

This is your new

Trial Evidence Brought to Life

Illustrations from Famous Trials, Film and Fiction

By Martin A. Schwartz

Professor Emeritus of Law

Trial Evidence Brought to Life enlivens an intricate and technical subject by using evidentiary examples from famous trials, movies, novels, cartoons, and other media. Through this unique instructive approach, you will quickly gain an understanding of the law of evidence needed in preparing your case for trial. Furthermore, the popular culture examples are not just for entertainment value. Jurors serve on trials with preconceptions about the trial process from various popular culture sources. An effective trial lawyer must have an understanding of these sources in order to appreciate the presumptions jurors bring to the courtroom.

Trial Evidence Brought to Life provides a clear and comprehensive understanding of the law of evidence. This text focuses on the Federal Rules of Evidence, on which the evidence codes of forty-four states are based. The federal evidence rules and its interpretive case law represent the prevailing evidence law in the United States. The text covers a wide range of issues, including relevance and unfair prejudice, the rule against hearsay and its numerous exceptions, recent developments in expert testimony, and the various impeachment methods. The reader will learn about a number of contemporary issues, such as the differences between expert witness and lay witness testimony, including how courts handle the dual fact expert witness; the procedures for juror questioning of witnesses; admissibility of videotape evidence; recent developments under the Confrontation Clause; and the requirements for introducing electronic evidence.

SUMMARY OF CONTENTS:

- Chapter 1 Evaluating Admissibility of Evidence—
 Fundamental Concepts and Perspectives**
- Chapter 2 Applicability of the Federal Rules of Evidence**

(continued on reverse)

Practising Law Institute
1177 Avenue of the Americas
New York, NY 10036
#133956

- Chapter 3** Procedural Aspects of the Law of Evidence
- Chapter 4** Judicial Notice
- Chapter 5** Relevance and Federal Rule of Evidence 403
- Chapter 6** Character, Other Act, and Habit Evidence
- Chapter 7** Special Relevance Issues: Remedial Measures; Settlements; Medical Expenses; Plea Bargaining; Liability Insurance
- Chapter 8** Rule Against Hearsay
- Chapter 9** Recurring Hearsay Exemptions and Exceptions: A “Transactional” Approach
- Chapter 10** Confrontation Clause in the Post-*Crawford* World
- Chapter 11** “Witness Competence”: Who May Testify
- Chapter 12** Direct Examination of Witnesses
- Chapter 13** Cross-Examination, Impeachment, and Rehabilitation
- Chapter 14** Expert Testimony and Lay Opinion Testimony
- Chapter 15** Real and Demonstrative Evidence
- Chapter 16** Documentary and Electronic Evidence
- Chapter 17** Evidentiary Privileges

ABOUT THE AUTHOR:

MARTIN A. SCHWARTZ is a Professor Emeritus of Law. He taught evidence at the Touro Law Center for nearly thirty years. He chairs the Practising Law Institute’s annual Trial Evidence and Section 1983 Litigation programs, and co-chairs its annual Supreme Court review program. He has been a frequent lecturer on evidence issues, including for the New York State Judicial Institute and the New York Office of the Attorney General. He has written a monograph on Section 1983 litigation for the Federal Judicial Center. Professor Schwartz was managing attorney of the Research and Appeals Bureau of Westchester (NY) Legal Services and argued three cases in that capacity before the U.S. Supreme Court. Publishing widely on civil rights issues, he is the author of a semi-monthly column in the *New York Law Journal* on Section 1983 litigation; author of a multi-volume treatise on Section 1983 civil rights litigation, titled *Section 1983 Litigation: Claims and Defenses* (Aspen, 4th ed., 2015); author of *Section 1983 Litigation: Federal Evidence* (Aspen, 5th ed., 2014); and co-author of *Section 1983 Litigation: Jury Instructions* (Aspen 2015).

Professor Schwartz is admitted to the bars of New York, the U.S. District Courts for the Southern and Eastern Districts of New York, the Second Circuit Court of Appeals, and the U.S. Supreme Court. He earned his B.B.A., *cum laude*, from City College of New York; J.D., *magna cum laude*, from Brooklyn Law School; and LL.M. from New York University School of Law.