

CASES AND MATERIALS ON
THE RULES OF EVIDENCE

Second Edition

Olin Guy Wellborn III

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**CASES AND MATERIALS ON
THE RULES OF
EVIDENCE**

Second Edition

By

Olin Guy Wellborn III

*William C. Liedtke, Sr. Professor of Law
University of Texas*

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Preface

This book offers reasonably thorough materials that are at the same time brief enough that the whole subject can actually be covered in a four-credit course (or most of it in a three-credit course). Although some students may wish to consult a secondary text for further explanation or summary, these materials are meant to be self-sufficient when accompanied by a current copy of the Federal Rules of Evidence (and, where appropriate, the rules of a state).

Brevity has been achieved by case selection, by rigorous editing, by concise notes, and by focusing on primary materials. In the cases, citations and footnotes have been selectively removed without notation. Textual deletions are indicated by ellipses.

Each chapter covers an article of the Rules. Within chapters and sections, the materials follow the sequence of the Rules except in a few instances where logic required otherwise (e.g., Rules 412-415 are taken up in conjunction with Rules 404 and 405; the impeachment rules, 607-610 and 613, are not studied in sequence). With regard to privileges, since Article V of the Federal Rules contains no substantive provisions, the current Uniform Rules on the major privileges are presented.

The order of chapters is based upon many years of classroom experience. Relevancy and hearsay, the two most fundamental and pervasive topics, come first. Procedural provisions (Article I of the Rules) are treated next, basically as a compromise between the beginning (too early) and the end (too late). Next come the articles on oral testimony (VI and VII), followed by those on documents and other tangible evidence (IX and X). Privileges are considered last among the admissibility rules because of their peculiar nature. Finally come the chapters on presumptions and judicial notice, both of which concern substitutes for rather than admissibility of evidence.

Corrections, comments, and suggestions are welcome:
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OLIN GUY WELLBORN III

Austin, Texas
December, 2002

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