

Introduction

Everyone with even a tiny smattering of exposure to the world of law and its courts knows that “proof” is the test by which lawsuits are determined ... proof of facts based on admissible evidence.

Proving your case is synonymous with winning your case.

Proof, however, is based *solely on evidence presented and admitted*. One cannot “prove” a case by clever argument alone. No one can “prove” a case by convincing a jury he’s a nice guy who deserves to win! The test of every case is proof that rests on evidence presented to the court in a manner the rules allow to be admitted.

Not all evidence is “allowed”.

You may remember the old Perry Mason trials in which Perry objected to testimony with oft-repeated words, “Objection, your Honor. Immaterial. Irrelevant. Hearsay.”

The judge responded (for Perry of course) “Sustained!” The objection was sustained. The evidence was excluded as inadmissible.

Of course the jury heard the testimony anyway! But, then, Perry was sure to pull a surprise at the close of the trial so it didn’t much matter whether testimony was allowed or not.

In real life it matters a great deal.

In fact, it is perhaps the most important matter of all.

Perry Mason was a fictitious character, always able to pull a surprise at the last minute to win his case. When it’s *your* case on the line, you cannot count on surprises. You must be able to get your evidence in and, as much as possible, keep the other side’s evidence out.

What follows will explain how to do this by understanding the rules of evidence.

