

RULES OF SUPREME COURT OF VIRGINIA
PART TWO
VIRGINIA RULES OF EVIDENCE

ARTICLE IX. AUTHENTICATION

Rule 2:902 Self-Authentication (Rule 2:902(6) derived from Code § 8.01-390.3 and Code § 8.01-391(D))

Additional proof of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1) *Domestic public records offered in compliance with statute.* Public records authenticated or certified as provided under a statute of the Commonwealth.

(2) *Foreign public documents.* A document purporting to be executed or attested in his official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (a) of the executing or attesting person, or (b) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certification of genuineness of signature and official position relating to the execution or attestation. A final certification may be made by a secretary of 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 official documents, the court may for good cause shown order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(3) *Presumptions created by law.* Any signature, document, or other matter declared by any law of the United States or of this Commonwealth, to be presumptively or prima facie genuine or authentic.

(4) *Medical records and medical bills in particular actions.* Where authorized by statute, medical records and medical bills, offered upon the forms of authentication specified in the Code of Virginia.

(5) *Specific certificates of analysis and reports.* Certificates of analysis and official reports prepared by designated persons or facilities, when authenticated in accordance with applicable statute.

(6) *Certified Records of a Regularly Conducted Activity.*

(a) In any civil proceeding where a business record is material and otherwise admissible, authentication of the record and the foundation required by subdivision (6) of Rule 2:803 may be laid by (i) witness testimony, (ii) a certification of the authenticity of and foundation for the record made by the custodian of such record or other qualified witness either by affidavit or by

declaration pursuant to Code § 8.01-4.3, or (iii) a combination of witness testimony and a certification.

(b) The proponent of a business record shall (i) give written notice to all other parties if a certification under this section will be relied upon in whole or in part in authenticating and laying the foundation for admission of such record and (ii) provide a copy of the record and the certification to all other parties, so that all parties have a fair opportunity to challenge the record and certification. The notice and copy of the record and certification shall be provided no later than 15 days in advance of the trial or hearing, unless an order of the court specifies a different time. Objections shall be made within five days thereafter, unless an order of the court specifies a different time. If any party timely objects to reliance upon the certification, the authentication and foundation required by subdivision (6) of Rule 2:803 shall be made by witness testimony unless the objection is withdrawn.

(c) A certified business record that satisfies the requirements of this section shall be self-authenticating and requires no extrinsic evidence of authenticity.

(d) A copy of a business record may be offered in lieu of an original upon satisfaction of the requirements of Code § 8.01-391(D) by witness testimony, a certification, or a combination of testimony and a certification.

Last amended by Order dated July 2, 2014; effective immediately.