

CHAPTER 2- JUDICIAL NOTICE

201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS

Rule 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS

- a. Scope of rule. This rule governs only judicial notice of adjudicative facts.
- b. Kinds of facts. A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.
- c. When discretionary. A court may take judicial notice, whether requested or not.
- d. When mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.
- e. Opportunity to be heard. A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.
- f. Time of taking notice. Judicial notice may be taken at any stage of the proceeding.
- g. Instructing jury. In a criminal case, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.