

## Preface to the Ninth Edition

This edition of *McCormick on Evidence* attempts to do what all of the prior editions accomplished: to set out the law of Evidence in as complete and understandable a manner as possible in a work of moderate length. The authors have tried to be faithful to the pragmatic approach to analyzing evidence issues taken by the original author of this book, Dean Charles McCormick.

Although the Federal Rules of Evidence and their state counterparts make up much of the basis for the law, many aspects depend heavily on case analysis. The book attempts to meld rules and case law in a way that is useful for practitioners, scholars, the courts, and students. As in prior editions, important cases containing helpful discussions of precedent and policy are noted in the extensive footnotes found in the practitioner's edition.

As with the recent editions, there will be two versions of this edition, a two-volume practitioner's edition, also intended to be useful for legal scholars and the judiciary, and a one-volume student edition, which will be published by West Academic Publishing. The only significant difference between the two editions is the absence of extensive footnoting in the student edition.

With the publication of the interim supplement in 2022, both Professors George Dix and Eleanor Swift retired as authors, and Professors Kit Kinports and Jasmine Harris joined the treatise assuming responsibility for their chapters. Tragically, both George and Eleanor passed away in 2023. They are sorely missed as co-authors and friends. The other authors of the Eighth Edition have continued. Responsibility for chapters is as follows: Edward Imwinkelried, Chapters 1-7, covering preparing and presenting evidence, examination of witnesses, procedure for admitting and excluding evidence, and competency; Kenneth Broun, Chapters 8-11, dealing with common law and statutory privileges and Chapter 36, the burdens of proof and presumptions; Kit Kinports, Chapters 13-15, covering confessions and certain constitutional rights and privileges; David Kaye, Chapters 16-20, dealing with relevancy considerations (including scientific evidence covered in Chapter 20); Jasmine Harris, Chapters 21-23, dealing with real and demonstrative evidence and authentication and contents of writings; and myself, Chapter 12, privileges for governmental secrets, Chapters 24-34, dealing with the hearsay rule and its exceptions and confrontation, and Chapter 35, examining judicial

notice.

This edition contains updates up to the present with regard to all of the matters covered in the treatise. Substantial revisions are found in many chapters to examine a number of recent changes in the Federal Rules of Evidence and relevant United States Supreme Court and significant lower court rulings.

On behalf of all of the authors, I hope that we have both continued the traditional excellence of this treatise and taken steps to bring it fully up to date in terms of both the law and the age of technology in which we now live.

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