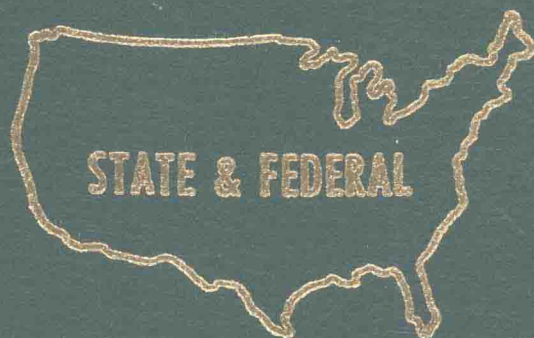


AMERICAN JURISPRUDENCE 2d



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SECOND EDITION

A MODERN COMPREHENSIVE TEXT STATEMENT
OF AMERICAN LAW

STATE AND FEDERAL

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FOREWORD

Modern trial practice has undergone many changes in the almost 20 years since the original Am Jur 2d volumes dealing with Trial first appeared. The new Trial article, which commences in volume 75, continues in volume 75A and concludes in volume 75B, includes a completely new discussion of case development and preparation for trial, including such practical matters as the conduct of the client interview, case investigation, the use of computers in case preparation and trial briefs. Greatly expanded coverage is devoted to such bread-and-butter matters as dockets and calendars and in limine practice.

Expanded coverage deals with such current issues as courtroom security, the use of tape-recordings and television in courtroom proceedings (including the use of "day-in-the-life" videos) and the effect of misconduct by a trial judge. Trial-tested comment deals with such matters as the structure and order of opening and closing arguments. The constitutional and other ramifications of commenting on the failure to testify are thoroughly explored.

In dealing with counsel's appeals to sympathy or prejudice, the recent holdings of the courts on such matters as references to the prevalence of crime and prejudice against homosexuals are thoroughly explored, as are comments on the relation of racial prejudice to sex crimes. Other divisions of the article deal with the province of court and jury; when a case may be taken from the jury; instructions by the court to the jury; the custody and conduct of the jury; and mistrial. In addition to a discussion of matters affecting verdicts, there is also a thorough treatment of posttrial motions and other posttrial matters, as well as consideration of rules governing trial by the court, as distinguished from trial by jury.

Each article has been enhanced by the inclusion of *Observations, Practice Guides, Cautions, and Checklists* providing detailed advice and procedures, as well as *Research References* directing the reader to related discussions in ALR and ALR Federal annotations, to practical advice in Am Jur Proof of Facts and Am Jur Trials, and to pertinent forms in Am Jur Pleading and Practice Forms (Rev) and Am Jur Legal Forms 2d.

A **Table of Statutes and Rules Cited** and **Table of Parallel References** for the articles in these volumes will be found immediately following this Foreword. An **Index** for this article will be found at the back of each volume.

THE PUBLISHERS

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When a particular subject matter is treated in another topic, the title of the other topic is noted. If a section of the earlier article has become obsolete, the table will show that it has been deleted.

Also consult the index at the end of the volume for detail and for matters not appearing in the earlier edition.

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