

NY CLS CPLR R 4542

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New York

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Civil Practice Law And Rules (Arts. 1 — 100) >

Article 45 Evidence (§§ 4501 — 4551)

R 4542. Proof of foreign records and documents

(a) Foreign Record. A foreign official record, or any entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position

1. of the attesting person, or
2. of any foreign official whose certificate of genuineness of signature and official position
 - (i) relates to the attestation, or
 - (ii) is in a chain of certificates of genuineness of signature and official position relating to the attestation.

(b) Final Certification. A final certification may be made by a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, admit an attested copy without final certification, or permit the foreign official record to be evidenced by an attested summary with or without a final certification.

(c) Lack of Record. A written statement that after diligent search no record or entry of a specified tenor was found to exist in the foreign records designated by the statement, authenticated in compliance with the requirements set forth in subdivisions (a) and (b) for a copy of a foreign record is admissible as evidence that the records contain no such record or entry.

Annotations

Notes

Prior Law

Former § 4542, add, L 1962, ch 308; amd, L 1962, ch 315, L 1964, ch 75; repealed by Judicial Conference, eff Sept 1, 1969.

Earlier statutes: CPA §§ 395, 396, 398, 398–a; CCP §§ 952, 953, 956; 2 RS 396, § 26; 2 RS 397, § 27.

Editor's Notes

Add, by Judicial Conference, eff Sept 1, 1969.

Sub (b), amd by Judicial Conference eff Sept 1, 1972.

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I. Under CPLR

1. Generally

Statutory requirements as to attestation and genuineness of the signature of the attesting witness were met as to records demonstrating the right of certain alleged distributees of an estate, residents of the Soviet Union, to compel an administrator to account. In re Estate of Barabash, 31 N.Y.2d 76, 334 N.Y.S.2d 890, 286 N.E.2d 268, 1972 N.Y. LEXIS 1175 (N.Y.), reh'g denied, 31 N.Y.2d 963, 341 N.Y.S.2d 1029, 1972 N.Y. LEXIS 1865 (N.Y. 1972).

A judgment of a court of a foreign country cannot be admitted as evidence unless it is attested to in accordance with law. Rinner v Cannon, 33 A.D.2d 923, 307 N.Y.S.2d 272, 1970 N.Y. App. Div. LEXIS 5657 (N.Y. App. Div. 2d Dep't 1970).

An abstract of birth records, kept pursuant to Swiss law, does not qualify for admission into evidence where it is not a compilation of the records themselves properly certified as correct copies, but is merely the certifying officer's version of what an original record seems to him to say. In re Estate of Rohner, 94 Misc. 2d 596, 404 N.Y.S.2d 1017, 1978 N.Y. Misc. LEXIS 2280 (N.Y. Sur. Ct. 1978).

CPLR 2101 (subd [b]) provides that where an affidavit or exhibit annexed to a paper served or filed is in a foreign language, it must be accompanied by an English translation and an affidavit by the translator stating his qualifications and that the translation is accurate; accordingly, English translations of a power of attorney and a marriage certificate were not in proper form since there was no statement as to the qualifications of the translator; additionally, the marriage certificate was not authenticated pursuant to CPLR 4542 (proof of foreign documents). In re Estate of Panagiotou, 96 Misc. 2d 278, 408 N.Y.S.2d 1012, 1978 N.Y. Misc. LEXIS 2593 (N.Y. Sur. Ct. 1978).

Where testimony proffered and an affidavit attesting to the authenticity of certain documents issued by the Polish Government indicate that the attorney-witness was a practicing attorney in Warsaw, Poland, at the time the questioned documents were issued, that the attesting officials were the officials they purported to be and their signatures and official seals are genuine, and no other testimony has been proffered which rebuts the facts attested to with regard to the documents in question, said documents are sufficiently authenticated (CPLR 4542) and are admissible. *In re Estate of Birsten*, 104 Misc. 2d 345, 428 N.Y.S.2d 392, 1980 N.Y. Misc. LEXIS 2276 (N.Y. Sur. Ct. 1980).

In a contested accounting proceeding various birth, death and marriage certificates from the United Kingdom would be admitted into evidence, notwithstanding that the documents concededly had not been authenticated in accordance with the provisions of CPLR § 4542, since the documents were authenticated in accordance with Convention Abolishing the Requirement of Legalization of Foreign Public Documents, adopted by the United States effective October 15, 1981, which creates a standard certificate, the "apostille," that requires only one signature to function as the effective certification of the foreign document sought to be authenticated, in that the provisions of CPLR § 4542 must yield to the inconsistent provisions of the convention. *In re Estate of McDermott*, 112 Misc. 2d 308, 447 N.Y.S.2d 107, 1982 N.Y. Misc. LEXIS 3129 (N.Y. Sur. Ct. 1982).

An application for the withdrawal of funds on deposit with the State Comptroller would be granted where testatrix had bequeathed the funds to her nephew living in Czechoslovakia, and when executors attempted to transmit the legacy to Czechoslovakia, they discovered that the nephew had died and the money was returned to them; foreign documents admitted to show that the nephew had died and was survived by his wife and two children met the standards required by CPLR § 4542, based upon the form of and the information in the documents, the testimony of an expert witness as to their authenticity, and the final certification supplied by the Czechoslovakian Embassy, and accordingly, the funds would be distributed to the nephew's

wife and children as his distributees. In re Estate of Eggers, 122 Misc. 2d 793, 471 N.Y.S.2d 570, 1984 N.Y. Misc. LEXIS 2894 (N.Y. Sur. Ct. 1984).

Based upon the applicability of Lithuanian law to establish the heirs of decedent's sole distributee, a post-deceased paternal first cousin, and based upon the admissibility into evidence of and conclusive recognition accorded to the Lithuanian certificate of right to inherit, the Attorney-General would have no right to cross examine the participants of the proceedings in Lithuania, and the net funds of the estate would be paid in equal shares to the distributee's son and three daughters, who were those designated by the certificate to be heirs of the deceased distributee. In re Estate of Yuska, 128 Misc. 2d 98, 488 N.Y.S.2d 609, 1985 N.Y. Misc. LEXIS 2886 (N.Y. Sur. Ct. 1985).

Counsel's failure to offer into evidence foreign police documents indicating that a prisoner was in the Dominican Republic on the day of a murder that occurred in New York constituted ineffective assistance of counsel because (1) the alibi documents were probably admissible under the public records exception to the hearsay rule under N.Y. C.P.L.R. § 4520 and the common law, but counsel did not even attempt to lay a proper foundation; (2) counsel likely could have met the foundational requirements of the business record exception under N.Y. C.P.L.R. § 4518 by calling an expert in Dominican law enforcement; (3) counsel could have argued that the documents were admissible under the residual hearsay exception; (4) pursuant to N.Y. C.P.L.R. § 4542(b) and N.Y. C.P.L.R. § 4543, the documents could have been authenticated even if counsel could not obtain final certifications; and (5) there was a reasonable probability that the prisoner would have been acquitted if counsel had done his job competently. *Garcia v Portuondo*, 459 F. Supp. 2d 267, 2006 U.S. Dist. LEXIS 91894 (S.D.N.Y. 2006).

II. Under Former Civil Practice Laws

A. Conformity With Foreign Country

2. Generally

The trial court did not have sufficient evidence before it of the terms of an out-of-state judgment to sustain a determination that persona jurisdiction had been acquired over defendant where the judgment was attested by the court clerk but the attestation lacked the certificate of custody and the signature of the judge or other officer as provided in CPA § 398-a. *Faranda v Faranda*, 4 A.D.2d 114, 163 N.Y.S.2d 186, 1957 N.Y. App. Div. LEXIS 5161 (N.Y. App. Div. 1st Dep't 1957).

Documents consisting of parish record entries furnished by the rector of a church in the community in Finland from which a deceased person had emigrated required to be kept by Finnish law were admissible in evidence under the provisions of CPA §§ 398 and 398-a in a proceeding for the settlement of the account of an administrator of the deceased person involving the status of objectants as distributees. *In re Estate of Jussila*, 9 Misc. 2d 4, 169 N.Y.S.2d 868, 1956 N.Y. Misc. LEXIS 1637 (N.Y. Sur. Ct. 1956).

B. Clerk and Certificate of Judge

3. Generally

Former CPA § 397, construed in connection with §§ 395 and 396, indicated the legislative intent that the effect of judicial proceedings of foreign jurisdictions as evidence was to be determined by the court in which was pending the action or proceeding in which a judgment of a foreign jurisdiction was relied upon in whole or in part to establish or defeat a material issue therein. *Gould v Gould*, 235 N.Y. 14, 138 N.E. 490, 235 N.Y. (N.Y.S.) 14, 1923 N.Y. LEXIS 1145 (N.Y. 1923).

The requirements of CPA §§ 395, 396, and 398 were not met by an affidavit purporting to have been taken in Italy, the authenticity of which was attempted to be established by the certificate of the notary that he put the declarant signatories on oath as to the contents of the affidavit, by the vise of the praetor, under seal as to the legality of the notary's signature, by the vise of the

officer in charge of the Ministry of Justice, under seal, as to the legality of the praetor's signature, and by the vise of the Minister of Foreign Affairs, under seal, as to the legality of the signature of the officer in charge of the Ministry of Justice. *Di Ionna v Terry & Tench Co.*, 203 A.D. 270, 197 N.Y.S. 131, 1922 N.Y. App. Div. LEXIS 7175 (N.Y. App. Div. 1922).

CPA §§ 395 and 396 provided only for the authentication of judgments of foreign countries, and judgments of courts of other states to be received in evidence had to be authenticated in the manner prescribed by § 905 of the Revised Statutes of the United States. *Van Deventer v Mortimer*, 107 N.Y.S. 564, 56 Misc. 650, 1907 N.Y. Misc. LEXIS 873 (N.Y. App. Term 1907).

4. Sufficiency of authentication

A copy of a record of a foreign court attested by a certificate that it was a true copy of the records file, and the certificates of the officials mentioned in CPA § 395 was properly authenticated. *Dunstan v Higgins*, 138 N.Y. 70, 33 N.E. 729, 138 N.Y. (N.Y.S.) 70, 1893 N.Y. LEXIS 814 (N.Y. 1893).

Certificate of clerk that he has compared the record of judgment with the original and "found the same to be a full, exact and correct transcript therefrom, and of the whole of the said original record," conformed to the requirements of CPA § 395 and US Rev St, § 905. *Gustavus v Dahlmer*, 163 N.Y.S. 132, 98 Misc. 462, 1917 N.Y. Misc. LEXIS 772 (N.Y. Sup. Ct. 1917).

Spanish court decision, certified copy of decision of Spanish court, declaring cross-petitioner's designor to be sold universal heir and legatee, supported by affidavit of consul general for Spain in New York, was admissible. *In re De Los Salmones' Estate*, 119 N.Y.S.2d 76, 203 Misc. 1068, 1953 N.Y. Misc. LEXIS 1507 (N.Y. Sur. Ct. 1953).

5. Judgment in another state

Motion for dismissal of complaint on ground of existing judgment of foreign court determining same cause of action between same parties denied where copy of judgment not properly

authenticated. *Martens v Martens*, 284 N.Y. 363, 31 N.E.2d 489, 284 N.Y. (N.Y.S.) 363, 1940 N.Y. LEXIS 797 (N.Y. 1940), reh'g denied, 285 N.Y. 607, 33 N.E.2d 542, 285 N.Y. (N.Y.S.) 607, 1941 N.Y. LEXIS 1620 (N.Y. 1941).

Authentication of the record of a judgment of a foreign court is as necessary where such a document is to be used upon a motion as where it is offered as evidence upon a trial. *Martens v Martens*, 284 N.Y. 363, 31 N.E.2d 489, 284 N.Y. (N.Y.S.) 363, 1940 N.Y. LEXIS 797 (N.Y. 1940), reh'g denied, 285 N.Y. 607, 33 N.E.2d 542, 285 N.Y. (N.Y.S.) 607, 1941 N.Y. LEXIS 1620 (N.Y. 1941).

When the copy of a record of a judgment in another state is admissible in evidence. *Trebilcox v McAlpine*, 46 Hun 469, 11 N.Y. St. 847 (N.Y.).

6. Acknowledgment of power of attorney

A power of attorney may be acknowledged before a vice consul of the United States. *Brown v Landon*, 30 Hun 57 (N.Y.), aff'd, 98 N.Y. 634, 98 N.Y. (N.Y.S.) 634, 1885 N.Y. LEXIS 682 (N.Y. 1885).

7. Antenuptial agreement

An antenuptial agreement which was kept on file pursuant to French law is admissible in evidence when properly certified and authenticated. *Strebler v Wolf*, 273 N.Y.S. 653, 152 Misc. 859, 1934 N.Y. Misc. LEXIS 1524 (N.Y. Sup. Ct. 1934).

8. Births and marriages

Certificates of births and marriages and of alleged families could not be taken as evidence of fact of relationship between man killed in America and woman residing in Italy, in workman's compensation proceeding. *Grillo v Sherman-Stalter Co.*, 195 A.D. 362, 186 N.Y.S. 810, 1921

N.Y. App. Div. LEXIS 4747 (N.Y. App. Div.), aff'd, 231 N.Y. 621, 132 N.E. 913, 231 N.Y. (N.Y.S.) 621, 1921 N.Y. LEXIS 790 (N.Y. 1921).

Public record of marriage in Poland established. In re Burdak's Estate, 19 N.Y.S.2d 451, 173 Misc. 839, 1940 N.Y. Misc. LEXIS 1675 (N.Y. Sur. Ct. 1940), aff'd, 261 A.D. 952, 27 N.Y.S.2d 448 (N.Y. App. Div. 1941).

9. Report by court commissioners

A copy of a paper purporting to be a report of commissioners appointed by a probate court of another state, though duly attested, as filed, but no decree or order having been made thereon, was not a copy of a record of a court of another state within the meaning of CPA § 395. Johnson v Johnson, 14 N.Y.S. 83, 59 Hun 628, 1891 N.Y. Misc. LEXIS 1866 (N.Y. Sup. Ct. 1891).

C. Commissioner Appointed By Governor

10. Generally

Statement of "officer in charge" as to what records showed was not evidence, but it was essential that there be a certified copy of the record. Bonnano v Metz Bros. Co., 188 A.D. 380, 177 N.Y.S. 51, 1919 N.Y. App. Div. LEXIS 7753 (N.Y. App. Div. 1919).

CPA § 398 did not authorize any foreign form of certification which would so combine the act of certifying with the thing certified as to constitute merely the certifying officer's version of what an original record seems to him to say. In re Asterio's Estate, 16 N.Y.S.2d 943, 172 Misc. 1081, 1939 N.Y. Misc. LEXIS 2631 (N.Y. Sur. Ct. 1939).

All self-serving acts or declarations of individual on his own behalf are not inadmissible. The rule excluding self-serving acts and declarations of a party serves to exclude self-serving evidence only when the danger of fabrication is so great as to outweigh by far whatever probative value the evidence may possess. Therefore, a declaration by a foreign public official that one

contestant in a will contest had declared himself in person constituted certification that he was in fact alive and was admissible in evidence even though self-serving. *In re Kasprzynski's Will*, 9 Misc. 2d 21, 165 N.Y.S.2d 1003, 1957 N.Y. Misc. LEXIS 2549 (N.Y. Sur. Ct. 1957).

11. Parol evidence of contents of instrument

Admissibility of parol evidence as to contents of instrument in a foreign jurisdiction considered. *Rosenbaum v Podolsky*, 162 N.Y.S. 227, 97 Misc. 614, 1916 N.Y. Misc. LEXIS 1285 (N.Y. App. Term 1916).

Proof of an instrument by proving a copy is merely one form of parol testimony as to its contents, and production of a copy cannot be compelled as the "best secondary evidence." *Rosenbaum v Podolsky*, 162 N.Y.S. 227, 97 Misc. 614, 1916 N.Y. Misc. LEXIS 1285 (N.Y. App. Term 1916).

12. Certificate of presumptive death

Certificate of presumptive death, issued by French Ministry of War Veterans, signed by Officer of Civilian Status, declaring that decedent was presumed to have died at specified time and place, was sufficient basis for death finding where there was no contradictory evidence. *In re Magre's Estate*, 73 N.Y.S.2d 467, 189 Misc. 246, 1947 N.Y. Misc. LEXIS 3047 (N.Y. Sur. Ct. 1947).

13. Birth and marriage records

Certification and authentication of foreign birth record. *People v Todoro*, 224 N.Y. 129, 120 N.E. 135, 224 N.Y. (N.Y.S.) 129, 1918 N.Y. LEXIS 865 (N.Y. 1918).

Certificates of births and marriages and of alleged families could not be taken as evidence of fact of relationship between man killed in America and woman residing in Italy, in workman's compensation proceeding. *Grillo v Sherman-Stalter Co.*, 195 A.D. 362, 186 N.Y.S. 810, 1921

N.Y. App. Div. LEXIS 4747 (N.Y. App. Div.), aff'd, 231 N.Y. 621, 132 N.E. 913, 231 N.Y. (N.Y.S.) 621, 1921 N.Y. LEXIS 790 (N.Y. 1921).

CPA § 398 cited as applying to authentication of birth certificate. *George v Galani*, 218 A.D. 840, 219 N.Y.S. 24, 1926 N.Y. App. Div. LEXIS 7484 (N.Y. App. Div. 2d Dep't 1926), reh'g denied, 219 A.D. 723, 219 N.Y.S. 820, 1927 N.Y. App. Div. LEXIS 11263 (N.Y. App. Div. 1927).

Former judge of highest court in Poland and former law professor at Warsaw, called as expert on Polish civil law, may testify that certified copies of Polish marriage record were in form permitted by Polish law under which they were conclusive evidence of marriage, making such copies admissible without further authentication as to identity of official who had certified record. *De Yong v De Yong*, 263 A.D. 291, 32 N.Y.S.2d 505, 1942 N.Y. App. Div. LEXIS 6870 (N.Y. App. Div. 1942).

Documents offered as to the pedigree of the alleged brother of the decedent are inadmissible where they are not copies of anything but are merely statements of a person who describes himself as a public official. *In re Asterio's Estate*, 16 N.Y.S.2d 943, 172 Misc. 1081, 1939 N.Y. Misc. LEXIS 2631 (N.Y. Sur. Ct. 1939).

Public record of marriage in Poland established. *In re Burdak's Estate*, 19 N.Y.S.2d 451, 173 Misc. 839, 1940 N.Y. Misc. LEXIS 1675 (N.Y. Sur. Ct. 1940), aff'd, 261 A.D. 952, 27 N.Y.S.2d 448 (N.Y. App. Div. 1941).

14. Census returns

Certification of census return for Ireland. *In re Kennedy*, 143 N.Y.S. 404, 82 Misc. 214, 1913 N.Y. Misc. LEXIS 790 (N.Y. Sur. Ct. 1913).

15. Church records

A certificate of a rector of a certain parish in the Kingdom of Sweden, certifying, in conformity with the ministerial records of the parish and "with other documents produced before" him, as to

the pedigree of the decedent, is inadmissible in evidence where the certificate is not a certified copy of a public foreign record. *In re Johnson's Estate*, 16 N.Y.S.2d 855, 172 Misc. 1075, 1939 N.Y. Misc. LEXIS 2616 (N.Y. Sur. Ct. 1939).

Documents consisting of parish record entries furnished by the rector of a church in the community in Finland from which a deceased person had emigrated required to be kept by Finnish law were admissible in evidence under the provisions of CPA §§ 398 and 398-a in a proceeding for the settlement of the account of an administrator of the deceased person involving the status of objectants as distributees. *In re Estate of Jussila*, 9 Misc. 2d 4, 169 N.Y.S.2d 868, 1956 N.Y. Misc. LEXIS 1637 (N.Y. Sur. Ct. 1956).

CPA § 398 did not refer to church records. *Jacobi v Order of Germania*, 26 N.Y.S. 318, 73 Hun 602 (1893).

16. Indictments

The provisions of CPA § 398 had no application to an indictment for counterfeiting bank notes. *People v D'Argencour*, 95 N.Y. 624, 95 N.Y. (N.Y.S.) 624, 1884 N.Y. LEXIS 686 (N.Y. 1884).

D. Witness Who Examined Record

17. Generally

Former CPA § 397, construed in connection with CPA §§ 395 and 396, indicated the legislative intent that the effect of judicial proceedings of foreign jurisdictions as evidence was to be determined by the court in which was pending the action or proceeding in which a judgment of a foreign jurisdiction was relied upon in whole or in part to establish or defeat a material issue therein. *Gould v Gould*, 235 N.Y. 14, 138 N.E. 490, 235 N.Y. (N.Y.S.) 14, 1923 N.Y. LEXIS 1145 (N.Y. 1923).

CPA §§ 395 and 396 provided only for the authentication of judgments of foreign countries, and judgments of courts of other states to be received in evidence had to be authenticated in the manner prescribed by § 905 of the Revised Statutes of the United States. *Van Deventer v Mortimer*, 107 N.Y.S. 564, 56 Misc. 650, 1907 N.Y. Misc. LEXIS 873 (N.Y. App. Term 1907).

18. Affidavit as evidence

The affidavit of the president of a railroad used in a motion for a bill of particulars which admitted that the services were rendered “for the defendant” is competent evidence against it. *Bogart v New York & L. I. R. Co.*, 118 A.D. 50, 102 N.Y.S. 1093, 1907 N.Y. App. Div. LEXIS 608 (N.Y. App. Div. 1907), *aff'd*, 191 N.Y. 550, 85 N.E. 1106, 191 N.Y. (N.Y.S.) 550, 1908 N.Y. LEXIS 1181 (N.Y. 1908).

19. Certificates of death

Certificates of death of witnesses to will certified by state department of health were admissible in proceeding for probate of will. *In re Hall's Will*, 154 N.Y.S. 317, 90 Misc. 216, 1915 N.Y. Misc. LEXIS 812 (N.Y. Sur. Ct. 1915).

20. Births and marriages

Certificates of births and marriages and of alleged families could not be taken as evidence of fact of relationship between man killed in America and woman residing in Italy, in workman's compensation proceeding. *Grillo v Sherman-Stalter Co.*, 195 A.D. 362, 186 N.Y.S. 810, 1921 N.Y. App. Div. LEXIS 4747 (N.Y. App. Div.), *aff'd*, 231 N.Y. 621, 132 N.E. 913, 231 N.Y. (N.Y.S.) 621, 1921 N.Y. LEXIS 790 (N.Y. 1921).

Research References & Practice Aids

Cross References:

This rule referred to in CLS EPTL § 13-3.5.

Applicability of this section to foreign will or letters, CLS SCPA § 1614.

Federal Aspects:

Determination of foreign law in United States District Courts, USCS Court Rules, Federal Rules of Civil Procedure, Rule 44.1.

Self-authentication of foreign public documents in United States courts, USCS Court Rules, Federal Rules of Evidence, Rule 902(3).

Copies of consular papers in United States courts, 28 USCS § 1740.

Foreign official documents in United States courts, 28 USCS § 1741.

Copies of foreign patent documents in United States courts, 28 USCS § 1745.

Jurisprudences:

45 NY Jur 2d Domestic Relations § 92. .

58 NY Jur 2d Evidence and Witnesses §§ 500., 521., 530.– 533. .

Law Reviews:

Evidence symposium. 52 Cornell L.Q. 177.

Civil jury trial: your proof. 42 NYSB J 52.

Treatises

Matthew Bender's New York Civil Practice:

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4542, Proof of Foreign Records and Documents.

2 Rohan, New York Civil Practice: EPTL ¶ 3-1.1, 3-5.1, 4-4.6; 3 Rohan, New York Civil Practice: EPTL ¶ 5-4.1; 7 Rohan, New York Civil Practice: EPTL ¶ 13-3.4, 13-3.5.

1 Carrieri, Lansner, New York Civil Practice: Family Court Proceedings §§ 2.01, 12.09.

2 Lansner, Reichler, New York Civil Practice: Matrimonial Actions §§ 31.09, 37.04.

2 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶505.01; 4 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶ 1614.01, 1614.02, 1715.09, 1716.07; 5 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶ 2221.06, 2222.06.

Matthew Bender's New York Practice Guides:

LexisNexis Practice Guide New York e-Discovery and Evidence § 15.09. Authenticating Various Types of ESI.

1 New York Practice Guide: Probate and Estate Administration § 20.06.

Matthew Bender's New York AnswerGuides:

LexisNexis AnswerGuide New York Civil Litigation § 10.08. Admitting Record Under Exceptions to Admission Requirements.

Warren's Weed New York Real Property:

Warren's Weed: New York Real Property § 4.79.

Matthew Bender's New York Evidence:

6 Bender's New York Evidence § 23A.07. Proof of Foreign Will—Ancillary Probate.

8 Bender's New York Evidence § 29.04. Proof of marriage.

1 Bender's New York Evidence § 115.02. Authentication of Private Writings and Documents.

1 Bender's New York Evidence § 115.03. Authentication of Public and Official Documents.

1 Bender's New York Evidence § 117.01. General Principles of Ancient Documents.

1 Bender's New York Evidence § 118.02. Authentication of Public and Official Documents
Dealing with Natural Persons.

Annotations:

Proof of public records kept or stored on electronic computing equipment. 71 ALR3d 232.

Pleading and proof of law of foreign country. 75 ALR3d 177.

Matthew Bender's New York Checklists:

Checklist for Introducing Documents and Information into Evidence LexisNexis AnswerGuide
New York Civil Litigation § 10.05.

Forms:

Bender's Forms for the Civil Practice Form No. CPLR 4542:1 et seq.

LexisNexis Forms FORM 75-CPLR 4542:2.—Certificate of Authentication by Officer Having
charge of Record of Appointment or Signature.

Texts:

Jonakait, Baer, Jones, & Imwinkelried, New York Evidentiary Foundations (Michie), Ch 4
.Authentication.

3 New York Trial Guide (Matthew Bender) § 40.51.

Hierarchy Notes:

NY CLS CPLR, Art. 45

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