



Thomas M. Cooley Law Libraries' Research Guide Series

EVIDENCE: A Selective Research Guide

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| I. Federal Treatises/Guides | II. Michigan Treatises/Guides |
| III. Nutshells/Hornbooks/Study Aids | IV. Specific Topics |
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Introduction: This guide is intended to assist both students and practitioners in researching the field of evidence through the Cooley library system. It covers both evidence generally and specific topics within the discipline; likewise, both Michigan and federal law will be covered. Physical materials are confined to those available within the Cooley library system, but online sources will handle reliable Internet sources, as well as Lexis and Westlaw as appropriate. For the purposes of identifying the location of each physical work, “L” will refer to the Lansing campus library, “AH” will refer to Auburn Hills, “GR” to Grand Rapids, and “AA”, Ann Arbor.

I. FEDERAL TREATISES/GUIDES

Federal Rules of Evidence, 2011-2012 Edition

Location: [KF8931.7 .U64](#) (L, AH, GR, AA)

Contains the current version of the Federal Rules of Evidence (FRE); West publishes a new edition every year. Contains minimal analysis and annotation, but includes changes from the previous year’s FRE and proposed changes. Also includes the California Rules of Evidence, the Uniform Rules of Evidence, a West Electronic Research Guide, and discussion of where and how caselaw diverges from the FRE. The current year’s edition will always be available at the Reserve desk.

Wigmore on Evidence by John H. Wigmore and Daniel P. Leonard

Location: [KF8935 .W55](#) (L, AH, GR, AA)

Exhaustive, eleven-volume treatise on federal evidence law. Arranged by topic in an order determined by the author, not the FRE. Contains searchable index and is updated annually with a cumulative supplement. Wigmore is one of the definitive treatises on evidence published today and comes highly recommended for further explanation of the Federal Rules of Evidence, but is written in a rather dense, academic style.

Federal Trial Objections by David F. Levi and Peter Nowinski

Location: [KF8935 .L48](#) (AH)

Practice-oriented explanation of evidence law, arranged in a way that explains issues in the chronological order in which they would arise throughout a trial. Explanations of each concept are relatively short, with numerous citations and bullet point lists.



Handbook of Federal Evidence by Michael H. Graham

Location: [KF8935 .G68 2006](#) (L, AH, GR)

Five-volume treatise that, like Wigmore, presents academic discussions of the various provisions and conflicts of evidence law. Unlike Wigmore, however, this treatise arranges its content by rule in the FRE, making it an excellent companion to the FRE itself. Also, the discussions themselves, while still academic and occasionally meandering, tend to be more to-the-point than Wigmore.

Trial Evidence by Thomas Mauet

Location: [KF8935 .M38 2009](#) (L, AH, GR, AA)

Textbook that explains the FRE by providing hypothetical situations in which an application or conflict of a given rule would arise. As a textbook, has a decidedly pedagogical bent; designed specifically as a tool to aid law students in the development of trial advocacy skills.

Evidence under the Rules: Texts, Cases, and Problems by Christopher B. Mueller and Laird C. Kirkpatrick

Location: [KF8934 .M84](#) (L, AH, GR)

Standard format casebook on evidence, covering such topics as relevance, hearsay, witness issues such as competency and impeachment, expert testimony, and burdens of proof. Mixes case examples with the problem method; overall, does a fine job of explaining both the substantive effect and overarching purpose of each part of the rules.

Weinstein's Federal Evidence by Jack B. Weinstein

Location: [KF8935 .W392](#) (L, AH, GR, AA)

Looseleaf service reporting news, cases, and general developments in evidence on a monthly basis. LexisNexis publication, but very similar in structure to Bureau of National Affairs (BNA) print releases. Each update provides a brief synopsis of the major events in the law on which that issue is reporting, and then goes into a deeper explanation of each. Beyond this, older updates are categorized in the order of the FRE. All in all, a very practice-oriented treatise, but still useful as a ready reference for the student.

American Jurisprudence Proof of Facts, 3rd Series

Location: [KF8933 .A42 1988](#) (L, AH, GR, AA)

Proof of Facts can be seen as relating to evidence in the way formbooks relate to civil procedure; its purpose is to outline the evidentiary standards for various claims, and offer models and “walkthroughs” for achieving those standards. To this end, it provides a huge level of content; roughly one hundred volumes, with a multivolume general index and regular updates via pocket part. Definitely recommend for the student preparing for mock trial/moot court, as well as any practitioner.

II. MICHIGAN TREATISES/GUIDES

West Group Michigan Practice Guides: Civil Trials and Evidence by Gerald E. Rosen, et. al.

Location: [KFM4738 .C58](#) (L, AH, GR, AA)

This looseleaf treatise is designed as a guide for trial practice in Michigan, taking the reader through all aspects of a trial from start to finish, particularly focusing on how different aspects of trials—such as (cross-) examination, jury instructions, and various motions—intersect with evidentiary issues.



Michigan Courtroom Evidence by Michael D. Wade and Dennis C. Kolenda Location: [KFM4740 .W343](#) (L, AH, GR)

ICLE guide to the Michigan Rules of Evidence (MRE). Follows the MRE as they are codified, essentially offering explanations of each rule and giving numerous case annotations extrapolating and interpreting each rule. Shows a level of quality and detail consistent with other ICLE publications. Looseleaf; regularly updated.

Hackett's Evidence: Michigan and Federal by Wesley P. Hackett, Jr. Location: [KFM4740 .H32](#) (L, AH, GR, AA)

Essentially the same as the ICLE manual in terms of content and structure, but published by West. Contains discussions of both the MRE and FRE iterations of each rule, so serves as an excellent source for comparisons of individual rules in the two systems.

Introducing Evidence at Trial by David M. Lawson, et. al., eds.

Location: [KFM4740 .I58 2007](#) (L, AH, GR)

ICLE publication discussing the various issues facing attorneys at trial in Michigan and the strategies they may employ. Written in an accessible, textbook style, with sample situations and various hypotheticals to illustrate points. Excellent as both an aid to the practicing attorney and a means for the law student to see general, abstract evidentiary concepts played out in practice.

Michigan Evidence Courtroom Manual by Lawrence A. Dublin, et. al.

Location: [KFM4740 .D828](#) (L, AH, GR, AA)

Similar to the ICLE manual mentioned above, but published by LexisNexis. Only covers the MRE (lacks Hackett's comparative value), but is hardbound, not looseleaf, and generally seems to be more selective in case annotations, in keeping with the general attitude of LexisNexis towards annotations.

Michigan Court Rules Practice: Evidence by James K. Robinson, et.al.

Locations: [KFM4740 .A4 2009](#) (L, AH, GR, AA)

Multi-volume treatise providing a breakdown of the MRE, featuring analysis and annotations for each. Primarily envisioned as a practice aid, but certainly helpful for law students, as well. Contains references to the West Key Number system.

Evidence: A Student's Guide to the Law of Evidence as Applied in American Trials by Roger C. Park

Location: [KF8935 .P368 2004](#) (L, AH, GR, AA)

Casebook on evidence. Covers the full breadth of American evidence law, as with other treatises and casebooks, but noteworthy for the purposes of this guide because all three Cooley campuses also possess both this casebook and the most recent hornbook.

III. NUTSHELLS/HORNBOOKS/STUDY AIDS

Evidence in a Nutshell by Paul F. Rothstein, et. al.

Location: [KF8935 .Z9 R6 2007](#) (L, AH, GR, AA)

Nutshell series entry on general evidence law. This book does not deal with the FRE or state rules specifically, but instead offers a general explanation (in layman's terms) of the law of evidence.



Federal Rules of Evidence in a Nutshell by Michael H. Graham

Location: [KF8935 .Z9 G7 2007](#) (L, AH, GR, AA)

Very similar in form, content, and execution to the Nutshell on evidence generally, but deals with each FRE individually. In this way, it resembles an annotated volume of the FRE in structure, but contains the lay explanations that are the hallmark of the Nutshell series in the place of annotations.

Understanding Evidence by Paul C. Giannelli

Location: [KF8935 .G52 2006](#) (L, AH, GR, AA; L and AA have 2009)

Entry of the Understanding series on evidence. It is geared towards the law student, rather than the practitioner, and is one of the few guide series to provide this focus. For this reason, it comes highly recommended. The explanations of each rule and concept are quite deep and intricate, and yet still easy to understand for the layperson (or new law student).

Evidentiary Foundations by Edward J. Imwinkelried

Location: [KF8935 .I45 2008](#) (L, AH, GR, AA)

This study aid is noteworthy for not only covering the same ground as other guides, but for offering substantial walkthroughs of examinations, cross-examinations, and the process of admitting things into evidence. It gives the reader an example of how the language of an evidence submission might look; it is, in essence, a “form book” for evidentiary trial practice.

Examples & Explanations: Evidence by Arthur Best

Location: [KF8935 .Z9 B48 2009](#) (L, AH, GR, AA)

Entry to the Examples & Explanations series for evidence. Covers the same material as other guides and study aids, but this series has a particular focus on practice problems and the like, for the purposes of exam preparation. Also includes discussion of various bizarre hypotheticals in the interest of promoting a little fun in the midst of study; this volume, for instance, contains a discussion of the impeachability of a witness under the effects of post-hypnotic suggestion.

Evidence Law: A Student's Guide to the Law of Evidence as Applied in American Trials: Hornbook by Roger C. Park, et. al.

Location: [KF8935 .P368 2004](#) (L, AH, GR, AA)

Hornbook to the casebook mentioned above. Structured in the standard hornbook style; follows the casebook in the presentation of its content and further explains and comments on each point mentioned by the casebook. Contains numerous footnotes to further sources and reading for the student so inclined.

IV. SPECIFIC TOPICS

NOTE: This section is not intended to be an exhaustive list of all the resources available on every possible evidence subtopic, but rather an example of what sorts of materials are available. In order to find more materials on specific evidence topics, look at call numbers close to those listed here, call numbers for the substantive topics you are researching, the CoolCat website, or ask a reference librarian for assistance.



Expert Testimony: A Guide for Expert Witnesses and the Lawyers Who Examine Them by Steven Lubet

Location: [KF8961 .L8 2009](#) (AH)

Published by the National Institute for Trial Advocacy, a widely-respected producer of materials for practical trial education. Written from the point of view of both attorneys and expert witnesses, in the hopes that both the advocates and their witnesses can learn enough about expert testimony to deliver effective evidence and avoid (or set) the pitfalls of cross. All in all, this is a concise and insightful guide to the practical elements and challenges of expert testimony.

A Student's Guide to the Elements of Proof by Ronald L. Carlson

Location: [KF8950 .C37 2004](#) (L, AH, GR, AA)

This short work serves as a "pocket guide" for entering various types of information into evidence, with short outlines of how to present each issue before the court. Does not contain particularly deep analysis of any topic (there is not enough space), but serves well as a quick reference.

The Attorney-Client Privilege and the Work Product Doctrine by Edna Selan Epstein

Location: [KF8959 .A7 E67 2007](#) (L, AH, GR, AA)

As the title suggests, this two-volume treatise published by the ABA's Section on Litigation provides an exhaustive discussion of attorney-client privilege and the work product doctrine. Contains both extensive, editorial discussions of the various nuances of each topic, as well as exhaustive lists of cases in annotated format. Strongly recommended for any research into either of these issues.

Electronic Evidence Law and Practice by Paul R. Rice

Location: [KF8947 .R53 2008](#) (L, AH, GR)

Serves as a walkthrough practice guide on dealing with electronic evidence in a case, starting with discovery and moving forward to trial issues like authentication and hearsay, including how to deal with particular problems for electronic evidence, like the "best evidence/original writing" rule. Highly recommended as further reading in evidence, as electronic media are obviously becoming more important for data storage as time passes.

V. JOURNALS/PERIODICALS

Given the non-substantive and generally applicable of evidence, specific journals dedicated to the topic are rare, and it comes up more often as it applies to discussions of areas of substantive law in journals dedicated to those areas, or as stand-alone articles in general academic law journals.

However, articles on evidence are still quite common; such articles can be found by searching HeinOnline or LegalTrac with appropriate search terms.

International Journal of Evidence & Proof

Location: HeinOnline (access via CoolCat electronic resources page)

Digital Evidence and Electronic Signature Law Review

Location: <http://www.deaeslr.org/>



VI. ONLINE MATERIALS

Federal Rules of Evidence on the Legal Information Institute website

Location: <http://www.law.cornell.edu/rules/fre/>

The LII's entry on evidence law. Contains the full FRE, complete with notes to each individual section explaining the prevailing interpretation of each and any relevant legislative history.

EvidenceProf Blog

Location: <http://lawprofessors.typepad.com/evidenceprof/>

Blog maintained by several noteworthy evidence professors, reporting evidence news and commentary.

