

Preface

Thank you for buying this book.

This new edition covers all changes to the Federal Rules of Evidence since the prior edition, including those that became effective in December, 2023. The book covers all developments through December, 2023.

Here are some of this book’s special features:

- **“Casebook Correlation Chart”** — This chart, located just after this Preface, correlates each section of my Outline with the pages covering the same topic in four of the leading Evidence casebooks.
- **“Capsule Summary”** — This is a 91-page summary of the key concepts of the law of Evidence, specially designed for use in the last week or so before your final exam.
- **“QuizYourself”** — Either at the end of the chapter, or after major sections of a chapter, are short-answer questions so that you can exercise your analytical muscles. There are 138 of these questions. They are for the most part selected and adapted from *Law in a Flash* on Evidence, which contains more than 500 flash cards and is available through your law school bookstore, or by going to www.AspenPublishing.com.
- **“Exam Tips”** — These alert you to the issues that repeatedly pop up on real-life Evidence exams and to the fact patterns commonly used to test those issues. My team and I created the Tips by looking at literally hundreds of multiple-choice and essay questions asked by law professors and bar examiners. You’d be surprised at how predictable the issues and fact-patterns chosen by profs really are!
- **“Multiple-Choice Q&As”** — These are 30 questions in an MBE-format, with extensive explanations of why each right answer is right and why each wrong answer is wrong. These are great for last-minute exam review.
- **“Checklists”** — Near the end of Chapters 3, 4 and 6, you’ll find a 5- or 6-page table summarizing and illustrating the major components of the area covered by that chapter (Special Issues as to Circumstantial Evidence; Impeaching and Rehabilitating Witnesses; and Major Hearsay Exceptions and Exclusions, respectively). I’ve designed these for last-minute exam review and for open-book exams, to help you spot every issue.

I intend for you to use this book both throughout the semester and for exam preparation. Here are some suggestions about how to use it:¹

1. During the semester, use the book in preparing each night for the next day’s class. To do this, first read your casebook. Then, use the *Casebook Correlation Chart* to get an idea of what part of the outline to read. Reading the outline will give you a sense of how the particular cases you’ve just

1. The suggestions below relate only to this book. I don’t talk about taking or reviewing class notes, using hornbooks or other study aids, joining a study group, or anything else. This doesn’t mean I don’t think these other steps are important — it’s just that in this Preface I’ve chosen to focus on how I think you can use this outline.

read in your casebook fit into the overall structure of the subject. You may want to use a highlighter to mark key portions of the *Emanuel*.

2. If you make your own outline for the course, use the *Emanuel* to give you a structure, and to supply black letter principles. You may want to rely especially on the *Capsule Summary* for this purpose. You are hereby authorized to copy small portions of the *Emanuel* into your own outline, provided that your outline will be used only by you or your study group, and provided that you are the owner of the *Emanuel*.
3. When you first start studying for exams, read the *Capsule Summary* to get an overview. This will probably take you about one day.
4. Either during exam study or earlier in the semester, do some or all of the *Quiz Yourself* short-answer questions. You can find these quickly by looking for *Quiz Yourself* entries in the Table of Contents. When you do these questions: (1) record your short “answer” on the small blank line provided after the question, but also: (2) try to write out a “mini essay” on a separate piece of paper. Remember that the only way to get good at writing essays is to write essays.
5. Three or four days before the exam, review the *Exam Tips* that appear at the end of each chapter. You may want to combine this step with step 4, so that you use the Tips to help you spot the issues in the short-answer questions. You’ll also probably want to follow up from many of the Tips to the main outline’s discussion of the topic.
6. The night before the exam: (1) do some *Quiz Yourself* questions, just to get your thinking and writing juices flowing; and (2) re-scan the *Exam Tips* (spending about 2-3 hours).

My deepest thanks go to my editorial colleague, Barbara Roth, who has helped greatly to assure the quality of this edition. Warm thanks also to the excellent publishing team at Aspen Publishing, Nicole Pinard, Joe Terry, Natalie Danner and Elaine Page.

By the way, the **full text of this book**, plus the full text of many other study aids, is available **online** as part of a single low-cost monthly subscription at **www.EmanuelAYCE.com**.

Good luck in your Evidence course. If you’d like any other Aspen publication, you can find it at your bookstore or at **www.AspenPublishing.com**. If you’d like to contact me, you can email me at **semanuel@westnet.com**.

Steve Emanuel
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