

## 12.05 Effect of Erroneous Rulings on Evidence<sup>1</sup>

**Error may not be predicated upon a ruling admitting or excluding evidence unless a substantial right of a party is affected and the requirements of law regarding a protest or objection have been satisfied.**

### Note

This section restates present law. (*See e.g.* CPLR 2002 [“An error in a ruling of the court shall be disregarded if a substantial right of a party is not prejudiced”]; CPL 470.05 [1] [“An appellate court must determine an appeal without regard to technical errors or defects which do not affect the substantial rights of the parties”].)

For the rule on the preservation of an error for appellate review, see rule 12.01.

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<sup>1</sup> Formerly Rule 1.17