

# Evidence Law and Practice



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EIGHTH EDITION

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# Preface

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From its inception, *Evidence Law and Practice* has reflected its authors' interests in practical learning and classroom teaching. Explanations, examples (including many in the form of mini-transcripts) and Practice Tips help students understand the meaning of evidence rules and how to apply them in the context of trial testimony. The problems and role play exercises that follow the explanations vary from testing students' understanding of rules' basic applications to providing opportunities to develop arguments about rules in situations when their application is uncertain.

This 8th Edition of the book is based on the latest version of the Federal Rules of Evidence (Appendix 1). As of the date of publication, proposals for additional rule amendments are pending and are likely to be enacted into law. Appendix 2 compiles these amendments. Appendix 3 sets forth many of the important differences between the Federal Rules and the California Evidence Code, the first modern codification of Evidence law that was enacted about a dozen years before the Federal Rules.

*Evidence Law and Practice* is a study aid as well as a textbook for class. Chapters 19 and 20 allow students to review evidence rules in three different contexts:

- A hypothetical criminal prosecution that can serve as the basis of a mock trial.
- Multiple Choice questions taken from recent law school examinations.
- Transcripts of trial testimony. Some of these transcripts are based on trials that in their day stirred people across the country and in some instances the world, such as the O.J. Simpson murder trial and the trial of Ethel and Julius Rosenberg, the so-called "Atomic Spies." Other transcripts are based on trials featured in courtroom movies.

We have done our best to produce a book that not only focuses on practical evidentiary issues but also incorporates discussions of courtroom strategies and courtroom history. Knowledge of evidence rules is important for all lawyers, not just litigators. Trials are the most public aspect of U.S. justice and their influence is often as great as substantive laws. We authors will grant you the right to make up any substantive law you like, so long as you grant us the right to create the evidence rules that affect their application.

We hope that instructors and students alike find the book stimulating and an effective teaching and learning tool.

Steve Friedland  
Paul Bergman  
Dustin Benham