

PREFACE

Our purpose in writing this Handbook has been to produce a book that trial lawyers and judges could use in the courtroom. This meant first, that we had to limit the size of the book; no one is going to use it in court if they can't carry it to court. Second, it meant that the material had to be presented in a way that can comfortably be used in the heat of a trial. As a result, our efforts in putting this Handbook together were guided by two overriding questions: What information are lawyers likely to want available to them in court at a moment's notice? And, what is the most accessible manner of presenting this information?

The answers to these questions led us to adopt what is essentially a four part format. The first part of the book contains the Federal Rules of Evidence, selected constitutional and statutory provisions, and excerpts from other court rules, such as the rules of civil and criminal procedure. The rules of evidence are found in Chapter 1 and printed in large type for easy use. Chapters 2, 3, and 4 respectively contain text of those constitutional provisions, statutes, and other court rules that affect admissibility or relate to the rules of evidence. Although space constraints dictated some amount of editorial discretion, we tried only to weed out those provisions that purport to address admissibility questions but merely replicate the rules of evidence and those that are so specialized as to be of no general interest.

The second part of the book (Chapter 5) consists of our commentary on each rule of evidence. We succinctly discuss the scope and limitations of each rule, making liberal use of illustrations and supplying pertinent citations. We have tried, through formatting and use of bold face type, to make it as easy as possible for you to find the information you need. The commentary on each rule ends with cross-references to material presented in other parts of the Handbook. In addition, so that you may use this Handbook as your first reference source, we provide bibliographic references to several treatises that contain more comprehensive treatments of the topic.

An array of trial-oriented material comprises the third part of the book. Chapter 6 details 93 different objections to evidence. Each objection is presented in the form of a model objection, complete with relevant supporting authority. Then, for opposing counsel, we provide a range of possible responses, likewise supplemented with relevant authority. Chapter 7 consists of a variety of checklists and other practical guides, ranging from how to lay a foundation for introducing a business record to a quick guide to the test for admissibility of expert testimony.

The fourth part of this book is designed to facilitate access to the first three parts. It is composed of tables of cases, statutes, and rules,

and a detailed index. For ease of reference, a list of the 93 objections can be found on the inside front and back covers. Finally, you will find a fold-out FEDERAL EVIDENCE RULES SUMMARY inside the back cover. This may either be kept as is or easily removed from the Handbook for independent reference.

We want this book to be as useful as possible. To that end, we welcome your comments and suggestions. If there is something that you would like to see added or deleted, something that you think we got wrong, or a way that you think the book could be improved, we would like to hear from you. You may write us at the University of Texas School of Law, 727 East Dean Keeton Street, Austin, Texas 78705-3299, or e-mail us at: sgoode@law.utexas.edu or olinwellborn@gmail.com.

The research in this Handbook is complete through 122 F.4th. The statutory materials include all legislation enacted and rules promulgated through December 31, 2024.

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