

# Cross-Examination of Debtor

BEVERLY CAHILL & SUSAN TRAN ADAMS

## **FRE 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.

## FRE 602 — 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 consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

## FRE 701 — Opinion Testimony by Lay Witnesses

- ▶ If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:
  - ▶ (a) rationally based on the witness's perception;
  - ▶ (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
  - ▶ (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

## FRE 901(a) — Authenticating or Identifying Evidence

- ▶ (a) In General. 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.

## FRE 901(b)(1)–(5) — Authenticating or Identifying Evidence

- ▶ (b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement:
  - ▶ (1) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be.
  - ▶ (2) Nonexpert Opinion About Handwriting. A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.
  - ▶ (3) Comparison by an Expert Witness or the Trier of Fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.
  - ▶ (4) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

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