

## **New Jersey Rules of Evidence**

### **Article VII. Opinions and Expert Testimony**

#### **N.J.R.E. 701. Opinion Testimony of Lay Witnesses**

If a witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences may be admitted if it:

- (a)** is rationally based on the witness' perception and
- (b)** will assist in understanding the witness' testimony or determining a fact in issue.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993; paragraphs (a) and (b) amended September 16, 2019 to be effective July 1, 2020.

#### **N.J.R.E. 702. Testimony by Expert Witnesses**

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993.

#### **N.J.R.E. 703. Bases of Opinion Testimony by Experts**

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the proceeding. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993; caption and text amended September 16, 2019 to be effective July 1, 2020.

#### **N.J.R.E. 704. Opinion on Ultimate Issue**

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993.

#### **N.J.R.E. 705. Disclosure of Facts or Data Underlying Expert Opinion; Hypotheses Not Necessary**

Unless the court orders otherwise, an expert may testify in the form of an opinion or inference, state an opinion, and give reasons for it, without first testifying to the underlying facts or data. The expert may be required to disclose those facts or data on cross-examination.

Questions calling for the opinion of an expert witness need not be hypothetical in form unless in the court's discretion a hypothetical is required.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993; amended September 15, 2004 to be effective July 1, 2005; amended September 16, 2019 to be effective July 1, 2020.