

Alabama Rules of Evidence

Article X. Contents of Writings

Rule 1006.

Summaries.

The contents of voluminous writings which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examination or copying, or both, by other parties at a reasonable time and place. The court may order that they be produced in court.

Advisory Committee's Notes

Rule 1006 recognizes the dilemma presented when the originals are so many that their production and examination at trial would be impracticable. In such instances, a chart, summary, or calculation based upon the originals is admissible. As a safeguard on such admissibility, the originals or duplicates are to be made available so that the party opposing admissibility is afforded the right to examine and/or copy them at a reasonable time and place. This rule specifically provides that the judge may require that the originals or duplicates be produced in court.

Alabama evidence law has historically recognized a "voluminous records" exception to the best evidence rule. See *Hunte v. Blake*, 476 So.2d 75 (Ala.1985); *Meriweather v. Crown Inv. Corp.*, 289 Ala. 504, 268 So.2d 780 (1972). No preexisting authority in Alabama refers to a discretionary power in the court to require the production of the originals or duplication of voluminous records. It remains, of course, a preliminary decision for the court as to whether the writings are indeed voluminous. See Ala.R.Evid. 1008.