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Foreword

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Foreword

The University of Miami Law Review is delighted to publish the 2001 Evidence Symposium to mark the twenty-fifth anniversary of the Federal Rules of Evidence. The Evidence Symposium was born two Editorial Boards ago. It was then organized, drafted, compiled, and hosted in March 2001, by the 2000-2001 Editorial Board of the University of Miami Law Review. Finally, it was passed on to the successor board for edit and publication. The Evidence Symposium contained herein has quite a long history and truly is a memorialization of the hard work, unity, and dedication to bringing prestige to the School of Law as a forum of fine legal academia.

Professor Michael H. Graham originally approached the University of Miami Law Review and suggested that the 1999-2000 Editorial Board develop a Symposium that featured student writing. The Symposium would be a most unique exchange: first, the Review sought experts in the field of evidence from around the country to share in intellectual discourse with students. Second, students were given the opportunity to formulate an argument on a controversial topic in evidence law and then to offer it to an expert for critique. Finally, experts and student authors went head to head in a true Symposium: A “. . . social gathering at which there is free interchange of ideas.”¹

Professor Michael H. Graham's dedication as our faculty advisor, a professor, and scholar should not go unmentioned. He helped students formulate and select controversial, timely topics in the field of evidence. Professor Graham, himself a scholar in evidence law, coordinated the panel of scholars. He chose scholars that were committed to reading and critiquing student papers, as well as fostering and encouraging student writing.

The Evidence Symposium focused on current issues that are relevant to both legal practitioners and scholars alike. As students developed their paper topics, drafts were periodically submitted to the scholars and each student was critiqued by one of the scholars on the panel. The purpose of this format was to gradually develop an intellectual debate and exchange of ideas. This exchange consisted of a written response from each of the Commentators and an opportunity for students to reply to the Commentator's critiques.

Upon completion of their papers, the students were given an opportunity to present their papers to the legal community and to the scholars whom they had engaged in debate. The University of Miami Law Review worked with the Center For Continuing Legal Education in

1. MERRIAM WEBSTER'S COLLEGIATE DICTIONARY 1195 (10th ed. 1993).

order to develop and offer a day-long seminar open to the legal community for Continuing Legal Education credits. The purpose of the public seminar was to expand the forum of intellectual debate at the University of Miami School of Law to the greater legal community and to expose the legal community to the work of our student writers. Each student published in this volume presented their paper at the seminar, was critiqued by the scholars on the panel, and had an opportunity to respond to the critique of their paper. Students and Commentators alike were then available to answer questions from the audience. During the Symposium, audience members became engaged in the intellectual exchange, helping students to better understand the practical implications of their work. The student papers were then edited and prepared for final publication. This volume contains the end product of an almost three-year process.

The University of Miami School of Law and The University of Miami Law Review are honored and delighted to have had such a distinguished panel of Commentators willing to commit their time and energy to the Evidence Symposium.

Daniel J. Capra is the Philip Reed Professor of Law at Fordham University School of Law. Professor Capra has published numerous articles on evidence, criminal procedure, and legal ethics. In addition he serves as the Reporter to the Judicial Conference Advisory Committee on the Federal Rules of Evidence. Charles W. Ehrhardt is the Mason Ladd Professor of Evidence at the Florida State University College of Law. Professor Ehrhardt is very active in continuing legal and judicial education. He serves as a Commissioner of the National Conference of Commissioners on Uniform State Laws. Kenneth W. Graham, Jr., is a Professor of Law at the University of California at Los Angeles School of Law. Professor Kenneth W. Graham is the author of the treatise *FEDERAL PRACTICE AND PROCEDURE: EVIDENCE* (volumes 21-26A, 30-30A). In addition, he has served as consultant to the National Conference of Commissioners on Uniform State Laws, the Hawaii Penal Code Revision Project, and the California Youth Authority.

Edward J. Imwinkelried is a Professor of Law at the University of California at Davis School of Law. He is the former chair of the American Association of Law Schools (hereinafter AALS) Evidence Section and has written numerous articles and books on evidence. Christopher B. Mueller is the Henry S. Lindsley Professor of Law and Advocacy at the University of Colorado School of Law. Professor Mueller has author several books and a best-selling textbook on evidence. He is also currently a member of the American Law Institute, the Colorado Supreme Court Civil Rules Advisory Committee, the Program Planning Committee of the AALS Evidence Section, and the Faculty of the National Judicial College.

The University of Miami Law Review would like to thank Professor Michael H. Graham and all of the Commentators for their guidance, time, and effort. Without their assistance, the publication of the Evidence Symposium would not have been possible. The Editorial Board would also like to thank the University of Miami School of Law, McDermott, Will & Emory, and Holland & Knight for their generous support of the Evidence Symposium. Additionally, the 2000-2001 Executive Board would like to thank all the students who participated in the Evidence Symposium for all of their hard work in preparing for and publishing the Symposium.

It is our hope that this Evidence Symposium will forever be remembered as a brilliant moment in the University of Miami School of Law's and the University of Miami Law Review's scholasticism. More importantly, it is a memorialization of our respect for and dedication to the local legal community, our school, and each other.

MICHELLE VISIEDO
EDITOR-IN-CHIEF

CARLTON GREER
PROJECTS EDITOR