
Joe W. Sanders
BOOK REVIEW


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As early as 1824, Edward Livingston proposed a code of evidence for Louisiana. His proposal never became a reality. In the early 1960's, the Louisiana State Law Institute began work on a code of evidence. Because of budgetary limitations and other factors, this project was later suspended. Thus, two admirable efforts to systematize the law of evidence failed.

Louisiana evidence law is presently scattered in the constitutions, codes, statutes, and court decisions. It has been aptly described as "an area of law marked by confusion rather than consistency, marked by controversy, and shrouded by a superficial aura of confidence. . . ."

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Two legal questions recur in the cases: (1) Is a given out-of-court statement hearsay? (2) Does a given hearsay statement fall within any of the exceptions to the hearsay rule? These inquiries often lead into the dark corners of evidence law. Chapter 6 identifies the hearsay problems and delineates the methods of analysis.

Chapter 5, dealing with constitutional considerations affecting admissibility of evidence, will be especially helpful to judges, district attorneys, and defense counsel in criminal cases. It explores search and seizure, self-incrimination, confessions, confrontation, and identification procedures. The leading decisions of the United States Supreme Court, as well as those of the Supreme Court of Louisiana, are cited and analyzed.

Professor Pugh is a legal scholar of great ability. For more than twenty years, he has taught the course in evidence at the Louisiana State University Law School. Much of his classroom analysis is contained in the present volume. In the preface, he writes:

A study of this volume, it is hoped, will convince the reader that Louisiana evidence law is sorely in need of comprehensive revision and reform. Our evidentiary rules have been haphazard, even mysterious, in origin, uneven in application. Instead of detailed, complex, often obscure rules, an orderly statement of simplified principles is needed. Louisiana, it is submitted, should give very serious thought to adopting a code of evidence along lines similar to the proposed Federal Rules of Evidence; it is hoped that by collecting and organizing much of the applicable legislation and commentary, this book will encourage and further that effort.

I believe that the hope of the author will be fulfilled and that this book will serve as a stimulus to systematize evidence in Louisiana. But it will do more. It will serve as a reference book and research tool in the Louisiana law of evidence. As such, it will be an invaluable aid to judges, district attorneys, lawyers, law clerks, and law students.
