

# Evidence Policy

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Do you ever refuse to admit evidence even if no one has objected to it?  Yes  No

If so, what evidence do you refuse to admit? \_\_\_\_\_

When an objection is made to hearsay testimony, do you exclude that evidence unless it falls under an exception?  Yes  No

Do you allow  photographs to prove damage  affidavits to prove damage  
 itemized bills prepared in the regular course of business  
 cell phone photographs  text messages  
 emails

Do you observe the rules of evidence more strictly when an attorney is present?  Yes  No

When only one party is represented, do you raise evidentiary concerns on behalf of the other party (or prompt the other party to do so)?  Yes  No

Do you routinely make a statement to attorneys about your evidence policy before beginning trial?  Yes  No

*Sample statement: As you know, we are about to conduct a trial before the judge without a jury, and one of the parties is not represented, which is frequently true in this court. My policy in such situations is to be lenient in allowing evidence to be offered, so that parties may testify without interruption. At the close of the evidence, I will hear any argument the parties would like to offer concerning evidence that you believe I should not consider. After hearing your argument, I will carefully consider all of the relevant admissible evidence and determine what weight I believe it deserves before arriving at my decision.*

When you announce your judgment, do you sometimes indicate what evidence you did or did not consider?  Yes  No

When deciding a case requires you to determine which of the parties to believe (in other words, there is a direct conflict in critical evidence), do you ever address this directly in your judgment? For example, do you say something like, “Each of you has introduced conflicting evidence on this important point, and I have determined that Mr. Smith’s evidence is more credible”?  
You each  Yes  No

If not, should you adopt this as a best practice?  Yes  No