

JUDICIARY RULES OF EVIDENCE

Introduction of Fact. Parties may introduce evidence through the following means:

- a) Written documents
- b) The Petition
- c) Affidavits
- d) Exposition in oral arguments
- e) Witness testimony

Parties must only introduce facts with sufficient evidence and only allege facts in good-faith. Any Party caught knowingly introducing false evidence, or Witness committing perjury, may be censured or found in contempt by the Judiciary; or have further sanctions imposed at the discretion of the Judiciary, including an escalation to the Office of Student Conduct.

Accepted Types of Evidence. Only the following types of evidence will be accepted (unless there is Consent of the Judiciary)

- a) First-hand accounts
- b) Proper documentation from authorized sources of the information
- c) Raw, untampered sources of registered and logged data

All Parties may stipulate to a particular fact or evidence.

Relevant Evidence. Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the action. Relevant evidence is admissible unless provided otherwise by these rules, other rules prescribed by the Judiciary (such as those found in the General Judiciary Code of Procedure), or the United States Constitution.

Irrelevant evidence is not admissible. The Judiciary may exclude relevant evidence if its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, and/or needlessly presenting cumulative evidence.

Need for Personal Knowledge. A Witness may testify to a matter only if evidence is introduced sufficient to support a finding that the Witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the Witness's own testimony.

Character Evidence. Evidence of a person's character or character trait (with the exception of truthful evidence) is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

Hearsay. “Hearsay” means a statement (a person’s oral assertion, written assertion, or intentional nonverbal conduct) that:

- a) the Declarant does not make while testifying at the current trial or hearing; and
- b) a Party offers in evidence to prove the truth of the matter asserted in the statement.

A statement that meets the following conditions is not hearsay:

- a) A Declarant-Witness’s prior statement:
 - i) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a proceeding or in a deposition;
 - ii) is consistent with the declarant’s testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - iii) identifies a person as someone the declarant perceived earlier.
- b) A statement is offered against an opposing Party and:
 - i) was made by the Party in an individual or representative capacity;
 - ii) is one the Party manifested that it adopted or believed to be true;
 - iii) was made by a person whom the Party authorized to make a statement on the subject;
 - iv) was made by the Party’s agent on a matter within the scope of that relationship and while it existed; or
 - v) was made by the Party’s coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant’s authority under (iii); the existence or scope of the relationship under (iv); or the existence of the conspiracy or participation in it under (v).

Hearsay is not admissible unless these rules or other rules prescribed by the Judiciary provide otherwise. There are exceptions to the rule against hearsay outlined in the Federal Rules of Evidence.

Authenticating or Identifying Evidence. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. Examples of sufficient evidence can be found in the Federal Rules of Evidence.

Credibility of Witness. Any Party, including the Party that called the Witness, may attack the Witness’s credibility. A Witness’s credibility may be attacked or supported by one of the following:

- a) testimony about the Witness’s reputation for having a character for truthfulness or untruthfulness
- b) testimony in the form of an opinion about that character

Evidence of truthful character is admissible only after the Witness's character for truthfulness has been attacked.

Examining Witnesses. Direct examination and cross-examination must abide by the following rules:

- a) Cross-examination following the initial cross-examination should not go beyond the subject matter of the direct examination immediately preceding it and matters affecting the Witness's credibility. The Judiciary may allow inquiry into additional matters as if on direct examination.
- b) Leading questions should not be used on direct examination except as necessary to develop the Witness's testimony. Ordinarily the Judiciary should allow leading questions
 - i) on cross-examination; and
 - ii) when a Party calls a hostile Witness, an adverse Party, or a Witness identified with an adverse Party.

Rulings on Evidence

- a) A Party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the Party and:
 - i) if the ruling admits evidence, a Party timely objects or moves to strike and states the specific ground, unless it was apparent from the context.
 - ii) if the ruling excludes evidence, a Party informs the Court of its substance by an Offer of Proof, unless the substance was apparent from the context.
- b) Once the Judiciary rules definitively on the record – either before or at trial – a Party need not renew an Objection or Offer of Proof to preserve a claim of error for appeal.
- c) The Judiciary may take notice of a plain error affecting a substantial right, even if the claim of error was not properly preserved.

Objections. Parties can object to introduced evidence or a Witness's testimony through an Objection to the Impaneled Judiciary. The Chief Justice subject to Exception decides on Objections.

Grounds for Objection

- a) Parties are allowed to object for evidence on any of these grounds:
 - Lack of foundation
 - Fruit of the poisonous tree
 - Incompleteness
 - Hearsay or a violation of the Best Evidence Rule
 - Evidence that is substantially more prejudicial than probative
 - Wanton speculation

- For any compelling reason that the evidence may not be trusted
- b) Parties are allowed to object for Witness testimony following standard procedures of federal law.

Making an Objection. The Party making the Objection should stand up and tell the Judiciary the Objection and the grounds for Objection followed by a one-sentence explanation, allow the opposition to speak without interruption, sit down once the Judiciary rules on the Objection, and gracefully accept the ruling.

Responding to an Objection. After the opposition explains the Objection, the responding Party should stand up and succinctly respond with the legal grounds for admissibility to the Judiciary, sit down once the Judiciary rules on the Objection, and gracefully accept the ruling.

Offers of Proof. Offers of Proof arise when a begins to introduce evidence that the opposing Party objects to as calling for irrelevant or inadmissible information. If the Judiciary thinks that this evidence might lead to proper evidence, the Party introducing the evidence will be allowed to make an Offer of Proof to explain why the proposed evidence will be both relevant and admissible.

Adapted from:

General Judicial Code of Procedure:

<https://docs.google.com/document/d/1XuUY3l4eftQPQSAEHrfPd4VkU-3jH5SgrAn78v2heKE/edit?usp=sharing>

Federal Rules of Evidence: <http://www.uscourts.gov/file/rules-evidence>

Cornell's Legal Information Institute

<http://law.indiana.edu/instruction/tanford/web/reference/objections.html>