

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF EVIDENCE**

Rule 106. Remainder of or Related Statements

If a party introduces all or part of a statement, an adverse party may require the introduction, at that time, of any other part—or any other statement—that in fairness ought to be considered at the same time. The adverse party may do so over a hearsay objection.

Rule 615. Excluding Witnesses from the Courtroom; Preventing an Excluded Witness's Access to Trial Testimony

(a) Excluding Witnesses. At a party's request, the court must order witnesses excluded from the courtroom so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding:

- (1)** a party who is a natural person;
- (2)** one officer or employee of a party that is not a natural person if that officer or employee has been designated as the party's representative by its attorney;
- (3)** any person whose presence a party shows to be essential to presenting the party's claim or defense; or
- (4)** a person authorized by statute to be present.

(b) Additional Orders to Prevent Disclosing and Accessing Testimony. An order under (a) operates

only to exclude witnesses from the courtroom. But the court may also, by order:

- (1) prohibit disclosure of trial testimony to witnesses who are excluded from the courtroom; and
- (2) prohibit excluded witnesses from accessing trial testimony.

Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case.