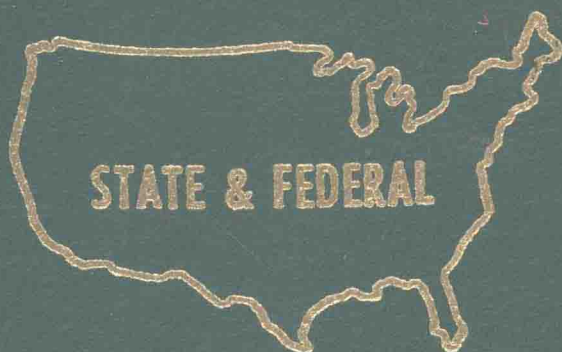


# AMERICAN JURISPRUDENCE 2d



TRESPASS

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TRIAL §§ 1-489

# AMERICAN JURISPRUDENCE

SECOND EDITION

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A MODERN COMPREHENSIVE TEXT STATEMENT  
OF AMERICAN LAW

STATE AND FEDERAL

COMPLETELY REVISED AND REWRITTEN  
IN THE LIGHT OF MODERN AUTHORITIES AND DEVELOPMENTS  
BY THE EDITORIAL STAFF OF THE PUBLISHERS

VOLUME 75

TRESPASS  
TO  
TRIAL §§ 1-489

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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 post-trial motions and other post-trial matters, as well as consideration of rules governing trial by the court, as distinguished from trial by jury.

Also included in volume 75 is the expanded article **Trespass** which includes a discussion of such modern developments as the viability of the defenses of necessity, “choice of evils”, and “competing harms” to a charge of criminal trespass leveled against protesters on the grounds of abortion clinics and nuclear facilities. Also treated are remedies for continuing trespasses and privileges as a defense to trespass.

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 Fed 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 each article will be found at the back of each volume containing the articles referred to above.

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