

**Rule 614. Calling and Interrogating Witnesses**

**(a) Calling by court.** The court may, on its own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

**(b) Interrogation by court.** The court may interrogate witnesses, whether called by itself or by a party.

**(c) Objections.** Objections to the calling of witnesses by the court or to interrogation by it may be made at the time or at the next available opportunity when the jury is not present.

**(d) Juror interrogation in criminal trials.** Jurors may not suggest questions or interrogate witnesses in criminal trials.

(Amended effective September 1, 2006.)

***Committee Comment - 1977***

*Trial courts have traditionally been vested with the power to call and interrogate witnesses. This right is consistent with the responsibility of the Court in insuring a speedy and just determination of the issues. See Rules 102 and 611(a). The rule does not immunize the trial court's action from review. The right to call and question witnesses can be abused by the trial court which assumes an advocate's position, particularly in a jury trial. The precise manner and extent of questioning by the Court cannot be reduced to a simple rule of evidence and must be developed on a case-by-case basis. United States Supreme Court Advisory Committee Note. See also State v. Rasmussen, 268 Minn. 42, 44-46, 128 N.W.2d 289, 290, 291, certiorari denied 379 U.S. 916, 85 S.Ct. 267, 13 L.Ed.2d 187 (1964).*

*A specific objection is required to preserve the issue for appeal. See Rule 103. However, the objection need not be made contemporaneously with the objectionable act if the jury is present. The objection can be made at the next available opportunity when the jury is absent.*

***Committee Comment - 2006***

*The amendment precluding juror questioning in criminal cases codifies the holding in State v. Costello, 646 N.W.2d 204, 214-15 (Minn. 2002). Consistent with the opinion in Costello, the rule does not address the issue of whether jurors may ask questions in civil cases.*