

December 29, 2011

Dear Mr. Kahnke:

As promised, here is the disk with the new edition, proof-read and spell-checked.

We did not have the index on the electronic copy, but I have made some changes and additions, as well as updating the section numbers, and if you can send us the electronic version I will send you the final version shortly. (Judge McCarr is also working on the index, but he just had heart surgery and I don't want to burden him with that.)

In your December 6 note you asked me to supply a list of highlights or selling points for marketing and promotion. This is a welcome suggestion, and I am happy to anticipate an aggressive effort. Accordingly, I submit the following:

- The authors are both retired judges with long experience also as practicing lawyers. Judge McCarr was a career prosecutor; Judge Nordby was a career criminal defense lawyer. This brings adversary balance to the treatise.
- The books cover virtually every significant issue related to criminal cases in Minnesota. They are designed to provide both: A) a comprehensive discussion and analysis in depth of each point (for preparation of briefs, motions, and memoranda); and B) a source of quick reference for access on short notice (such as in the midst of a trial or hearing).
- The new edition is substantially expanded, with some 130 new sections added since the third edition. The treatise contains approximately 1200 sections in fifty-nine chapters.
- The text and annual supplements incorporate all cases including criminal, constitutional, and evidence issues published by the Minnesota Supreme Court, as well as all pertinent statutes and rules of criminal procedure and evidence.
- Included are numerous cross-references to various other West resources and publications.
- The treatise is designed to be useful to both experts and less-experienced practitioners, both lawyers and judges. Previous editions have been frequently cited by the Minnesota appellate courts and district judges.
- The authors have attempted to write in a style that is clear and understandable, without sacrificing accuracy or completeness.
- The text identifies both (or all) aspects of points upon which the law is unsettled or not uniform or consistent.

- The chapter tables of contents, and outlines of several lengthy sub-chapters, as well as the index, provide detailed identification of topics to assist in rapid location of pertinent text.
- Briefly summarized, the treatise covers the following:
 - Sources of the law; the content, nature, and construction of federal and state constitutions, statutes, rules, and common law.
 - The investigation and charging of crimes, including arrests, searches and seizures, confessions, and evidence collection.
 - Procedural details of grand juries, pre-trial appearances, all aspects of the trial, post-conviction proceedings and appeals.
 - Comprehensive attention to evidentiary issues in criminal cases.
 - Detailed discussion of proper and improper opening statements and final arguments, and jury instructions.
 - Examination of the duties, powers, and restraints on prosecutors, defense lawyers, and judges.
 - Discussion of the elements and burdens of proof of all major crimes.
 - Identification, nature, and requirements of virtually every defense that may arise.

I hope this is of some use. Please let me know if I can be of help in the marketing.

I believe it would be very useful to run a series of advertisements anticipating and announcing the new edition in publications such as *The Minnesota Lawyer*, *Bench and Bar*, *Hennepin Lawyer*, and any other widely-read bar publications. I also believe that a brochure or mailing or electronic advertisement limited to the treatise could be very productive. Although West is undoubtedly very expert at selling its products, with the last edition it appeared to me that the promotional materials generally referred to so many different publications that our new edition was in effect lost in the crowd.

Finally, please let me know when the first pocket part for the new edition should be submitted.

Best Wishes,

Jack Nordby