



FEDERAL RULES OF EVIDENCE
ARTICLE 10: CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS
[ALL-IN-ONE DOCUMENT]

Article 10
Contents of Writings, Recordings, and Photographs

December 1, 2019

E: TextBook.Discrimination@outlook.com
W: www.TextBookDiscrimination.com

visit TBD's [website](#) for the most up-to-date information

TABLE OF CONTENTS | ARTICLE X | CONTENTS OF WRITINGS, RECORDINGS, AND...

ID	Rule No	Title	Page
1001	1001	Definitions That Apply to This Article	4
1002	1002	Requirement of the Original	5
1003	1003	Admissibility of Duplicates	6
1004	1004	Admissibility of Other Evidence of Content	7
1005	1005	Copies of Public Records to Prove Content	8
1006	1006	Summaries to Prove Content	9
1007	1007	Testimony or Statement of a Party to Prove Content	10
1008	1008	Functions of the Court and Jury	11

-	n/a	Appendix	12
---	-----	----------	----



RULES OF EVIDENCE | FEDERAL

ARTICLE: X CONTENDS OF WRITINGS, RECORDINGS, AND
 PHOTOGRAPHS

RULES: 1001 through 1008

AUTHOR: US Supreme Court

DATE: December 1, 2019

116th Congress
1st Session
No. 5

CREDITS: *The Committee on the Judiciary*
 House of Representatives

US Government Publishing Office
Washington | 2019



RULE 1001 | DEFINITIONS THAT APPLY TO THIS ARTICLE

In this article:

(a) A "writing" consists of letters, words, numbers, or their equivalent set down in any form.

(b) A "recording" consists of letters, words, numbers, or their equivalent recorded in any manner.

(c) A "photograph" means a photographic image or its equivalent stored in any form.

(d) An "original" of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, "original" means any printout – or other output readable by sight – if it accurately reflects the information. An "original" of a photograph includes the negative or a print from it.

(e) A "duplicate" means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1002 | REQUIREMENT OF THE ORIGINAL

An original writing, recording, or photograph is required in order to prove its content unless these rules or a federal statute provides otherwise.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1003 | ADMISSIBILITY OF DUPLICATES

A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1004 | ADMISSIBILITY OF OTHER EVIDENCE OF CONTENT

An original is not required and other evidence of the content of a writing, recording, or photograph is admissible if:

(a) all the originals are lost or destroyed, and not by the proponent acting in bad faith;

(b) an original cannot be obtained by any available judicial process;

(c) the party against whom the original would be offered had control of the original; was at that time put on notice, by pleadings or otherwise, that the original would be a subject of proof at the trial or hearing; and fails to produce it at the trial or hearing; or

(d) the writing, recording, or photograph is not closely related to a controlling issue.

(As amended Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

RULE 1005 | COPIES OF PUBLIC RECORDS TO PROVE CONTENT

The proponent may use a copy to prove the content of an official record – or of a document that was recorded or filed in a public office as authorized by law – if these conditions are met: the record or document is otherwise admissible; and the copy is certified as correct in accordance with Rule 902(4) or is testified to be correct by a witness who has compared it with the original. If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1006 | SUMMARIES TO PROVE CONTENT

The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in court. The proponent must make the originals or duplicates available for examination or copying, or both, by other parties at a reasonable time and place. And the court may order the proponent to produce them in court.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1007 | TESTIMONY OR STATEMENT OF A PARTY TO PROVE CONTENT

The proponent may prove the content of a writing, recording, or photograph by the testimony, deposition, or written statement of the party against whom the evidence is offered. The proponent need not account for the original.

(As amended Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)



RULE 1008 | FUNCTIONS OF THE COURT AND JURY

Ordinarily, the court determines whether the proponent has fulfilled the factual conditions for admitting other evidence of the content of a writing, recording, or photograph under Rule 1004 or 1005. But in a jury trial, the jury determines – in accordance with Rule 104(b) – any issue about whether:

(a) an asserted writing, recording, or photograph ever existed;

(b) another one produced at the trial or hearing is the original; or

(c) other evidence of content accurately reflects the content.

(As amended Apr. 26, 2011, eff. Dec. 1, 2011.)

APPENDIX



COPYRIGHT NOTICE

TextBookDiscrimination.com is not the author of these rules. Instead, TextBookDiscrimination.com merely re-printed and reformatted them for easier use.

ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	USCourts.Gov

ADDITIONAL RESOURCES

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Interactive Version	TextBookDiscrimination.com/Rules/REvid/US/T10
2	Florida Evidence Code	TextBookDiscrimination.com/Laws/FL/C0090

CONTACT INFORMATION

E: TextBook.Discrimination@outlook.com

W: www.TextBookDiscrimination.com

Congratulations! You're now **booked up** on **Article 10** from the Federal Rules of Evidence (Fed. R. Evid.)!

