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Sixth Edition
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EVIDENCE LAW AND PRACTICE

Sixth Edition

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Andrew E. Taslitz
1956–2014
Preface

Our wonderful friend and colleague Andy Taslitz (affectionately known by all friends and colleagues as “Taz”) unexpectedly passed away during the preparation of this Sixth Edition. We dedicate this new edition to him, and hope that his commitment to helping students to become good people and competent and caring lawyers continues to permeate the book.

This new edition continues the tradition of providing example-rich textual discussions that explain the rules of evidence, followed by problems that give students opportunities to apply the rules in a rich array of factual settings. To promote variety in classroom teaching for instructors and students alike, we have created numerous types of problems. Throughout the chapters you will find:

• Short-answer problems.
• Multiple choice problems.
• Role play exercises.
• Transcript exercises.
• Problems based on scenes from classic (and sometimes not-so-classic but nonetheless interesting from the standpoint of evidence rules) movies and TV shows. We encourage instructors who can do so to show the clips in class in conjunction with the problems.

We have made the following major changes from the prior editions of the book:

1. We have eliminated the “Case Libraries” that formerly were a part of many chapters. The opinions in the “libraries” added to the book’s length and cost, and we decided that they are no longer necessary when they are easily accessible online. We have instead summarized the opinions in the relevant chapters, and provided web addresses for the opinions that formerly were in the Case Libraries.


3. Many of the review problems that were previously in Chapter 19 have been scrapped and replaced by a set of Multiple Choice questions (and answers). Since many Evidence examinations include multiple choice questions, we hope that the revised version of Chapter 19 will be especially helpful to students. The review problems being replaced are available to professors on the LexisNexis Webcourse created for this book.

Thank you to the instructors and students who use the book; your positive responses encourage us to continue to produce the best Evidence textbook we can.

Prof. Steve Friedland
Prof. Paul Bergman
Evidence Challenge

Get courtroom experience with Evidence Challenge!

Want a higher score on your evidence exam? Throughout this publication, you will see notations at the end of chapters for further case challenges related to the evidence topic. To prepare you for exams and challenge your comprehension, go to www.EvidenceChallenge.com to purchase access to the website. This interactive problem-and role-based exam preparation tool is available as a companion study aid for this publication. The interface was developed by an education expert partnering with LexisNexis® product development teams. Evidence Challenge case problems give students the opportunity to repeatedly practice application of chapter-relevant rules and concepts while preparing for exams.

Here's how it works:

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- Each problem offers a variety of possible responses and a feedback loop that tells you where you need to focus your studies.
- Links to applicable case problems will appear at the end of chapters in this publication.

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- Retry problems when recommended, or just play them again for practice and to improve your score.

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### Chapter 16

**SHAPING OUTCOMES: BURDENS OF PROOF, PRESUMPTIONS, AND JUDICIAL NOTICE**

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