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THE TRIAL PROCESS:
LAW, TACTICS, AND
ETHICS

Fourth Edition

J. Alexander Tanford
Professor of Law
Indiana University Maurer School of Law — Bloomington
DEDICATION

For Philippa, Philippa, and James
PREFACE

It has been almost thirty years since the first edition of *The Trial Process* was published, and each new edition reflects what my students have taught me over the years. They have been patient and forgiving as I experimented on them with a dozen different approaches to teaching an intellectually rigorous trial practice course. They have encouraged me when I was tempted to give up the effort to make this subject as stimulating as other curricular offerings, and they have constantly rewarded my attempts to get them to think as critically about the trial process as they would about contracts and torts. This fourth edition is a tribute to them, and I have used many of their names in the examples.

I owe special debts of gratitude to five people. Mike Saks taught me the social psychology of juror behavior and persuasion. I was lucky enough to spend two semesters with him at Iowa, first on a sabbatical leave, and then on a CIC Fellowship. Along this path, I was helped and encouraged by my sister, Sarah Tanford, with whom I wrote an article on the interrelationship between psychology and trial practice. These collaborations have heavily influenced this book’s approach to trial tactics, in which the folklore of advocacy is informed by the research of psychologists. I believe this produces a more realistic picture of trial practice than would otherwise have been possible. Philippa Guthrie has provided the love and moral support that enabled me to undertake and complete this book. Philippa, Jr. and James have made it all worthwhile.

I am grateful also to Indiana University for providing financial support, sabbatical leaves, and summer stipends that have enabled me to carry this book through four editions. Finally, a word of deep appreciation for two students, Camille Johnson and Rachel Leahy, who stepped up and did an extraordinary amount of excellent research, without which it would not have been possible to complete this edition.

J. Alexander Tanford
*Bloomington, Indiana*
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