

As we have noted in this space in previous editions, the Federal Rules of Evidence are the central unifying core of American evidence law, and they are therefore a natural focal point for studying the subject. These Rules have been adopted (of course with some variation) in 45 of the 50 states (a list of adopting states is found in footnote 2 of Chapter 1). Hence the Problems and cases in this book, and the narrative presentations too, apply and shed light on the Rules and how they work.

This edition of the book, which has now been used by a whole generation of law students across the country, is substantially revised in hope of making something good into something even better. Professors continuing to use this book in courses will be pleased that many Problems that work well and have become favorites — such as Problem 2-C (Boys on the Bridge) and 3-A (Three See a Robbery) and 5-A (Fight in the Red Dog Saloon, Part 1) — are still here. And some new or revised Problems have been inserted in appropriate places, like Problem 5-G (Was It a Crime or Just a Misunderstanding?) and 5-H (“It Was Just a Tragic Accident”). In addition, many of the Notes have been revised to aid student understanding. We think the book remains user-friendly, and it is available in an online version, and Aspen Publishing provides support mechanisms for student use, captured in the phrase Casebook Connect. The book continues features introduced in the previous edition, in the form of Picture and Comment/Perspective boxes. The former adds human interest to the materials, and the latter suggests interpretive approaches in broader social and legal contexts.

Reactions of professors and student users have strengthened our conviction that understanding evidence law requires more than cases. Our efforts here have produced what we prefer to call a *coursebook* that combines the strengths of casebooks, problems, and hornbooks. We set out basic ideas as narrative, and use Problems to present issues that arise every day. There are enough facts in the Problems to make evidence issues concrete and vivid. We aim to make this book self-contained — we think a conscientious student can grasp what is important about evidence law from this book alone, without constantly going elsewhere to fill in gaps.

The law of evidence is interesting because of its kinship with epistemology and its grounding in the real world of an adversary system: In the American courtroom, how do we go about finding the facts? Evidence law seeks to regulate a process of inquiry in a setting where lawyers, witnesses, courts, and jurors play critical roles. We encounter issues of policy, principle, and philosophy, often with constitutional dimensions. And because the Rules are, after all, *rules* — they are words with prescriptive meaning that is clear in core cases and less clear as we move away from the core — we grapple as well with narrow issues of application and construction. This book aims to raise both the larger and the narrower issues, to be philosophical and policy-oriented as well as practical and concrete.

Even though this book can stand on its own, students sometimes find it useful to resort to secondary sources (full narrative accounts), seeking additional explanation or further coverage.

Hence the three of us have also written a student text (often called a hornbook) that presents a straightforward account of evidence law, including analyses of every Rule and descriptions of doctrinal developments, with reference to the important decisions in point. See Christopher B. Mueller, Laird C. Kirkpatrick & Liesa L. Richter, *Evidence* (6th ed. Aspen, 2018).

Finally, we want to acknowledge friends whose comments have helped us in revising this book over the years: These include the Honorable Gerald Rosen, who has forwarded many comments over many years, and Melissa Aubin, who was a student of Kirkpatrick's at Oregon — she too has helped the authors over many years. Professors who have used the book and shared their thoughts with us include David Bernstein, Chris Blair, Mark Bonner, Ron Carlson, W. Burlette Carter, Sherman J. Clark, Jonathan R. Cohen, Sherry Colb, David Crump, James Duane, David Faigman, Michael Green, Steven Heyman, Paul Janicke, John Junker, Ronald Lansing, Lash LaRue, Brian Leiter, Tom Lininger, Graham Lilly, Peter Lushing, Dayna Matthew, Pedro Malavet, Denis F. McLaughlin, Kevin McMunigal, David McCord, David Rudovsky, Chris Sanchirico, Fred Schauer, David Siegel, George Strickler, Peter Tague, Suja Thomas, and Robert Weninger. All of these colleagues in evidence have commented on these pages and helped us to improve them, and the book is much the better for their suggestions.

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Finally some words to families. Spouses and children, even adult children who are gone from home and making their ways in the world, are often in the thoughts of authors. Especially our spouses are expected to understand, and in many ways large and small, they support what we do. It is to our families that we dedicate this work. On Liesa Richter's side, we wish to acknowledge and thank her husband John and her children Jack and Julia Kate. On Laird Kirkpatrick's side, we wish to acknowledge and thank his wife Lind and his sons Ryan and Morgan. On Christopher Mueller's side, we wish to acknowledge and thank his late wife Martha and their daughter Gretchen. We trust that our families know how much they mean to us.

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