

Simplifying Impeachment

Mode	Intrinsic or Extrinsic?	Substantive?	Notes
Prior Inconsistent Statements FRE 613, 801(d)	Intrinsic or extrinsic	Yes	Adverse Party: admissible intrinsically and extrinsically as impeachment and substantive
		Yes or No	Non-Party Witness: if unsworn then intrinsically admissible only as impeachment. If given under oath at trial, hearing, proceeding or deposition then admissible intrinsically as impeachment and extrinsically as substantive.
Bias Case law	Intrinsic or extrinsic	No	
Convictions FRE 609	Intrinsic or extrinsic	No	Felonies or crimes involving dishonesty, false statement. Time limitations in Rule.
Bad Act - Not Convicted FRE 608(b)	Intrinsic	No	Specific acts of W or W being testified about if relevant to truthfulness
Mental Capacity FRE 602	Intrinsic or extrinsic	No	
Character For Untruthfulness FRE 608(a)	Extrinsic only	No	Reputation or opinion
Contradicting Fact Testimony Case law	Extrinsic only	Yes	Subject to FRE 403 exclusion if collateral

- A party can impeach its own witness, [FRE 607](#).
- Don't have to show or disclose content of W prior statement during examination but must show or disclose to opposing attorney if requested, [FRE 613\(a\)](#).
Extrinsic evidence of prior statement: must first allow non-party W to deny or explain and allow opposing attorney to examine about it, [FRE 613\(b\)](#).
- Religious beliefs or opinions are not a valid basis for impeachment, [FRE 610](#).