

Preface

When we began to prepare this new edition of the *Benchbook*, our first task was to agree on the book's purpose. We reached consensus quickly. The *Benchbook* is, and always has been, a quick, practical guide to help trial judges deal with situations they are likely to encounter on the bench. It is intended to be a how-to manual—that is, a source from which judges can obtain immediate guidance on how to proceed—rather than an exhaustive treatise or authority. While new judges are the primary audience for the book, experienced judges may also find it useful as a refresher and as a starting point when they face particular situations for the first time.

We have tried to adhere to this vision of the *Benchbook* in preparing the fourth edition; therefore, much of it will be familiar to users of earlier editions. It still consists largely of material prepared or adapted by experienced judges. Most of the material is presented in outline form, so judges can refer to it easily while on the bench. And it is still published in loose-leaf form (though now in a standard-size binder), to accommodate revisions and to permit judges to customize it with their own outlines, annotations, and other materials. (The Center is also distributing the *Benchbook* in electronic form so that judges can have computer access to the book.) Previous *Benchbook* readers will, however, observe many changes, the most obvious of which is that it now consists of one volume instead of two. At the advice of the Committee, the book has been substantially streamlined. For example, in reviewing the material section by section, we concluded that references to sentencing under the law that predated guideline sentencing were no longer necessary and should be deleted. Judges who receive old-law cases may wish to consult another Center publication, *Sentencing Federal Offenders for Crimes Committed Before November 1, 1987* (1991). We also determined that the Judgment in a Criminal Case form developed by the Criminal Law Committee of the Judicial Conference of the United States had obviated the need for the Model Sentencing Forms that had appeared in previous editions of the *Benchbook*; therefore, the sentencing forms have been deleted.

The book contains some new material. For example, at the suggestion of several judges, we have expanded the discussion in sections 2.05 and 6.03 of procedures for handling *Batson* motions. Section 3.01 on death penalty cases has been supplemented with information the Center obtained from the first judges to handle capital cases under recently enacted death penalty statutes. The book also contains new sections on