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Foreword

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SPECIAL TOPICS IN THE LAW OF EVIDENCE

Foreword

MICHAEL H. GRAHAM*

This collection of Special Topics in the Law of Evidence represents the *University of Miami Law Review's* second installment in what is hoped to be a continuing venture. The first issue, published in 1988,¹ was the result of what I believe to be an atypical and beneficial collaboration between law professor and law students. The success of that endeavor has led to the current undertaking.

The timing of this issue, five years after the first collection of student-written articles on evidence topics, is particularly fortuitous because important yet unaddressed or inadequately addressed evidence issues have arisen in the interim. Some of the topics reflect our changing society, such as the use of evidence in acquaintance rape cases. Others examine significant changes in the law, such as that regarding the admissibility of scientific evidence. But rather than giving the typical synopsis of the individual comments, I prefer to describe the process which led to this compendium.

In the nearly 20 years since Congress enacted the Federal Rules of Evidence, thirty-five states have enacted their own evidence codes largely based on the federal Rules. As with any comprehensive code, gaps, uncertainties, and ambiguous provisions in the Rules exist and have been considered and debated, if not resolved. During my years of teaching, lecturing, and writing about evidence, I often encountered such issues and wanted to write about them if only I had the time. I began to compile a list of those that particularly interested me. I also accumu-

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1. 42 U. MIAMI L. REV. 829 (1988).

lated preliminary research on the topics with the hope that my schedule would permit me to pursue them further.

Finally, I approached the *Review* with a proposal: I would work with a select group of the *Review's* members, who would write about the topics I had compiled, and the *Review* would publish the student comments as a collection. This approach provided distinct advantages to the student writers: the timeliness and usefulness of the pre-selected topics was ensured; the preliminary research was already done; and the guidance and support of a professor in the field was guaranteed for an entire academic year. It was hoped that this process also would benefit the *Review* by ensuring high-quality student submissions in fulfillment of its membership writing requirement.

The *Review* accepted my offer and the process worked smoothly. I supervised the nine student authors and met with them weekly during the research and writing phases. My focus was the substantive content of the comments, which the *Review* edited for style, grammar, and technical accuracy.

We hope that the end product provides an interesting, accessible, and practical guide to current evidence topics. We further hope that others will consider adopting a similar process.