



ARTICLE 1: GENERAL PROVISIONS

- 800 Scope; (a) Applicability:** (1) **Rule 500 privileges shall apply to all proceedings and inquiries, public or private, and to all branches of government. (2) These evidence rules shall apply to all court proceedings, civil or criminal, but may be relaxed in (A) small claim court, (B) in accord with statute, (C) criminal and juvenile sentencing, bail, and pretrial diversion proceedings, (D) grand jury proceedings, probable cause hearings and ex parte proceedings, and (E) evidence admissibility proceedings. (3) Administrative proceedings are not subject to these rules (except privileges). (4) If undisputed fact, judge may permit proof by stipulation or binding admission. In civil proceedings evidentiary rules shall not apply except Rule 403 and privileges. (5) Affidavits in lieu of testimony are not prohibited by these evidence rules if permitted by law. (b) Definitions:** "Burden of persuasion," "Burden of producing evidence" and "writing" defined. (c) Adoption of these rules does not operate to repeal any existing statute by implication.
- 802 Purpose and construction:** Secure fairness, eliminate unjustified expense and delay, promote growth of law of evidence for ascertaining truth.
- 803 Rulings on evidence: (Not Adopted)**
- 804 Preliminary questions:** (a) Qualifications, privileges, or admissibility are for judge; judge not bound by evidence rules except Rule 403 and privileges. (b) If relevancy depends upon fulfillment of a condition of fact, court to admit evidence conditionally. (c) **Hearing on admissibility of defendant's statement to be outside jury's presence;** if admitted, jury to be instructed to disregard it if jury finds it not to be credible. (d) Accused may testify on **preliminary matter** without cross-exam on other issues. (e) This rule does not limit right to introduce evidence relevant to weight or credibility.
- 805 When evidence is admissible against one party or for one purpose but not another, upon request court must so instruct jury;** instruction waiver permitted.
- 806 When writing or recording (or part) introduced, adverse party may at that time require related part to be admitted if fairness requires.**

ARTICLE 2: JUDICIAL NOTICE

- 200 Judicial Notice (JD): (a) JD Notice of law:** May be taken of all decisional and statutory law of all states and the U.S., and law of foreign countries. (b) **JD notice of facts:** Includes (1) facts so **universally known** to not be subject to reasonable dispute, (2) so **generally known** in area they cannot be subject of reasonable dispute, (3) facts capable of **immediate accurate determination**, and (4) **court records** of NJ state and federal courts. (c) **Court may take notice, on its own. (d) Court must take notice if requested and other parties given proper information. (e) Party is to be heard upon request. (f) Any relevant source may be consulted and rules of evidence do not apply (except Rule 403 and privileges). (g) In civil cases, court to instruct that judicially noticed fact is conclusive; in criminal cases, court shall instruct jury that it may, but is not required to, accept judicially noticed fact as conclusive.**
- 202 Even if not taken initially, JD may be taken in subsequent proceedings and on appeal; parties may be given opportunity to be heard.**

ARTICLE 3: PRESUMPTIONS

- 300 Effect of presumption.** This rule outlines the effect of a presumption on the burden of producing evidence; see rule for specific details.
- 302 In civil cases:** If federal law or law of another state supplies rule for claim or defense, effect of presumption is determined by that law.
- 303 Presumptions against the accused in criminal case.** This rule governs effect, procedure, and pertinent instructions in a criminal case.

ARTICLE 4: RELEVANCY & CHARACTER

- 401 "Relevant evidence"** is evidence having a tendency in reason to prove or disprove any fact of consequence in the action
- 402 All relevant evidence is admissible, except as otherwise provided by law.**
- 403 Relevant evidence may be excluded if its probative value is substantially outweighed by risk of (a) unfair prejudice, confusion, misleading jury, or (b) undue delay, waste of time, or needless presentation of cumulative evidence.**
- 404 (a) Character evidence or a trait of character** (including trait of care or skill or lack thereof) is not admissible to prove the person acted in conformity therewith on a particular occasion except:
(1) **Character of accused** is admissible if offered by accused (and is not to be excluded by Rule 403) or by prosecution to rebut same.
(2) **Character of victim** offered by an accused, or prosecution to rebut same, or powerful character of the victim by prosecutor in a homicide case to rebut evidence that the victim was the first aggressor.
(3) **Character of witness:** As provided in Rule 608.
(b) Evidence of other crimes or acts, except as provided in Rule 608(b), is inadmissible to prove person acted in conformity therewith, but may be admitted for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake, if relevant to material issue.
(c) Evidence of a person's character or trait of character is admissible when that character trait is an element of a claim or defense.
- 405 (a) When character is admissible it may be proved by reputation, opinion, or conviction.** Specific conduct not subject of conviction is inadmissible. (b) When character is an **essential element of the charge, claim or defense**, proof may also be made by specific instances of conduct.
- 406 Habit or routine practice** is admissible to prove conduct of person or organization, whether or not corroborated.
- 407 Subsequent remedial measures** taken after an event is not admissible to prove negligence or culpable conduct, permitted on other issues.
- 408 Offer to compromise claim disputed as to validity or amount and negotiations thereon are inadmissible to prove liability or amount, permitted on other issues.**
- 409 Evidence of furnishing or offering to pay medical expense** is not admissible to prove liability for the injury.
- 410 Withdrawn guilty plea and statement made during such plea negotiations** is not admissible in civil or criminal case; plea statement is admissible in perjury case if made under oath, on the record, and in presence of counsel.
- 411 Liability insurance** is not admissible to prove negligence or other wrongful conduct; may be admitted for another purpose.
- 412 (Not Adopted).** The New Jersey Rape Shield Law is found in N.J.S.A. 2C:14-7.

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Comparative International Commercial Arbitration Julian D. M. Lew, Loukas A. Mistelis, Stefan Michael Kröll, Stefan Kröll, 2003-01-01 This treatise describes the practice of international commercial arbitration with reference to the major international treaties and instruments arbitration rules and national laws It provides an analysis of the interaction between party autonomy and arbitration practice

The New International Encyclopædia Daniel Coit Gilman, Harry Thurston Peck, Frank Moore Colby, 1903

Public Interest Litigation in International Law Justine Bendel, Yusra Suedi, 2023-09-25 In a world of growing public interest in global matters and criticisms of multilateralism to adequately address them the role of international courts and tribunals in the resolution of disputes is shifting A central aspect of this shift is whether and how international courts and tribunals can be used to resolve such disputes in the public interest This practice referred to as public interest litigation is the object of this collection which identifies some recent developments trends and prospects in this growing practice Its aim is to assess the degree to which the bilateral design of international courts and tribunals can adapt to the shift towards a public approach to international litigation Engaging with various fields where public interest litigation exists such as human rights climate change global health and criminal law it identifies recent developments trends and prospects in this practice The selected pieces provide a flavour of the types of issues that have arisen before international judicial bodies for instance the International Court of Justice the International Tribunal for the Law of the Sea international arbitral tribunals regional human rights bodies or criminal courts and explores issues that may arise in the future

The Permanent International Criminal Court Dominic McGoldrick, Peter Rowe, Eric Donnelly, 2004-03 The idea of an International Criminal Court has captured the international legal imagination for over a century In 1998 it became a reality with the adoption of the Rome Statute This book critically examines the fundamental legal and policy issues involved in the establishment and functioning of the Permanent International Criminal Court Detailed consideration is given to the history of war crimes trials and their place in the system of international law the legal and political significance of a permanent ICC the legality and legitimacy of war crimes trials the tensions and conflicts involved in negotiating the ICC Statute the general principles of legality the scope of defences evidential dilemmas the perspective of victims the nature and scope of the offences within the ICC s jurisdiction aggression genocide war crimes crimes against humanity questions of admissibility and theories of jurisdiction the principle of complementarity national implementation of the Statute in a range of jurisdictions and national and international responses to the ICC The expert contributors are drawn from a range of national jurisdictions UK Sweden Canada and Australia The book blends detailed legal analysis with practical and policy perspectives and offers an authoritative complement to the extensive commentaries on the ICC Statute

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source of international law and the core of the international legal system It continues to draw the attention of lawyers especially at a time marked by the great expansion of international law and its increasing application in domestic and international courts Determining whether an applicable rule of customary international law exists is therefore of great practical concern but this important legal task is not always simple or straightforward This book serves as guidance to those seeking to determine the existence of rules of customary international law and their content It elaborates on the methodology for the identification of rules of customary international law and examines a host of questions concerning the process and evidence involved It does so by complementing the authoritative work of the UN International Law Commission on this topic and by drawing upon a wealth of additional practice and writings Identification of Customary International Law provides an overview of the Commission's work and expands on it by addressing the nature and history of custom as a source of international law inquiring into each of the two constituent elements of customary international law namely a general practice and opinio juris explaining the value and limits of certain forms of evidence and throwing further light on such issues as the persistent objector rule and particular customary international law Practitioners and scholars alike will find this detailed treatment useful in seeking to determine the existence and content of any customary rule and in ensuring that arguments about customary international law are persuasive

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