

# 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.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: The Trial (50 mins)

Also available as part of the eCourse

[Consumer Bankruptcy "Chicago Fact Pattern": A Walkthrough from Client Counseling to Trial Proceedings](#)

First appeared as part of the conference materials for the  
17<sup>th</sup> Annual Conference on Consumer Bankruptcy Practice session  
"The Trial (50 mins)"