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By

Peter N. Thompson

Professor of Law, Emeritus

Mitchell Hamline

School of Law



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HIGHLIGHTS OF THE 2024 SUPPLEMENT

- Up-to-date history of the Minnesota Rules of Evidence.
- Recent decisions from the Minnesota Supreme Court addressing factual questions for a jury, circumstantial evidence, the role of the judge, trial judge's power to control the courtroom, and hearsay.
- Recent Court of Appeals decisions addressing attorney-client and therapist privileges and expert testimony.
- Recent updates and amendments to the Federal Rules of Evidence, including Rules 106 (Remainder of or Related Statements), 615 (Exclusion of Witnesses from the Courtroom), and 702 (Testimony by Expert Witnesses).

Preface

This is the first update since the publication of the Fifth Edition. Minnesota has no major rule changes to report. However, emerging out of the pandemic the Minnesota appellate courts have addressed many evidentiary issues. Most of the cases addressing evidence issues come from the Courts of Appeal, and most of these are nonprecedential. These nonprecedential cases are taking on major significance. Many nonprecedential cases are being analyzed and cited in other opinions.

There are a number of decisions by the Courts of Appeal addressing, among other issues, judicial notice (Article 2), *Schwartz* hearings (§ 606.03), and hearsay (Article 8). The Supreme Court decided several cases implicating the role of the judge in criminal cases. In *State v. Stone* (§ 201.07), the Court distinguished between the role of the judge and the role jury in deciding whether a disassembled shotgun with missing parts was a firearm. In *State v. Colgrove* (§ 301.06) the issue involved the propriety or scope of an instruction that voluntary intoxication can be a defense. In *State v. Malone* (§ 614.02), the Court revisited the propriety of a judge questioning witnesses in a criminal trial. In a pandemic related case, *State v. Bell* (§ 801.03), the Court addressed the inherent power of the trial judge to limit access to the court room.

This update reports recent amendments to the Federal Rules of Evidence 106, 615, and 702. The Minnesota Supreme Court Advisory Committee for the Rules of Evidence has not been active lately, so it is unlikely that the Minnesota rules will be amended by the Court in the near future.

If you have comments or suggestions related to this treatise or about Minnesota evidence law, please contact me.

PETER N. THOMPSON
Professor of Law Emeritus
Mitchell Hamline School of Law
pthompson@hamline.edu

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