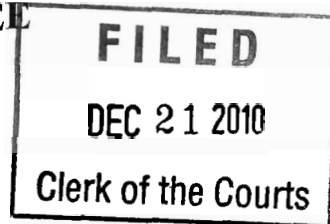


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: AMENDMENTS TO TENNESSEE
RULES OF EVIDENCE

ORDER

The Court adopts the attached amendment effective July 1, 2011, subject to approval by resolutions of the General Assembly. The rule amended is as follows:

RULE 611 MODE AND ORDER OF INTERROGATION
AND PRESENTATION.

The text of the amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, CHIEF JUSTICE

APPENDIX

**2011 AMENDMENT TO THE
TENNESSEE RULES OF EVIDENCE**

In the attached amended rules, ~~overstriking~~ indicates deleted text
and underlining indicates added text.

TENNESSEE RULES OF EVIDENCE

RULE 611

MODE AND ORDER OF INTERROGATION
AND PRESENTATION

[Delete from the *existing* Advisory Commission Comment: “Part (d) is taken from T.R.C.P. 43.02”; amend the rule as follows and add the new Comment below:]

(a) Control by Court. – The court shall exercise appropriate control over the presentation of evidence and conduct of the trial when necessary to avoid abuse by counsel.

(b) Scope of Cross-Examination. – A witness may be cross-examined on any matter relevant to any issue in the case, including credibility, except as provided in paragraph ~~(d)~~(c)(2) of this rule.

(c) Leading Questions. –

(1) Leading questions should not be used on direct examination of a witness except as may be necessary to develop the witness’s testimony. Leading questions should be permitted on cross-examination. ~~When a party calls a witness determined by the court to be a hostile witness, interrogation may be by leading questions:~~

~~(d)(2) Calling Adverse Party. –~~ When a party in a civil action calls a hostile witness, an adverse party (or an officer, director, or managing agent of a public or private corporation or of a partnership, association, or individual proprietorship which is an adverse party), or a witness identified with an adverse party, interrogation ~~on direct examination~~ may be by leading questions. The scope of cross-examination under this paragraph shall be limited to the subject matter of direct examination, and cross-examination may be by leading questions.

2011 Advisory Commission Comment

Amended Rule 611 allows a lawyer to ask leading questions when calling a “witness identified with an adverse party” in all civil and criminal proceedings.