03(7) Absence of Entry in Records of Regularly Conducted Activity
 - § 803.7 Absence of entry in records of regularly conducted activity
- § 908.03(8) Public Records and Reports
 - § 803.8 Public records and reports
- § 908.03(9) Records of Vital Statistics
 - § 803.9 Records of vital statistics
- § 908.03(10) Absence of Public Record or Entry
 - § 803.10 Absence of public record or entry
- § 908.03(11) Records of Religious Organizations
 - § 803.11 Records of religious organizations
- § 908.03(12) Marriage, Baptismal, and Similar Certificates
 - § 803.12 Marriage, baptismal, and similar certificates
- § 908.03(13) Family Records
 - § 803.13 Family records
- § 908.03(14) Records of Documents Affecting An Interest in Property
 - § 803.14 Records of documents affecting an interest in property
- § 908.03(15) Statements in Documents Affecting An Interest in Property
 - § 803.15 Statements in documents affecting an interest in property
- § 908.03(16) Statements in Ancient Documents
 - § 803.16 Statements in ancient documents
- § 908.03(17) Market Reports, Commercial Publications
 - § 803.17 Market reports, commercial publications
- § 908.03(18) Learned Treatises
 - § 803.18 Learned treatises
- § 908.03(19) Reputation Concerning Personal or Family History
 - § 803.19 Reputation concerning personal or family history
- § 908.03(20) Reputation Concerning Boundaries or General History
 - § 803.20 Reputation concerning boundaries or general history
- § 908.03(21) Reputation As to Character
 - § 803.21 Reputation as to character
- § 908.03(22) Judgment of Previous Conviction
 - § 803.22 Judgment of previous conviction
- § 908.03(23) Judgment As to Personal, Family or General History, or Boundaries

TABLE OF CONTENTS

- § 803.23 Judgment as to personal, family or general history, or boundaries
- § 908.03(24) Other Exceptions
- § 803.24 The residual exceptions
- § 908.04 Hearsay Exceptions; Declarant Unavailable; Definition of Unavailability
 - § 804.101 Definition of unavailability, generally
 - § 804.102 Claim of privilege
 - § 804.103 Refusal to testify
 - § 804.104 Lack of memory
 - § 804.105 Death, illness, and infirmity
 - § 804.106 “Psychological scarring”
 - § 804.107 Absence from the hearing or trial
 - § 804.108 Unavailability resulting from wrongdoing
- § 908.045 Hearsay Exceptions; Declarant Unavailable
 - § 8045.0 General considerations
- § 908.045(1) Former Testimony
 - § 8045.1 Former testimony
- § 908.045(2) Statement of Recent Perception
 - § 8045.2 Statement of recent perception
- § 908.045(3) Statement Under Belief of Impending Death
 - § 8045.3 Statement under belief of impending death
- § 908.045(4) Statement Against Interest
 - § 8045.4 Statement against interest
- § 908.045(5) Statement of Personal or Family History of Declarant
 - § 8045.5 Statement of personal or family history of declarant
- § 908.045(5m) Statement of Personal or Family History of Person Other Than The Declarant
 - § 8045.5m Statement of personal or family history, as to person *other than the declarant*
- § 908.045(6) Other Exceptions
 - § 8045.6 Other exceptions
- § 908.05 Hearsay Within Hearsay
 - § 805.1 Multiple hearsay
- § 908.06 Attacking and Supporting Credibility of Declarant
 - § 806.1 Impeaching hearsay declarants
- § 908.08 Audiovisual Recordings of Statements of Children
 - § 808.1 Audiovisual recorded statements of children

CHAPTER 909 EVIDENCE—AUTHENTICATION AND IDENTIFICATION

- § 909.01 General Provision
 - § 901.1 The principle of authentication
 - § 901.2 Electronic and social media evidence

- § 909.015 General Provision; Illustrations
 - § 9015.0 Introduction
 - § 9015.101 Testimony of witness with knowledge, in general
 - § 9015.102 Chains of custody
 - § 9015.2 Nonexpert opinion on handwriting
 - § 9015.3 Comparison by trier of fact or expert witness
 - § 9015.4 Distinctive characteristics and the like
 - § 9015.5 Voice identification
 - § 9015.6 Telephone conversations
 - § 9015.7 Public records or reports
 - § 9015.8 Ancient documents or data compilation
 - § 9015.9 Process or system
 - § 9015.10 Methods provided by statute or rule
- § 909.02 Self-Authentication
 - § 902.0 Introduction: “Documents,” “records,” and “certifications”
 - § 902.1 Public document under seal
 - § 902.2 Public documents not under seal
 - § 902.3 Public documents of foreign countries
 - § 902.4 Certified copies of public records
 - § 902.5 Official publications
 - § 902.6 Newspapers and periodicals
 - § 902.7 Trade inscriptions and the like
 - § 902.8 Acknowledged and authenticated documents
 - § 902.9 Commercial paper and related documents
 - § 902.10 Statutory rules
 - § 902.11 Health care provider records
 - § 902.12 Certified domestic records of regularly conducted activity
 - § 902.13 Certified foreign records of regularly conducted activity
- § 909.03 Subscribing Witness’ Testimony Unnecessary
 - § 903.1 Testimony by subscribing witness

CHAPTER 910 EVIDENCE—CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS

- § 910.01 Definitions
 - § 1001.1 General considerations; the myth of the best evidence rule
 - § 1001.2 “Writings and recordings” defined
 - § 1001.3 “Photographs” defined
 - § 1001.4 “Original” defined
 - § 1001.5 “Duplicate” defined
- § 910.02 Requirement of Original
 - § 1002.1 When original required: Writings and recordings
 - § 1002.2 Photographs
- § 910.03 Admissibility of Duplicates
 - § 1003.1 When duplicates may be used instead of originals

TABLE OF CONTENTS

- § 910.04 Admissibility of Other Evidence of Contents
 - § 1004.1 Use of secondary evidence in lieu of the original
- § 910.05 Public Records
 - § 1005.1 Copies of public records
- § 910.06 Summaries
 - § 1006.1 Summaries
- § 910.07 Testimony or Written Admission of Party
 - § 1007.1 Use of recorded admissions to prove contents
- § 910.08 Functions of Judge and Jury
 - § 1008.1 Role of judge and jury

CHAPTER 911 EVIDENCE—MISCELLANEOUS RULES

- § 911.01 Applicability of Rules of Evidence
 - § 1101.1 Application of the rules
- § 911.02 Title

Table of Laws and Rules

Table of Cases

Index