

# EVIDENCE

*Cases and Materials*—EIGHTH EDITION

JON R. WALTZ  
ROGER C. PARK

*University Casebook Series*

CASES AND MATERIALS  
ON  
EVIDENCE

EIGHTH EDITION

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## PREFACE TO THE EIGHTH EDITION

We are pleased to present the Eighth Edition of the work that began in 1968 as Louisell, Kaplan & Waltz, became Kaplan & Waltz in 1984, and then became Kaplan, Waltz & Park in 1991.

There have now been two editions since John Kaplan's untimely death in 1989. We believe that the time has come for the present authors to take full responsibility for the way the book has evolved, and that it is only decent to remove his name from it. John Kaplan remains in our affections and continues to influence our conception of the work. This edition, as the last one was, is dedicated to him.

For this edition, some of our revision decisions have been driven by the need to take account of changes in the law and in its context. For example, we have continued to add new materials on expert testimony and to update the confrontation section. At other places, we simply continued our search for lively examples and teachable cases. Where we felt that a recent case would not only present a fresher example than an old one, but would also work better in class, we have substituted new for old. We have, however, tried to be sensitive to the importance of keeping time-honored favorites that teach especially well.

DNA evidence was a special challenge. We had to recognize that DNA is a hard subject to teach in an initial course on evidence to students with widely varying scientific backgrounds, and that it is also difficult to identify enduring issues in this fast-changing area. In the end, we settled upon a case that deals with typical issues, and on an article about DNA statistics that should allow instructors to pursue themes about probabilistic evidence that arise earlier in the book. We tried to provide grist for instructors who wish to survey DNA issues, while realizing that others might reasonably decide to leave the subject to a more specialized course.

We revisited the question whether to print line numbers to make it easier to pinpoint materials in class. Some instructors found this innovation useful, while a larger number reported that the numbers were distracting to readers or just plain ugly. With some misgivings, we decided to side with the readers and to leave out the numbers.

Believing that few teachers reached the materials on the privilege against self-incrimination, we decided to bow to curricular convention and leave that topic to criminal procedure teachers.

As before, we have generally left the creation of hypotheticals and questions to the individual teacher. We have, however, continued the practice of including selected hypotheticals from Judge Bernard Jefferson's remarkable *California Evidence Benchbook*.

Where we thought it made sense to delete footnotes and citations to authority, we did so without noting each deletion.

*PREFACE TO THE EIGHTH EDITION*

We have profited from the comments and suggestions of many users of this casebook—students and instructors alike. We are grateful for their communications and have often been influenced by their suggestions.

JON R. WALTZ  
ROGER C. PARK

May, 1994

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