Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by that party's written admission, without accounting for the nonproduction of the original.

Committee Comment - 1977

The original need not be produced if the contents of the writing can be established by the testimony, deposition or written admission of an opposing party. See Swing v. Cloquet Lumber Co., 121 Minn. 221, 225, 141 N.W. 117, 118 (1913). In each of these situations the policy rationale for requiring the original writing is satisfied, with the possible exception that the party opponent's admission might not be accurate. The nature of the adversary system justifies this result. In order to avoid the dangers of erroneous transmission, an oral out of court admission by an adversary is not sufficient to prove the contents of a writing.