

BUSINESS RECORDS – Wis. Stat. § 908.03(6) – Fed. R. Evid. 803(6)

ESTABLISH that the witness is qualified to testify concerning the record.

Attorney: *Ms. Jones, would you tell us what you do for a living?*

Witness: *I am the Treasurer of Acme Corporation and have been for the past three years.*

Attorney: *As Treasurer, what do you do?*

Witness: *I am responsible for . . . and overseeing the company's accounts payable.*

REFER opposing counsel to the writing.

Attorney: *Counsel, I refer you to what has previously been marked as exhibit 1.*

ASK permission to approach the witness.

Attorney: *Your Honor, may I approach the witness?*

ASK the witness to identify the record.

Court: *You may.*

Attorney: *Ms. Jones, do you recognize this document?*

Witness: *Yes, it is Acme's accounts payable ledger for June of last year.*

ASK if the record was made by, or from information from, someone with knowledge of the act, event, condition, etc.

Attorney: *Who prepared this record?*

Witness: *I did.*

Attorney: *Did you have knowledge of the transactions shown in the ledger?*

Witness: *Yes, I was personally involved with each transaction and recorded them in the ledger.*

ESTABLISH that the record was made at or near the time of the act, event, condition, etc.

Attorney: *When did you record the transactions in this ledger?*

Witness: *Within 24 hours of the requisite invoices being received, reviewed, and approved.*

VERIFY that making the record was a regular practice of the entity.

Attorney: *Was it Acme's regular practice to do so?*

Witness: *Yes.*

VERIFY if the record was kept in the course of the entity's regularly conducted activities.

Attorney: *Was the ledger kept in the regular course of Acme's business activities?*

Witness: *Yes.*

MOVE the record into evidence.

Attorney: *Your Honor, we move Exhibit 1 into evidence.*

Court: *So entered.*

Wis. Stat. § 908.03:

(6) Records of regularly conducted activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, all in the course of a regularly conducted activity, as shown by the testimony of the custodian or other qualified witness, or by certification that complies with s. 909.02(12) or (13), or a statute permitting certification, unless the sources of information or other circumstances indicate lack of trustworthiness.

