

Table of Contents

CHAPTER 1 MINNESOTA RULES OF EVIDENCE WITH COMMENTARY

ARTICLE 1 GENERAL PROVISIONS

Rule 101	Scope	4
Rule 102	Purpose and Construction	5
Rule 103	Rulings on Evidence.....	7
Rule 104	Preliminary Questions	23
Rule 105	Limited Admissibility	27
Rule 106	Remainder of or Related Writings or Recorded Statements	29

ARTICLE 2 JUDICIAL NOTICE

Rule 201	Judicial Notice of Adjudicative Facts.....	31
----------	--	----

ARTICLE 3 PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Rule 301	Presumptions in General in Civil Actions and Proceedings.....	38
----------	---	----

ARTICLE 4 RELEVANCY AND ITS LIMITS

Rule 401	Definition of “Relevant Evidence”.....	45
Rule 402	Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible	50
Rule 403	Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time	53
Rule 404	Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes	58
Rule 405	Methods of Proving Character	75
Rule 406	Habit; Routine Practice	77
Rule 407	Subsequent Remedial Measures	79
Rule 408	Compromise and Offers to Compromise.....	81
Rule 409	Payment of Medical and Similar Expenses	84
Rule 410	Offer to Plead Guilty; <i>Nolo Contendere</i> ; Withdrawn Plea of Guilty	85
Rule 411	Liability Insurance	88
Rule 412	Past Conduct of Victim of Certain Sex Offenses	90

ARTICLE 5 PRIVILEGES

Rule 501	General Rule	95
Rule 502	Attorney-Client Privilege and Work Product; Limitations on Waiver [Applicable to Cases filed on or after January 1, 2019]	108

HANDBOOK OF MINNESOTA EVIDENCE

ARTICLE 6 WITNESSES

Rule 601	Competency	110
Rule 602	Lack of Personal Knowledge	113
Rule 603	Oath or Affirmation	115
Rule 604	Interpreters	117
Rule 605	Competency of Judge as Witness	119
Rule 606	Competency of Juror as Witness	121
Rule 607	Who May Impeach.....	127
Rule 608	Evidence of Character and Conduct of Witness	131
Rule 609	Impeachment by Evidence of Conviction of Crime...	138
Rule 610	Religious Beliefs or Opinions.....	145
Rule 611	Mode and Order of Interrogation and Presentation .	146
Rule 612	Writing Used to Refresh Memory.....	152
Rule 613	Prior Statements of Witnesses	155
Rule 614	Calling and Interrogating Witnesses	160
Rule 615	Exclusion of Witnesses	163
Rule 616	Bias of Witness	165
Rule 617	Conversation With Deceased or Insane Person	168

ARTICLE 7 OPINIONS AND EXPERT TESTIMONY

Rule 701	Opinion Testimony by Lay Witness.....	169
Rule 702	Testimony by Experts	175
Rule 703	Basis of Opinion Testimony by Experts	193
Rule 704	Opinion on Ultimate Issue	197
Rule 705	Disclosure of Facts or Data Underlying Expert Opinion	202
Rule 706	Court Appointed Experts	204

ARTICLE 8 HEARSAY

Rule 801	Definitions.....	206
Rules 801(a-c)	Definitions of Hearsay	209
Rule 801(d)(1)	Statements Which Are Not Hearsay— Prior Statement by Witness	213
Rule 801(d)(2)	Statement by Party-Opponent	220
Rule 802	Hearsay Rule	225
Rule 803	Hearsay Exceptions; Availability of Declarant Immaterial	234
Rule 803(1)	[Not used]	238
Rule 803(2)	Excited Utterance	239
Rule 803(3)	Then Existing Mental, Emotional, or Physical Condition	243
Rule 803(4)	Statements Made For Diagnosis or Treatment.....	247
Rule 803(5)	Past Recollection Recorded	250
Rule 803(6)	Records of Regularly Conducted Business Activity.....	252

TABLE OF CONTENTS

Rule 803(7)	Absence of Entry in Records Kept in Accordance With the Provisions of Paragraph (6).....	258
Rule 803(8)	Public Records	260
Rule 803(9)	Vital Statistics	265
Rule 803(10)	Absence of Public Record or Entry	266
Rules 803(11)-(13)	Personal History—Religious and Family Records.....	267
Rules 803(14), (15)	Documents Affecting an Interest in Property.....	269
Rule 803(16)	Ancient Documents.....	271
Rule 803(17)	Market Reports and Commercial Publications	273
Rule 803(18)	Learned Treatises	275
Rules 803(19)-(21)	Reputation	277
Rule 803(22)	Judgment of Previous Conviction.....	279
Rule 803(23)	Judgments as to Personal, Family or General History	281
Rule 803(24)	Other Exceptions [Abrogated].....	282
Rule 804	Hearsay Exceptions; Declarant Unavailable.....	283
Rule 804(a)	Definition of Unavailability	287
Rule 804(b)(1)	Former Testimony	290
Rule 804(b)(2)	Statements Under Belief of Impending Death.....	293
Rule 804(b)(3)	Statement Against Interest	295
Rule 804(b)(4)	Personal or Family History	299
Rule 804(b)(5)	Other Exceptions [Abrogated].....	300
Rule 804(b)(6)	Forfeiture by wrongdoing.....	301
Rule 805	Hearsay Within Hearsay	302
Rule 806	Attacking and Supporting Credibility of Declarant	304
Rule 807	Residual Exception.....	305

ARTICLE 9 AUTHENTICATION AND IDENTIFICATION

Rule 901	Requirement of Authentication and Identification...	310
Rule 902	Self-Authentication	318
Rule 903	Subscribing Witness' Testimony Unnecessary.....	323

ARTICLE 10 CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001	Definitions	324
Rule 1002	Requirement of Original.....	326
Rule 1003	Admissibility of Duplicates.....	328
Rule 1004	Admissibility of Other Evidence of Contents.....	330
Rule 1005	Public Records	333
Rule 1006	Summaries	335
Rule 1007	Testimony or Written Admission of a Party	337

HANDBOOK OF MINNESOTA EVIDENCE

Rule 1008 Functions of Court and Jury.....	338
--	-----

ARTICLE 11 MISCELLANEOUS RULES

Rule 1101 Rules Applicable.....	340
---------------------------------	-----

**CHAPTER 2 SELECTED PROVISIONS OF THE U.S.
CONSTITUTION**

Amendment V Grand Jury Indictment for Capital Crimes; Double Jeopardy; Self-Incrimination; Due Process of Law; Just Compensation for Property	347
Amendment VI Jury Trial for Crimes, and Procedural Rights.....	347
Amendment VII Jury Trials in Civil Cases.....	347
Amendment XIV Citizenship; Privileges and Immunities; Due Process; Equal Protection; Apportionment of Representation; Disqualification of Officers; Public Debt; Enforcement	348

**CHAPTER 3 SELECTED PROVISIONS OF THE
MINNESOTA CONSTITUTION**

ARTICLE I BILL OF RIGHTS

§ 2 Rights and privileges	349
§ 4 Trial by jury	349
§ 5 No excessive bail or unusual punishments	349
§ 6 Rights of accused in criminal prosecutions	350
§ 7 Due process; prosecutions; double jeopardy; self- incrimination; bail; habeas corpus	350
§ 8 Redress of injuries or wrongs.....	350

ARTICLE VI JUDICIARY

§ 1 Judicial power.....	350
§ 2 Supreme court; court of appeals	350
§ 3 Jurisdiction of district court	351

**CHAPTER 4 SELECTED EVIDENTIARY STATUTES
[MINNESOTA STATUTES ANNOTATED]**

LEGISLATURE

CHAPTER 3 LEGISLATURE

TABLE OF CONTENTS

LEGISLATURE

§ 3.16 Members, officers and attorneys excused from court duty	363
--	-----

STATE AGENCIES

CHAPTER 14 ADMINISTRATIVE PROCEDURE

LEGAL STATUS OF RULES

§ 14.37 Effect of publication	364
-------------------------------------	-----

CHAPTER 15 STATE AGENCIES IN GENERAL

RECORDS

§ 15.17 Official records	365
--------------------------------	-----

EDUCATION CODE: PREKINDERGARTEN—GRADE 12

CHAPTER 123B SCHOOL DISTRICT POWERS AND DUTIES

INDEPENDENT SCHOOL DISTRICTS

§ 123B.28 Records as evidence	367
-------------------------------------	-----

HEALTH

CHAPTER 152 PROHIBITED DRUGS

PERMISSIVE INFERENCE OF POSSESSION

§ 152.028 Permissive inference of knowing possession	368
--	-----

TRANSPORTATION

CHAPTER 169 TRAFFIC REGULATIONS

TRAFFIC ACCIDENTS

§ 169.09 Accidents	369
§ 169.685 Seat belts and passenger restraint systems for children.....	370
§ 169.94 Record of conviction	370

CHAPTER 169A DRIVING WHILE IMPAIRED; CRIMINAL AND ADMINISTRATIVE SANCTIONS

HANDBOOK OF MINNESOTA EVIDENCE

PROCEDURAL PROVISIONS

§ 169A.45 Evidence	371
--------------------------	-----

CHAPTER 171 DRIVERS' LICENSES AND TRAINING SCHOOLS

DRIVERS' LICENSES

§ 171.19 Petition for court hearing on license reinstatement	372
--	-----

LABOR, INDUSTRY

CHAPTER 175 DEPARTMENT OF LABOR AND INDUSTRY

§ 175.11 Seal; certified copies	373
---------------------------------------	-----

CHAPTER 175A WORKERS' COMPENSATION COURT OF APPEALS

§ 175A.08 Seal.....	373
---------------------	-----

PUBLIC WELFARE AND RELATED ACTIVITIES

CHAPTER 253B CIVIL COMMITMENT ACT

§ 253B.08 Judicial commitment; hearing procedures	374
---	-----

CHAPTER 257 CHILDREN; CUSTODY, LEGITIMACY

PARENTAGE ACT

§ 257.62 Blood and genetic tests	375
§ 257.63 Evidence relating to paternity	376
§ 257.65 Civil action	377
§ 257.66 Judgment or order.....	377

CHAPTER 257E ASSISTED REPRODUCTION

§ 257E.22 Parentage of child of assisted reproduction.....	377
§ 257E.23 Consent to assisted reproduction.....	377

CHAPTER 260B DELINQUENCY

DISPOSITIONS

§ 260B.245 Effect of juvenile court proceedings	378
---	-----

CHAPTER 260C JUVENILE SAFETY AND PLACEMENT

TABLE OF CONTENTS

PROCEDURES

§ 260C.165 Certain out-of-court statements admissible	379
---	-----

CHAPTER 260E REPORTING OF MALTREATMENT OF MINORS

§ 260E.04 Evidence	380
§ 260E.06 Maltreatment Reporting	380

TAXATION, SUPERVISION, DATA PRACTICES

CHAPTER 271 TAX COURT

§ 271.06 Appeals from orders	381
------------------------------------	-----

PROPERTY TAXES

CHAPTER 287 MORTGAGE REGISTRY TAX; DEED TAX

MORTGAGE REGISTRY TAX

§ 287.10 Prepayment of tax; evidence; notice	382
--	-----

TRADE REGULATIONS, CONSUMER PROTECTION

CHAPTER 325K ELECTRONIC AUTHENTICATION ACT

§ 325K.21 Digitally signed document is written	383
§ 325K.22 Digitally signed originals	383
§ 325K.23 Acknowledgments	383
§ 325K.24 Presumptions in adjudicating disputes; liability allocation	383

CHAPTER 326 EMPLOYMENTS LICENSED BY STATE

MINNESOTA ELECTRICAL ACT

§ 326B.35 Safety standards	384
----------------------------------	-----

CHAPTER 336 UNIFORM COMMERCIAL CODE

ARTICLE 1 GENERAL PROVISIONS

PART 3 TERRITORIAL APPLICABILITY AND GENERAL RULES

§ 336.1-307 Prima facie evidence by third-party documents ..	385
--	-----

ARTICLE 2 SALES

PART 7 REMEDIES

§ 336.2-724	Admissibility of Market Quotations.....	385
-------------	---	-----

ARTICLE 3 NEGOTIABLE INSTRUMENTS

PART 5 DISHONOR

§ 336.3-505	Evidence of Dishonor	385
-------------	----------------------------	-----

ARTICLE 8 INVESTMENT SECURITIES

PART 1 SHORT TITLE AND GENERAL MATTERS

§ 336.8-114	Evidentiary rules concerning certificated securities	386
-------------	--	-----

PUBLIC SERVICES, PRIVILEGES

CHAPTER 357 FEES

§ 357.22	Witnesses	387
§ 357.23	Witness fees of officers of municipalities.....	387
§ 357.24	Criminal cases	387
§ 357.241	Juvenile court witnesses	387

CHAPTER 358 SEALS, OATHS, ACKNOWLEDGMENTS

§ 358.03	Form of official seals	388
§ 358.07	Forms of oath in various cases.....	388
§ 358.08	Affirmation in lieu of oath.....	389
§ 358.09	By whom and how administered.....	389
§ 358.10	Officials may administer, when	389
§ 358.116	Court documents	390
§ 358.15	Ex officio notary public	390
§ 358.50	Effect of acknowledgment	391
§ 358.51	Short Title	391
§ 358.52	Definitions	391
§ 358.53	Applicability.....	393
§ 358.55	Requirements for Certain Notarial Acts	393
§ 358.57	Identification of Individual	393
§ 358.59	Signature If Individual Unable to Sign	394
§ 358.61	Notarial Act in Another State	394
§ 358.62	Notarial Act Under Authority of Federally Recognized Tribe.....	395
§ 358.63	Notarial Act under Federal Authority.....	395
§ 358.64	Foreign Notarial Act.....	396
§ 358.645	Remote Online Notary Public.....	396
§ 358.646	Recording Electronic Documents In Tangible Form	400

TABLE OF CONTENTS

JUDICIARY

CHAPTER 480 SUPREME COURT

ADOPTION OF COURT RULES

§ 480.0591 Rules of evidence	404
------------------------------------	-----

CHAPTER 494 COMMUNITY DISPUTE RESOLUTION PROGRAM

§ 494.02 Confidentiality of communications.....	405
---	-----

PROPERTY INTERESTS AND LIENS

CHAPTER 504B LANDLORDS AND TENANTS

LEASING AND RENT

§ 504B.115 Tenant to be given copy of lease	406
§ 504B.125 Person in possession liable for rent; evidence.....	406

MISCELLANEOUS RIGHTS

§ 504B.251 Recording of notice of cancellation of leases.....	406
§ 504B.291 Eviction action for nonpayment; redemption; other rights	407

RESIDENTIAL TENANT ACTIONS

§ 504B.385 Rent escrow action to remedy violations.....	407
---	-----

CHAPTER 507 RECORDING CONVEYANCES

§ 507.29 Affidavits as evidence	407
---------------------------------------	-----

CHAPTER 508 REGISTRATION, TORRENS

§ 508.36 Certificates and copies as evidence	408
--	-----

DOMESTIC RELATIONS

CHAPTER 518 MARRIAGE DISSOLUTION

PROCEEDINGS

§ 518.167 Investigations and reports	409
--	-----

CHAPTER 518C UNIFORM INTERSTATE FAMILY SUPPORT ACT

HANDBOOK OF MINNESOTA EVIDENCE

CIVIL PROVISIONS OF GENERAL APPLICATION

§ 518C.316	Special rules of evidence and procedure	410
------------	---	-----

**CHAPTER 518D UNIFORM CHILD CUSTODY
JURISDICTION AND ENFORCEMENT ACT**

GENERAL PROVISIONS

§ 518D.111	Taking testimony in another state.....	411
------------	--	-----

**PROBATE; PROPERTY; ESTATES; GUARDIANSHIPS; ANATOMICAL
GIFTS**

CHAPTER 524 UNIFORM PROBATE CODE

**ARTICLE 1 GENERAL PROVISIONS, DEFINITIONS AND PROBATE
JURISDICTION OF COURT**

**PART 1 CITATION, CONSTRUCTION, GENERAL
PROVISIONS**

§ 524.1-107	Evidence as to death or status	413
-------------	--------------------------------------	-----

ARTICLE 2 INTESTATE SUCCESSION AND WILLS

PART 8 GENERAL PROVISIONS

§ 524.2-803	Effect of homicide on intestate succession, wills, joint assets, life insurance and beneficiary designations; emergency order	413
-------------	---	-----

ARTICLE 3 PROBATE OF WILLS AND ADMINISTRATION

**PART 4 FORMAL TESTACY AND APPOINTMENT
PROCEEDINGS**

§ 524.3-406	Formal testacy proceedings; contested cases; testimony of attesting witnesses	416
-------------	--	-----

JUDICIAL PROCEDURE, DISTRICT COURT

CHAPTER 546 TRIALS

§ 546.15	Jurors may take certain papers.....	418
§ 546.16	Verdict, when received; correcting same; polling jury	418
§ 546.17	Verdict by five-sixths of jury.....	418
§ 546.18	Verdict; how signed.....	418
§ 546.19	Verdict, general and special	418
§ 546.24	Receiving verdict	419

TABLE OF CONTENTS

§ 546.25	Entries on receiving verdict; reserving case	419
§ 546.37	Minors may be excluded, when	419
§ 546.42	Persons disabled in communication; interpreters....	419
§ 546.43	Proceedings where interpreter appointed.....	419
§ 546.44	Qualified interpreter	420

COMPENSATORY AND COLLECTION REMEDIES

CHAPTER 578 RECEIVERSHIPS

§ 578.16	Presumption of death from absence	421
§ 578.17	Hearing by court; determination of death of an absentee.....	421
§ 578.18	Degree of burden of proof.....	422
§ 578.19	Dissolution of marriage	422

REMEDIES CONTROLLING PERSONAL ACTION

CHAPTER 588 CONTEMPTS

§ 588.03	Summary punishment	423
----------	--------------------------	-----

CHAPTER 590 POSTCONVICTION REMEDY

§ 590.01	Availability, conditions	423
§ 590.04	Hearings on petition; evidence; order	425

JUDICIAL PROOF

CHAPTER 595 WITNESSES

§ 595.01	Witness	427
§ 595.02	Testimony of witnesses.....	427
§ 595.021	News media; protection of sources; citation	435
§ 595.022	Public policy	435
§ 595.023	Disclosure prohibited	435
§ 595.024	Exception and procedure	435
§ 595.025	Defamation.....	436
§ 595.06	Capacity of witness.....	436
§ 595.07	Convicted person as witness	437
§ 595.08	Perjury; action against witness	437

CHAPTER 599 JUDICIAL NOTICE, PROOF; JUDICIAL RECORDS, DECISIONS

§ 599.01	Laws of foreign countries	437
§ 599.02	Statutes of other states	437
§ 599.03	Common law of other states.....	437
§ 599.04	Courts to take judicial notice.....	437
§ 599.05	Courts may obtain information; how	438
§ 599.06	Determination to be made by court	438

HANDBOOK OF MINNESOTA EVIDENCE

§ 599.07	Evidence	438
§ 599.08	Issue for court.....	438
§ 599.09	Interpretation of sections 599.04 to 599.10	438
§ 599.10	Citation, uniform judicial notice of foreign law act ..	438
§ 599.11	Records of foreign courts	438
§ 599.12	Printed copies of statutes.....	438
§ 599.13	Municipal and county ordinances.....	439
§ 599.14	Records of surveys, evidence when	439
§ 599.15	Copies of decisions, certified by librarian	439
§ 599.16	Land office receipts, evidence of title.....	439
§ 599.17	Land office certificate, evidence of title	439
§ 599.18	Certificate of department officer	440
§ 599.19	Patents and duplicates.....	440
§ 599.20	Plats of surveys from land office; certificate of county surveyor	440
§ 599.24	Exemplification of judgment in another state	440
§ 599.25	Minutes of conviction and judgment	440

CHAPTER 600 DOCUMENTS AS EVIDENCE

§ 600.01	Business	441
§ 600.02	Business records as evidence.....	441
§ 600.03	Interpretation	441
§ 600.04	Citation, uniform business records as evidence act..	441
§ 600.05	Account books; loose-leaf system.....	441
§ 600.06	Book entries by a person deceased	442
§ 600.07	Books proved by deposition.....	442
§ 600.08	Letterpress copies	442
§ 600.09	Affidavits, taken out of state	442
§ 600.10	Affidavit of publication.....	442
§ 600.11	Printer's affidavit	443
§ 600.12	Affidavit of officer of historical society as to publication	443
§ 600.13	Original records; probate court decrees; certified copies	443
§ 600.135	Photographic copies of business and public records	444
§ 600.14	Instruments acknowledged; evidence.....	445
§ 600.15	Written instruments; signatures; pleading and proof	446
§ 600.16	Endorsement of money received	446
§ 600.17	Copies of government records and documents.....	446
§ 600.18	Federal census; population	446
§ 600.19	Abstracts of title to be received in evidence	447
§ 600.20	Marriage certificate and record	447
§ 600.21	Copies of record of death; recordation.....	447
§ 600.22	Instruments, records thereof, and copies	447
§ 600.23	Recorders	448
§ 600.24	Finding of presumed death under Federal Missing Persons Act.....	448

TABLE OF CONTENTS

§ 600.25	Prima facie evidence	449
§ 600.26	Authority presumed	449

CHAPTER 601 LOST INSTRUMENTS

§ 601.01	Proof of loss	449
§ 601.04	Deed or court records destroyed; abstract of title as evidence.....	449
§ 601.05	Copies as evidence.....	450

CHAPTER 602 COMPETENT EVIDENCE

§ 602.01	Certain statements presumed to be fraudulent	450
§ 602.02	Fact of marriage, how proved	450
§ 602.03	Evidence of corporation or copartnership	450

CHAPTER 604 CIVIL LIABILITY

§ 604.204	Admission of evidence	451
-----------	-----------------------------	-----

CRIMES, CRIMINALS

CHAPTER 609 CRIMINAL CODE

GENERAL PRINCIPLES

§ 609.041	Proof of prior convictions	452
-----------	----------------------------------	-----

SEX CRIMES

§ 609.347	Evidence in criminal sexual conduct cases	452
-----------	---	-----

THEFT AND RELATED CRIMES

§ 609.523	Return of stolen property to owners	454
-----------	---	-----

CRIMES AGAINST PUBLIC SAFETY AND HEALTH

§ 609.672	Permissive inference; firearms in automobiles.....	455
-----------	--	-----

CRIMES AGAINST COMMERCE

§ 609.895	Counterfeited intellectual property; penalties	455
-----------	--	-----

CHAPTER 611 RIGHTS OF ACCUSED

§ 611.033	Copy of confession or admission	455
§ 611.06	Defendant entitled to blank subpoenas	456
§ 611.32	Proceedings where interpreter appointed	456
§ 611.33	Qualified interpreter	457

**CHAPTER 611A CRIME VICTIMS: RIGHTS, PROGRAMS,
AGENCIES**

HANDBOOK OF MINNESOTA EVIDENCE

DEFINITIONS AND GENERAL PROVISIONS

§ 611A.035 Confidentiality of victim's address.....	458
---	-----

CRIME VICTIMS REPARATIONS

§ 611A.62 Medical privilege.....	458
§ 611A.74 Crime victim ombudsman; creation.....	459

CHAPTER 628 ACCUSATION

GRAND JURIES

§ 628.65 Make disclosure, when.....	459
§ 628.66 Action not to be questioned; exception	459
§ 628.68 Disclosure of transactions of grand jury	459

CHAPTER 631 TRIAL, JUDGMENT, SENTENCE

§ 631.045 Excluding spectators from the courtroom	460
§ 631.046 Authorizing presence of support person for minor prosecuting witness	460
§ 631.05 Requiring a juror to testify when the juror has personal knowledge respecting fact in controversy; view	461
§ 631.06 Questions of law and fact; allocation of decision making to court and jury	461
§ 631.07 Order of final argument	461
§ 631.12 Jury discharged without verdict	461
§ 631.13 Conditions under which second trial is permitted ..	461
§ 631.14 Verdict for lesser included offense	462
§ 631.15 Verdicts; Multiple defendants	462
§ 631.17 Court administrator to read verdict to jury	462
§ 631.20 Hearing; sentence	462
§ 631.22 Jury challenges	462
§ 631.36 Voir dire	463

CHAPTER 634 SPECIAL RULES, EVIDENCE; PRIVILEGES, WITNESSES

§ 634.045 Jailhouse witnesses	463
§ 634.03 Confession, inadmissible when.....	466
§ 634.031 Evidence of accomplice	466
§ 634.04 Uncorroborated evidence of accomplice	466
§ 634.051 Proof of death; killing by defendant.....	466
§ 634.06 Residents required to testify in another state.....	466
§ 634.07 Nonresidents required to testify in state	467
§ 634.15 Admission into evidence of certain certificates of analysis and blood sample reports	467
§ 634.16 Admission into evidence of results of approved breath tests	469

TABLE OF CONTENTS

§ 634.20	Evidence of conduct	469
ADMISSIBILITY OF DNA EVIDENCE		
§ 634.25	Admissibility of results of DNA analysis.....	469
§ 634.26	Statistical probability evidence	470
OUT-OF-STATE EVIDENCE		
§ 634.30	Evidence obtained in foreign jurisdictions	470
§ 634.36	Evidence of videotapes, audiotapes, or other recordings.....	470
CHAPTER 5 SELECTED MINNESOTA RULES OF CIVIL PROCEDURE		
V DEPOSITIONS AND DISCOVERY		
RULE 26 DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY		
Rule 26.01	Required Disclosures.....	473
Rule 26.02	Discovery Methods, Scope and Limits.....	476
Rule 26.04	Timing and Sequence of Discovery	480
RULE 27 DEPOSITIONS BEFORE ACTION OR PENDING APPEAL		
Rule 27.01	Before Action.....	480
RULE 30 DEPOSITIONS UPON ORAL EXAMINATION		
Rule 30.02	Notice of Examination; General Requirements; Notice of Method of Recording; Additional Recording Method; Production of Documents and Things; Deposition of Organization; Depositions by Remote Technology	482
Rule 30.03	Examination and Cross-Examination; Record of Examination; Oath; Objections	484
Rule 30.04	Schedule and Duration; Motion to Terminate or Limit Examination	485
RULE 32 USE OF DEPOSITIONS IN COURT PROCEEDINGS		
Rule 32.01	Use of Depositions.....	485
Rule 32.02	Objections to Admissibility	486
Rule 32.03	Effect of Taking or Using Depositions.....	486
Rule 32.04	Effect of Errors and Irregularities in Depositions ..	486
Rule 32.05	Use of Video Depositions.....	487

HANDBOOK OF MINNESOTA EVIDENCE

RULE 33 INTERROGATORIES TO PARTIES

Rule 33.02 Scope; Use at Trial	487
--------------------------------------	-----

**RULE 35 PHYSICAL, MENTAL, AND BLOOD
EXAMINATION OF PERSONS**

Rule 35.01 Order of Examinations.....	487
Rule 35.02 Report of Findings.....	488
Rule 35.03 Waiver of Medical Privilege	488
Rule 35.04 Medical Disclosures and Depositions of Medical Experts	488

RULE 36 REQUEST FOR ADMISSION

Rule 36.02 Effect of Admission	489
--------------------------------------	-----

VI TRIALS

RULE 39 TRIAL BY JURY OR BY THE COURT

Rule 39.03 Preliminary Instructions in Jury Trials.....	490
---	-----

RULE 43 TAKING OF TESTIMONY

Rule 43.01 Form	490
Rule 43.02 Examination of Hostile Witnesses and Adverse Parties	490
Rule 43.03 Record of Excluded Evidence.....	490
Rule 43.04 Affirmation in Lieu of Oath	490
Rule 43.05 Evidence and Motions.....	490
Rule 43.06 Res Ipsa Loquitur	490
Rule 43.07 Interpreters	491

RULE 44 PROOF OF OFFICIAL RECORD

Rule 44.01 Authentication	491
Rule 44.02 Lack of Record	491
Rule 44.03 Other Proof.....	492
Rule 44.04 Determination of Foreign Law	492

RULE 45 SUBPOENA

Rule 45.01 Form; Issuance.....	492
Rule 45.02 Service	493
Rule 45.03 Protection of Persons Subject to Subpoenas	494
Rule 45.04 Duties in Responding to Subpoena	496
Rule 45.05 Contempt	497

RULE 46 EXCEPTIONS UNNECESSARY

TABLE OF CONTENTS

RULE 47 JURORS

Rule 47.01	Examination of Jurors	497
------------	-----------------------------	-----

**RULE 51 INSTRUCTIONS TO THE JURY; OBJECTIONS;
PRESERVING A CLAIM OF ERROR**

Rule 51.01	Requests	498
Rule 51.02	Instructions	498
Rule 51.03	Objections	498
Rule 51.04	Assigning Error; Plain Error	499

RULE 56 SUMMARY JUDGMENT

Rule 56.05	Failing to Properly Support or Address a Fact.....	499
Rule 56.06	Judgment Independent of the Motion	499

VIII DISTRICT COURTS AND COURT ADMINISTRATORS

**RULE 80 STENOGRAPHIC REPORT OR TRANSCRIPT AS
EVIDENCE**

**CHAPTER 6 SELECTED MINNESOTA RULES OF
CRIMINAL PROCEDURE**

**RULE 7 NOTICE BY PROSECUTOR OF OMNIBUS
ISSUES, OTHER OFFENSES EVIDENCE, AND INTENT
TO SEEK AGGRAVATED SENTENCE**

Rule 7.02	Notice of Other Offenses	502
-----------	--------------------------------	-----

**RULE 9 DISCOVERY IN FELONY, GROSS
MISDEMEANOR, AND MISDEMEANOR CASES**

Rule 9.01	Prosecution Disclosure in Felony and Gross Misdemeanor Cases	503
Rule 9.02	Defendant's Disclosure in Felony and Gross Misdemeanor Cases	506
Rule 9.03	Regulation of Discovery	509

**RULE 11 OMNIBUS HEARING IN FELONY AND GROSS
MISDEMEANOR CASES**

Rule 11.02	Scope of the Hearing	510
Rule 11.03	General Procedures.....	511
Rule 11.04	Omnibus Motions	511
Rule 11.05	Pretrial Conference	511
Rule 11.10	Record.....	511

**RULE 12 PRETRIAL CONFERENCE AND EVIDENTIARY
HEARING IN MISDEMEANOR CASES**

HANDBOOK OF MINNESOTA EVIDENCE

Rule 12.02	Motions	512
Rule 12.03	Other Issues.....	512
Rule 12.04	Hearing on Evidentiary Issues.....	512
Rule 12.07	Continuances and Determination of Issues.....	513
Rule 12.08	Record.....	513

RULE 15 GUILTY PLEA PROCEDURES

Rule 15.05	Plea Withdrawal.....	513
Rule 15.06	Plea Discussions and Agreements Not Admissible.	514
Rule 15.11	Use of Guilty Plea Petitions When Defendant is Disabled in Communication.....	514

RULE 18 GRAND JURY

Rule 18.04	Record of Proceedings.....	514
Rule 18.05	Kind and Character of Evidence (Previously Rule 18.06)	514
Rule 18.07	Secrecy of Proceedings (Previously Rule 18.08)	516

**RULE 20 MENTALLY ILL OR MENTALLY DEFICIENT
DEFENDANTS**

Rule 20.01	Competency Proceedings.....	516
Rule 20.02	Defense of Mental Illness or Cognitive Impairment—Mental Examination.....	519
Rule 20.03	Disclosure of Reports and Records of Defendant's Mental Examinations	522

RULE 21 DEPOSITIONS

Rule 21.06	Use of Deposition	522
Rule 21.07	Effect of Errors and Irregularities in Depositions .	523

RULE 22 SUBPOENA

Rule 22.01	For Attendance of Witnesses; For Documents	523
Rule 22.02	By Whom Issued.....	524
Rule 22.03	Service	525
Rule 22.04	Place of Service	525
Rule 22.05	Contempt	525
Rule 22.06	Witness Outside the State.....	525

RULE 26 TRIAL

Rule 26.03	Procedures During Trial	526
------------	-------------------------------	-----

RULE 31 HARMLESS ERROR AND PLAIN ERROR

Rule 31.01	Harmless Error	535
Rule 31.02	Plain Error	535

TABLE OF CONTENTS

CHAPTER 7 SELECTED EXCERPTS FROM MINNESOTA CIVIL TRIALBOOK

Section 8	Opening Statement and Final Arguments	537
Section 9	Availability of Witnesses	538
Section 10	Examination of Witnesses	538
Section 11	Interpreters.....	540
Section 12	Exhibits	541
Section 13	Custody of Exhibits	542
Section 14	Sealing and Handling of Confidential Exhibits.....	542
Section 15	Instructions.....	543
Section 16	Questions by Jurors	544

CHAPTER 8 SELECTED MINNESOTA GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

TITLE I RULES APPLICABLE TO ALL COURT PROCEEDINGS

RULE 2 COURT DECORUM; ROLES OF JUDGES AND LAWYERS

Rule 2.01	Behavior and Ceremony in General	548
Rule 2.02	Role of Judges.....	549
Rule 2.03	Role of Attorneys.....	550

RULE 4 VISUAL AND AUDIO RECORDINGS

Rule 4.01	General Rule	551
Rule 4.02	Exceptions	551
Rule 4.03	Procedures Relating to Requests for Visual and Audio Coverage of Authorized District Court Proceedings.....	554
Rule 4.04	Technical Standards for Visual, Audio, and Broadcast Coverage of Judicial Proceedings	555

RULE 8 INTERPRETERS

Rule 8.01	Statewide Roster	557
Rule 8.02	Appointment; Applicability of Ethics Rules to All Interpreters.....	558
Rule 8.03	Disqualification from Appointment or Proceeding...	560
Rule 8.12	Interpreters to Assist Jurors.....	560
Rule 8.13	Requirement for Notice of Anticipated Need for Interpreter.....	560

RULE 15 AFFIDAVITS

TITLE II RULES GOVERNING CIVIL ACTIONS

PART B SCHEDULING

HANDBOOK OF MINNESOTA EVIDENCE

RULE 114 ALTERNATIVE DISPUTE RESOLUTION

Rule 114.07 Use of ADR Evidence in Court.....	561
---	-----

PART C MOTIONS

RULE 115 MOTION PRACTICE

Rule 115.08 Witnesses.....	561
----------------------------	-----

PART E TRIAL MANAGEMENT

Rule 123 Voir Dire of Jurors in Cases in Which Insurance Company Interested in Defense or Outcome of Action	562
Rule 130 Exhibit Numbering.....	562

**RULE 131 USE OF INTERACTIVE VIDEO
TELECONFERENCE IN CIVIL CASES**

Rule 131.01 Definitions	562
Rule 131.02 Permissible Uses; Initiation.....	563
Rule 131.03 Costs and Arrangements; Certification	565
Rule 131.04 Rule 131.04 Exchange of Information	565
Rule 131.05 Location of Participants	565
Rule 131.06 Proceedings	566
Rule 131.07 Administrative Procedures.....	567

TITLE VI CONCILIATION COURT RULES

Rule 512 Trial	568
----------------------	-----

**CHAPTER 9 SELECTED MINNESOTA RULES OF
PROFESSIONAL CONDUCT**

CLIENT-LAWYER RELATIONSHIP

Rule 1.6 Confidentiality of Information	571
---	-----

ADVOCATE

Rule 3.1 Meritorious Claims and Contentions.....	572
Rule 3.2 Expediting Litigation	573
Rule 3.3 Candor Toward the Tribunal.....	573
Rule 3.4 Fairness to Opposing Party and Counsel.....	573
Rule 3.5 Impartiality and Decorum of the Tribunal	574
Rule 3.6 Trial Publicity	575
Rule 3.7 Lawyer as Witness	575
Rule 3.8 Special Responsibilities of a Prosecutor	576

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

Rule 4.1 Truthfulness in Statements to Others	576
---	-----

TABLE OF CONTENTS

**CHAPTER 10 EVIDENTIARY ASPECTS OF MOTION
PRACTICE**

**CHAPTER 11 THE USE OF SUBPOENAS TO OBTAIN
EVIDENCE**

CHAPTER 12 EVIDENCE ON APPEAL

Table of Laws and Rules

Table of Cases

Index