

The CEC lacks any similar exceptions to the CEC's blanket prohibitions against admissibility. *See* Cal. Evid. Code §§ 1153, 1153.5.

5) LIABILITY INSURANCE

a) FRE

The general Federal Rule is that evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. *See* Fed. R. Evid. 411. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness. *Id.*

b) CEC

Evidence that a person was, at the time a harm was suffered by another, insured wholly or partially against loss arising from liability for that harm is inadmissible to prove negligence or other wrongdoing. *See* Cal. Evid. Code § 1155.

c) FRE and CEC Distinctions

The FRE refers to the admissibility of evidence of whether a person was insured, whereas the CEC refers to admissibility of whether a person was insured wholly or partially. *See* Fed. R. Evid. 411; Cal. Evid. Code § 1155. Thus, the CEC arguably could not apply to a person who was not insured, although the FRE would apply to such a person.

The FRE neither refers to when insurance coverage must have existed nor when another person was harmed. *See* Fed. R. Evid. 411. The CEC refers to evidence that a person was insured when another person suffered harm. *See* Cal. Evid. Code § 1155.

The FRE provides that it does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness. *See* Fed. R. Evid. 411. The CEC lacks any such provision. *See* Cal. Evid. Code § 1155.

6) EXPRESSIONS OF SYMPATHY OR BENEVOLENCE – CEC ONLY

Statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person involved in an accident and made to that person or to that person's family is inadmissible as evidence of an admission of liability in a civil action. *See* Cal. Evid. Code § 1160(a).