

## **Alabama Rules of Evidence**

### Article I. General Provisions

#### **Rule 102.**

##### **Purpose and construction.**

These rules shall be construed to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.

##### **Advisory Committee's Notes**

This general statement of purpose and construction is identical to that in Fed.R.Evid. 102. The language used is similar to that found in other rules of practice and procedure. See, e.g., Ala.R.Civ.P. 1(c) (Alabama Rules of Civil Procedure are to be construed "to secure the just, speedy and inexpensive determination of every action"); Ala. Code 1975, § (all provisions of the Criminal Code are to be interpreted "according to the fair import of their terms to promote justice and to effect the objects of law"); Ala.R.Crim.P. 1.2 (rules are to be constructed so as "to secure simplicity in procedure, fairness in administration, and the elimination of unnecessary delay and expense, and to protect the rights of the individual while preserving the public welfare").

These rules have been modeled, except where a different treatment was deemed justified for Alabama practice, after the Federal Rules of Evidence, and much of the material in the advisory notes is devoted to a discussion of whether the Alabama Rule of Evidence is identical to or different from its counterpart under the Federal Rules of Evidence. The committee assumes, consequently, that cases interpreting the Federal Rules of Evidence will constitute authority for construction of the Alabama Rules of Evidence. See, e.g., *State v. Smith*, 97 Wash. 2d 856, 651 P.2d 207 (1982); *Smithey v. State*, 269 Ark. 538, 602 S.W.2d 676 (1980). Cf. *Ex parte Duncan Constr. Co.*, 460 So.2d 852 (Ala.1984) (Alabama Rules of Civil Procedure are construed in light of cases interpreting Federal Rules of Civil Procedure). Cases interpreting the federal rules, however, are persuasive rather than mandatory authority before the Alabama courts. See *State v. Outlaw*, 108 Wis. 2d 112, 321 N.W.2d 145 (1982).