Table of Contents

CHAPTER 1 GENERAL PROVISIONS

Rule 5.101 Scope; definitions
§ 5.101:1 Origin and Scope of rules
Rule 5.102 Purpose
§ 5.102:1 Purpose and construction
Rule 5.103 Rulings on evidence
§ 5.103:1 Overview

A. RULINGS ADMITTING EVIDENCE

§ 5.103:2 Generally
§ 5.103:3 Sufficiency of objections: Timeliness, motions to strike and curative instructions
§ 5.103:4 Sufficiency of objections: Specificity and related concerns
§ 5.103:5 Objections to depositions and deposition testimony
§ 5.103:6 Objections in equitable and non-jury proceedings
§ 5.103:7 Motions in limine
§ 5.103:8 Related waiver doctrines

B. RULINGS EXCLUDING EVIDENCE

§ 5.103:9 Exclusion of evidence *sua sponte* by the trial court
§ 5.103:10 Offers of proof: Generally
§ 5.103:11 Offers of proof: Sufficiency and procedure

C. ERROR AND SUBSTANTIAL RIGHTS

§ 5.103:12 Rule 5.103(d)—Keeping inadmissible evidence from the jury
§ 5.103:13 Appellate review of evidentiary rulings—General considerations
§ 5.103:14 Harmless error and substantial rights
§ 5.103:15 Plain error
Rule 5.104 Preliminary Questions
§ 5.104:1 Preliminary questions—Scope and purpose of Rule 5.104
§ 5.104:2 Preliminary questions determined by the court
§ 5.104:3 Preliminary questions determined by the jury
§ 5.104:4 Presence of jury during preliminary matters
§ 5.104:5 Testimony on a preliminary matter by the accused
Rule 5.105 Limited Admissibility
§ 5.105:1 Limited admissibility—Overview
§ 5.105:2 Limiting instructions
Rule 5.106 Remainder of related acts, declarations, conversations, writings, or recorded statements
§ 5.106:1 Purpose and Scope of Rule 106
§ 5.106:2 Timing

CHAPTER 2 JUDICIAL NOTICE

Rule 5.201 Judicial notice of adjudicative facts
§ 5.201:1 Judicial notice generally; Adjudicative facts and legislative facts
§ 5.201:2 Judicial notice of adjudicative facts—Generally
§ 5.201:3 Adjudicative facts: Matters of common knowledge
§ 5.201:4 Adjudicative facts: Facts capable of certain verification
§ 5.201:5 Records in the same case or in other cases
§ 5.201:6 Judicial notice of law
§ 5.201:7 Procedural aspects of judicial notice
§ 5.201:8 Judicial notice in small claims and administrative proceedings
§ 5.201:9 Judicial notice of legislative facts
§ 5.201:10 Establishing incontrovertible matters by methods other than judicial notice

CHAPTER 3 PRESUMPTIONS IN CIVIL AND CRIMINAL ACTIONS AND PROCEEDINGS

Rule 5.301 Presumptions in civil cases generally
§ 5.301:1 Presumptions generally
§ 5.301:2 Establishing the basic facts
§ 5.301:3 Challenging rebuttable presumptions
§ 5.301:4 Conflicting presumptions
§ 5.301:5 Presumptions and inferences in criminal cases
Rule 5.302 to 5.400 [Reserved]

CHAPTER 4 RELEVANCY AND ITS LIMITS

Rule 5.401 Test for relevant evidence
§ 5.401:1 Definition of relevancy
§ 5.401:2 Real and demonstrative evidence
§ 5.401:3 Experiments
§ 5.401:4 Similar occurrences
§ 5.401:5 Taking exhibits into the jury room
Rule 5.402 General admissibility of relevant evidence
§ 5.402:1 Relevant evidence—Admissible; Irrelevant evidence—Inadmissible
Rule 5.403 Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons
§ 5.403:1 Exclusion of relevant evidence because of prejudice, confusion or waste of time
Rule 5.404 Character evidence; crimes or other acts
§ 5.404:1 Character evidence—Overview
§ 5.404:2 Character traits of an accused
§ 5.404:3 Character of victims in criminal cases

§ 5.404:4 Character of victims in civil cases
§ 5.404:5 Character of witnesses
§ 5.404:6 Evidence of other crimes, wrongs or acts
Rule 5.405 Methods of proving character
§ 5.405:1 Proof of character: Reputation or opinion testimony; Specific instance of conduct on cross-examination only
§ 5.405:2 Specific acts when character is an essential element
Rule 5.406 Habit; routine practice
§ 5.406:1 Habit and routine practice
Rule 5.407 Subsequent remedial measures
§ 5.407:1 Subsequent remedial measures—Overview
§ 5.407:2 Admissibility of remedial measures on certain issues, if disputed, or for impeachment
§ 5.407:3 Admissibility of remedial measures in connection with strict liability and breach of warranty
Rule 5.408 Compromise offers and negotiations
§ 5.408:1 Offers of compromise inadmissible to prove or disprove liability or damages or to impeach by prior inconsistent statement or contradiction
§ 5.408:2 Admissibility for other purposes
§ 5.408:3 Use of Civil Compromise Negotiations in Criminal Proceedings
Rule 5.409 Payment of expenses
§ 5.409:1 Advance payments generally inadmissible
Rule 5.410 Pleas, plea discussions, and related statements
§ 5.410:1 Inadmissibility of withdrawn guilty pleas and plea discussions
Rule 5.411 Liability insurance
§ 5.411:1 Liability insurance
Rule 5.412 Sex offense cases: the victim's sexual behavior or predisposition
§ 5.412:1 Admissibility of a victim's other sexual behavior and sexual predisposition in sexual misconduct cases

CHAPTER 5 PRIVILEGES

A. PRIVILEGES IN GENERAL
RULE 5.501 PRIVILEGE IN GENERAL

§ 5.501:1 Overview: Privileges in General

B. PRIVILEGES BASED ON CONFIDENTIAL GOVERNMENTAL RECORDS

§ 5.501:2 Privileges based upon confidential government records and information
§ 5.501:2(A) Introduction

§ 5.501:2(B) Privilege against disclosure of official information
§ 5.501:2(C) Privilege against disclosure of informant's identity
§ 5.501:2(D) Legislative privilege
§ 5.501:3 Documents, records and proceedings made confidential by statute

C. MARITAL PRIVILEGE

§ 5.501:4 The privilege for confidential marital communications
§ 5.501:4(A) Marital privilege—Scope and purpose
§ 5.501:4(B) —Elements of and communications within the privilege
§ 5.501:4(C) —Restrictions and exceptions
§ 5.501:4(D) —Waiver and right to assert

D. TESTIMONIAL PRIVILEGE STATUTE

§ 5.501:5 Iowa Code Section 622.10—The Testimonial Privilege Statute

E. PHYSICIAN-PATIENT & PSYCHOTHERAPIST-PATIENT PRIVILEGE

§ 5.501:6 Physician-patient privilege
§ 5.501:6(A) Physician-patient privilege—Introduction and purpose
§ 5.501:6(B) —Elements of and communications within the privilege
§ 5.501:6(C) —Restrictions and exceptions
§ 5.501:6(D) —Waiver
§ 5.501:6(E) —Comment upon claim of privilege and related matters

F. COUNSELOR PRIVILEGE

§ 5.501:7 Confidential communications to school guidance counselor

G. CLERGY PRIVILEGE

§ 5.501:8 Confidential communications to clergy

H. ATTORNEY-CLIENT PRIVILEGE
RULE 5.502 ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER

§ 5.502:1 Attorney-client privilege—Introduction and purpose
§ 5.502:2 —Elements of and communications within the privilege
§ 5.502:3 —Crime-fraud exception and other restrictions and exceptions

§ 5.502:4 Waiver
§ 5.502:4(A) Attorney-client privilege—Waiver under Iowa Rule of Evidence 5.502
§ 5.502:4(B) —Waiver not governed by Rule 5.502
§ 5.502:4(C) Protocols to Protect Accused's Attorney-Client Communications during Pretrial Investigation
§ 5.502:5 Work product doctrine

I. OTHER PRIVILEGES

§ 5.503 Journalist's privilege
§ 5.504 Grand jury proceedings and jury deliberations
§ 5.505 Peer review records
§ 5.506 Confidential Tax Advice
§ 5.507 Other privileges not recognized in Iowa

CHAPTER 6 WITNESSES

§ 5.600:1 Overview
Rule 5.601 Competency to testify in general
§ 5.601:1 Competency of witnesses
§ 5.601:2 Competency of attorneys as witnesses
§ 5.601:3 Competency objections
§ 5.601:4 Depositions
§ 5.601:5 Application of Iowa Rule 601 in federal courts
Rule 5.602 Need for personal knowledge
§ 5.602:1 Personal knowledge
§ 5.602:2 Hearsay
§ 5.602:3 Opinion testimony
Rule 5.603 Oath or affirmation to testify truthfully
§ 5.603:1 Oath or affirmation
Rule 5.604 Interpreter
§ 5.604:1 Interpreters
Rule 5.605 Judge's competency as a witness
§ 5.605:1 Competency of judge as witness
Rule 5.606 Juror's competency as a witness
§ 5.606:1 Competency of juror as witness at trial on which juror sits
§ 5.606:2 Impeachment of a jury verdict or indictment
Rule 5.607 Who may impeach a witness
§ 5.607:1 Overview
§ 5.607:2 Bias, interest, corruption or coercion
§ 5.607:3 Capacity
§ 5.607:4 Contradiction
Rule 5.608 Witness's character for truthfulness or untruthfulness
§ 5.608:1 Overview

§ 5.608:2 Reputation for truthfulness or untruthfulness
§ 5.608:3 Opinion on truthfulness or untruthfulness
§ 5.608:4 Specific instances of conduct
§ 5.608:5 Non-waiver of privilege against self-incrimination
Rule 5.609 Impeachment by evidence of a criminal conviction
§ 5.609:1 Scope and purpose
§ 5.609:2 Crimes of dishonesty or false statement
§ 5.609:3 Balancing prejudicial effect and probative value
§ 5.609:4 Procedure for introduction of prior convictions
§ 5.609:5 Effects of a pardon
§ 5.609:6 Juvenile adjudications
§ 5.609:7 Pendency of appeal
Rule 5.610 Religious beliefs or opinions
§ 5.610:1 Religious beliefs or opinions
Rule 5.611 Mode and order of examining witnesses and presenting evidence
§ 5.611:1 Scope and purpose
§ 5.611:2 Court control
§ 5.611:3 Cross-examination
§ 5.611:4 Redirect and recross
§ 5.611:5 Rebuttal and surrebuttal
§ 5.611:6 Leading questions
Rule 5.612 Writing used to refresh a witness's memory
§ 5.612:1 Refreshing recollection
Rule 5.613 Witness's prior statement
§ 5.613:1 Overview
§ 5.613:2 Non-rule limitations on impeachment by prior inconsistent statement
§ 5.613:3 Rehabilitation by prior consistent statement
Rule 5.614 Court's calling or examining a witness
§ 5.614:1 Calling witnesses by the court
§ 5.614:2 Interrogation of witnesses by the court
§ 5.614:3 Objection to the court's calling or interrogation of witnesses
Rule 5.615 Excluding witnesses
§ 5.615:1 Exclusion of witnesses

CHAPTER 7 OPINIONS AND EXPERT TESTIMONY

§ 5.700:1 Introduction
Rule 5.701 Opinion testimony by lay witnesses
§ 5.701:1 Opinion testimony of lay witness
Rule 5.702 Testimony by expert witnesses
§ 5.702:1 Expert testimony—Overview
§ 5.702:2 Subject matter of expert testimony

§ 5.702:3 Qualifications of experts
§ 5.702:4 Requiring an expert to testify and compensation
Rule 5.703 Bases of an expert's opinion testimony
§ 5.703:1 Scope and purpose
§ 5.703:2 Facts or data perceived by or made known to the expert
§ 5.703:3 Facts or data reasonably relied upon by experts in the field
§ 5.703:4 Constitutional implications
Rule 5.704 Opinion on an ultimate issue
§ 5.704:1 Opinion on ultimate issue: Generally
§ 5.704:2 Opinions on questions of law
Rule 5.705 Disclosing the facts or data underlying an expert's opinion
§ 5.705:1 Disclosure of facts or data underlying expert opinion
§ 5.705:2 Cross-examination of expert witnesses
Rule 5.706 Court-appointed expert witnesses
§ 5.706:1 Court-appointed experts

CHAPTER 8 HEARSAY

Rule 5.801 Definitions that apply to this Article; exclusions from hearsay
§ 5.801:1 Definition of hearsay
§ 5.801:2 Nonverbal conduct—Assertive or nonassertive
§ 5.801:3 Oral or written conduct not intended as an assertion
§ 5.801:4 Statements not offered to prove the truth of the matter asserted
§ 5.801:5 Implied assertions
§ 5.801:6 Nonhearsay—Prior inconsistent statements
§ 5.801:7 —Prior consistent statements
§ 5.801:8 —Statements of identification
§ 5.801:9 An Opposing Party's Statement—Overview
§ 5.801:10 —Statement by a Party Made in Individual Capacity
§ 5.801:11 —Predecessors-in-Interest, Persons in Privity, or Jointly Interested Persons
§ 5.801:12 —Adoption by Words or Conduct
§ 5.801:13 —Adoption by Silence
§ 5.801:14 —Statements by Agents or Servants
§ 5.801:15 —Statements of a Coconspirator
§ 5.801:16 Admissions in pleadings
Rule 5.802 The rule against hearsay
§ 5.802:1 Hearsay is not admissible
§ 5.802:2 Confrontation clause limitations on otherwise admissible hearsay statements
Rule 5.803 Exceptions to the rule against hearsay—regardless of whether the declarant is available as a witness
§ 5.803:0 Scope and purpose of Rule 5.803

§ 5.803:1 Present sense impression
§ 5.803:2 Excited utterance
§ 5.803:3 Then existing state of mind, emotion, sensation or physical condition; Intent; Statement of memory or belief concerning declarant's will
§ 5.803:4 Statements for purpose of medical treatment or diagnosis
§ 5.803:5 Recorded recollection
§ 5.803:6 Records of regularly conducted activity
§ 5.803:7 Absence of entry in records of a regularly conducted business activity
§ 5.803:8 Public records and reports
§ 5.803:9 Records of vital statistics
§ 5.803:10 Absence of a public record or entry
§ 5.803:11 Records of religious organizations
§ 5.803:12 Marriage, baptismal or similar certificates
§ 5.803:13 Family records
§ 5.803:14 Documents affecting an interest in property
§ 5.803:15 Statements in documents affecting an interest in property
§ 5.803:16 Statements in ancient documents
§ 5.803:17 Market reports; Commercial publications
§ 5.803:18 Learned treatises
§ 5.803:19 Reputation concerning personal or family history
§ 5.803:20 Reputation concerning boundaries or general history
§ 5.803:21 Reputation as to character
§ 5.803:22 Judgment of previous conviction
§ 5.803:23 Judgment as to personal, family or general history, or boundaries
§ 5.803:24 Other exceptions
Rule 5.804 Exceptions to the rule against hearsay—when the declarant is unavailable as a witness
§ 5.804:0 Definition of unavailability
§ 5.804:1 Former testimony
§ 5.804:2 Statement under belief of impending death
§ 5.804:3 Statement against interest
§ 5.804:4 Statements of personal or family history
§ 5.804:5 Other exceptions
§ 5.804:6 Forfeiture of the right to offer or to object to hearsay statements made by an unavailable witness
Rule 5.805 Hearsay within hearsay
§ 5.805:1 Hearsay within hearsay
Rule 5.806 Attacking and supporting the declarant's credibility
§ 5.806:1 Attacking and supporting credibility of a hearsay declarant

Rule 5.807 Residual exception
§ 5.807:1 Residual Exception

CHAPTER 9 AUTHENTICATION AND IDENTIFICATION

Rule 5.901 Authenticating or identifying evidence
§ 5.901:0 Authentication or identification: General requirements
§ 5.901:1 Testimony of witness with knowledge
§ 5.901:2 Nonexpert opinion on handwriting
§ 5.901:3 Comparison by trier or expert witness
§ 5.901:4 Distinctive characteristics and the like
§ 5.901:5 Voice identification
§ 5.901:6 Telephone conversations
§ 5.901:7 Public records or reports
§ 5.901:8 Ancient documents
§ 5.901:9 Process or system
§ 5.901:10 Methods provided by statute or rule
§ 5.901:11 Authentication of electronically stored evidence: E-mails and social media evidence
Rule 5.902 Evidence that is self-authenticating
§ 5.902:0 Self-authentication
§ 5.902:1 Domestic public documents under seal
§ 5.902:2 Domestic public documents not under seal
§ 5.902:3 Foreign public documents
§ 5.902:4 Certified copies of public records
§ 5.902:5 Official publications
§ 5.902:6 Newspapers and periodicals
§ 5.902:7 Trade inscriptions and the like
§ 5.902:8 Acknowledged documents
§ 5.902:9 Commercial paper and related documents
§ 5.902:10 Presumptions under acts of congress or statutes of Iowa or other states or territories
§ 5.902:11 Certified records of regularly conducted activity
§ 5.902:12 Certified Electronic Records
Rule 5.903 Subscribing witness's testimony
§ 5.903:1 Subscribing witness' testimony unnecessary

CHAPTER 10 CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS

§ 5.1000:0 Overview
Rule 5.1001 Definitions that apply to this article
§ 5.1001:1 "Writings," "recordings" and "photographs"
Rule 5.1002 Requirement of the original
§ 5.1002:1 Scope and purpose
§ 5.1002:2 Proof of contents—When applicable

§ 5.1002:3 Exceptions provided by rule or statute
Rule 5.1003 Admissibility of duplicates
§ 5.1003:1 Scope and purpose
§ 5.1003:2 Duplicate inadmissible—Genuine question as to authenticity of original
§ 5.1003:3 —Unfairness
Rule 5.1004 Admissibility of other evidence of content
§ 5.1004:1 Scope and purpose
§ 5.1004:2 Original lost or destroyed
§ 5.1004:3 Original not obtainable
§ 5.1004:4 Original in possession of opponent
§ 5.1004:5 Not closely related to a controlling issue
Rule 5.1005 Copies of public records to prove content
§ 5.1005:1 Scope and purpose
§ 5.1005:2 "Public records"
§ 5.1005:3 Proof of contents—Certified or compared copy
§ 5.1005:4 —Other evidence
Rule 5.1006 Summaries to prove content
§ 5.1006:1 Scope and purpose
§ 5.1006:2 Foundational testimony
Rule 5.1007 Testimony or statement of a party to prove content
§ 5.1007:1 Proof of contents by admission of party
Rule 5.1008 Functions of the court and jury
§ 5.1008:1 Functions of court and jury

CHAPTER 11 MISCELLANEOUS RULES

Rule 5.1101 Applicability of the rules
§ 5.1101:1 Applicability of rules—Generally
§ 5.1101:2 Administrative adjudications
§ 5.1101:3 Proceedings pursuant to the Iowa Juvenile Justice Act
§ 5.1101:4 Small claims hearings
§ 5.1101:5 Hearings on requests for temporary injunctive relief
Rule 5.1102 [Reserved]
Rule 5.1103 Title

APPENDICES

Appendix A. Restyled IA Rules of Evidence
Appendix B. Federal Rules of Evidence
Appendix C. 2023 Amendments

Table of Laws and Rules

Table of Cases

Index