

Important: Shelving/Filing Instructions or Shipment Insert

Evidence in New York State and Federal Courts, 2d

New York Practice Series, Volumes 5 & 5A
by Robert A. Barker and Vincent C. Alexander

Enclosed are the 2025-2026 pocket part supplements for Evidence in New York State and Federal Courts, 2d. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

Filing Instructions

REMOVE and RECYCLE the 2024-2025 supplements in the pockets at the back of the corresponding volumes.

PLACE the new 2025-2026 supplements in the pockets at the back of the corresponding volumes.

Highlights

New features and recent developments in these 2025-2026 pocket parts include:

- Additions and amendments to the Federal Rules of Evidence (Rules 107, 613, 801(d)(2), 804, and 1006), which took effect December 1, 2024. See §§ 11:1, 6:53, 8:23, 8:25, 8:89, and 10:13.
- The U.S. Supreme Court decision in *Andrew v. White*, holding that the admission of unduly prejudicial evidence against a criminal defendant, such as adverse character evidence, can constitute a violation of due process. See § 4:8.
- The New York Court of Appeals decision in *People v. Sin*, which resurrects the permissible use of prior sexual assaults to show a defendant's intent in acquaintance-rape cases, distinguishing last year's decision in the first Harvey Weinstein prosecution. See § 4:20.
- *Carroll v. Trump*, a federal civil action for damages for sexual assault against then-presidential candidate Donald J. Trump, allowing evidence of the defendant's prior sexual acts under Federal Rules 404(b) and 415. See §§ 4:31, 4:68.

- Clarification by federal district courts concerning the limited scope of the so-called “common interest” doctrine of the attorney-client privilege. See § 5:11.
- *People v. Vaughn*, where the state Court of Appeals returned to the topic of expert testimony on the weakness of eyewitness identification testimony. See § 7:6.
- A decision of the Appellate Division, *BL Doe 5 v. Fleming*, giving a broad reading to the statute that allows the statements of an agent to be admitted against the party who employed the agent (CPLR 4549). See § 8:21.
- The Second Circuit decision in *U.S. v. Conde*, holding that printouts of business data that were created in electronic form in the first instance can qualify for admissibility under the business records hearsay exception. See § 8:44.
- *Knight v. New York and Presbyterian Hosp.*, in which the Court of Appeals provides guidance on proof of handwriting and handwriting exemplars. See § 9:5. In another part of the decision, the Court emphasizes that CPLR 4539(b), which governs the authentication requirements of electronic “reproductions” of paper documents, has no applicability to records that were created electronically in the first instance. See § 10:3.

Contact Us

Thomson Reuters thanks you for subscribing to this product. Should you have any questions regarding this product, contact Customer Service at 1-800-328-4880 or by fax at 1-800-340-9378. If you would like to inquire about related publications, or wish to place an order, please contact us at 1-800-328-9352.



Thomson Reuters™

Thomson Reuters
610 Opperman Drive
Eagan, MN 55123

legal.thomsonreuters.com