

# **The Maryland Rules of Evidence**

*As Approved by the  
Court of Appeals of Maryland*

*2018*



The Maryland State Bar Association, Inc.  
Maryland Bar Center, 520 W. Fayette Street  
Baltimore, Maryland 21201  
(410) 685-7878

MSBA's publications and programs are intended to provide current and accurate information about the subject matter covered and are designed to help attorneys maintain their professional competence. Publications are distributed and oral programs presented with the understanding that MSBA does not render any legal, accounting or other professional advice. Attorneys using MSBA publications or orally conveyed information in dealing with a specific client's (or their own) legal matters should also research original sources of authority.

**Copyright® Maryland State Bar Association, Inc. (MSBA)  
1994, 1999, 2001, 2005, 2007, 2010, 2014, 2018  
ALL RIGHTS RESERVED**

### **Cataloging-in-Publication Data**

MARYLAND RULES OF EVIDENCE; as approved by the Court of Appeals of Maryland—Baltimore: Maryland State Bar Association, 2018

1. Evidence (Law)—Maryland. 2. Court rules—Maryland. 3. Civil procedure—Maryland.

KFM1740.M38 2018

**Maryland Rules**  
**Title 5. Evidence**

**CHAPTER 100**  
**GENERAL PROVISIONS**

Rule 5-101—Scope.....	1
Rule 5-102—Purpose and Construction .....	3
Rule 5-103—Rulings on Evidence .....	4
Rule 5-104—Preliminary Questions.....	5
Rule 5-105—Limited Admissibility .....	7
Rule 5-106—Remainder of or Related Writings or Recorded Statements .....	7

**CHAPTER 200**  
**JUDICIAL NOTICE**

Rule 5-201—Judicial Notice of Adjudicative Facts .....	9
--	---

**CHAPTER 300**  
**PRESUMPTIONS IN CIVIL ACTIONS**

Rule 5-301—Presumptions in Civil Actions .....	10
Rule 5-302—Applicability of Presumption of Another Jurisdiction in Civil Actions .....	11

**CHAPTER 400**  
**RELEVANCY AND ITS LIMITS**

Rule 5-401—Definition of “Relevant Evidence” .....	12
--	----

Rule 5-40—Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible.....	12
Rule 5-403—Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time .....	13
Rule 5-404—Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes.....	13
Rule 5-405—Methods of Proving Character .....	15
Rule 5-406—Habit; Routine Practice .....	15
Rule 5-407—Subsequent Remedial Measures.....	16
Rule 5-408—Compromise and Offers to Compromise.....	16
Rule 5-409—Payment of Medical and Similar Expenses .....	18
Rule 5-410—Inadmissibility of Pleas, Plea Discussions, and Related Statements .....	18
Rule 5-411—Liability Insurance .....	20
Rule 5-412—Sex Offense Cases; Relevance of Victim’s Past Behavior .....	20

**CHAPTER 600**  
**WITNESSES**

Rule 5-601—General Rule of Competency .....	21
---	----

Rule 5-602—Lack of Personal Knowledge .....	21
Rule 5-603—Oath or Affirmation .....	22
Rule 5-604—Interpreters .....	22
Rule 5-605—Competency of Judge as Witness.....	23
Rule 5-606—Competency of Juror as Witness.....	23
Rule 5-607—Who May Impeach.....	24
Rule 5-608—Evidence of Character of Witness for Truthfulness or Untruthfulness.....	25
Rule 5-609—Impeachment by Evidence of Conviction of Crime .....	27
Rule 5-610—Religious Beliefs or Opinions .....	29
Rule 5-611—Mode and Order of Interrogation and Presentation: Control by Court; Scope of Cross-Examination; Leading Questions .....	30
Rule 5-612—Writing or Other Item Used to Refresh Memory .....	31
Rule 5-613—Prior Statements of Witnesses.....	31
Rule 5-614—Calling and Interrogation of Witness by Court .....	32
Rule 5-615—Exclusion of Witnesses .....	33
Rule 5-616—Impeachment and Rehabilitation — Generally .....	35

**CHAPTER 700**  
**OPINIONS AND EXPERT TESTIMONY**

Rule 5-701—Opinion Testimony by Lay Witnesses ....	38
Rule 5-702—Testimony by Experts .....	39
Rule 5-703—Bases of Opinion Testimony by Experts .....	39
Rule 5-704—Opinion on Ultimate Issue .....	41
Rule 5-705—Disclosure of Facts or Data Underlying Expert Opinion .....	42
Rule 5-706—Court Appointed Experts .....	42

**CHAPTER 800**  
**HEARSAY**

Rule 5-801—Definitions.....	44
Rule 5-802—Hearsay Rule .....	45
Rule 5-802.1—Hearsay Exceptions — Prior Statements by Witnesses.....	45
Rule 5-803—Hearsay Exceptions: Unavailability of Declarant Not Required .....	47
Rule 5-804—Hearsay Exceptions; Declarant Unavailable .....	59
Rule 5-805—Hearsay Within Hearsay .....	63
Rule 5-806—Attacking and Supporting Credibility of Declarant .....	64

**CHAPTER 900**  
**AUTHENTICATION AND IDENTIFICATION**

Rule 5-901—Requirement of Authentication or Identification.....	65
Rule 5-902—Self-Authentication .....	68
Rule 5-903—Subscribing Witness Testimony Unnecessary .....	75

**CHAPTER 1000**  
**CONTENTS OF WRITINGS, RECORDINGS,  
AND PHOTOGRAPHS**

Rule 5-1001—Definitions.....	75
Rule 5-1002—Requirement of Original .....	77
Rule 5-1003—Admissibility of Duplicates.....	77
Rule 5-1004—Admissibility of Other Evidence of Contents.....	77
Rule 5-1005—Public Records .....	78
Rule 5-1006—Summaries.....	79
Rule 5-1007—Testimony or Written Admission of Party .....	80
Rule 5-1008—Functions of Court and Jury .....	80