

## **An Introduction to Craig R. Callen's *Spotting a Preponderance of the Evidence in the Wild***

*D. Michael Risinger\**

It is my honor and pleasure to introduce an almost lost manuscript of an article by the late Craig Callen (1950-2011). Craig apparently wrote this piece for a workshop held by Eleanor Swift at Berkeley in mid-2008 (the draft is dated 3/21/2008). That workshop apparently was not tied to a publication, and while I suppose participants were free to submit what they wrote for the workshop for publication somewhere, Craig never got around to doing so—at about that time Craig became the founding Editor-in-Chief of the journal, *International Commentary on Evidence (ICE)*, and his professional life was dominated by his burdensome and extensive duties in that role, which he carried out with great success.

Craig and I had been what you might call good “conference friends” for quite a while, but after he asked me to be one of the area editors for ICE, our working relationship and our friendship became much closer. In April of 2009 I asked him to look over a draft of an article about the concept of relevance I was then writing for a memorial volume for Margaret Berger, and in the back and forth, he sent me the 2008 draft, which I read and liked a great deal. I think that in a phone conversation I suggested he should submit it for publication somewhere, but what with one thing and another, he didn't get around to it, again because of his more than full time job as Editor-in-Chief of ICE. Then came his shocking death. Thereafter, I thought of the manuscript from time to time, and in 2012, I even had a place in an article I wanted to cite it, and it was then I determined for sure that it had never been published. I made some sort of mental note that its publication would be a good thing, since it makes important points even though it was not viewed by Craig as fully finished, but I never got around to pursuing the idea of publication. I was somewhat deterred by not knowing how to get permission for an attempt at posthumous publication. Then I ran across a hard copy at random in a box of various documents in the summer of 2017 while I was preparing for this symposium, and this gave me the impetus to

---

\* John J. Gibbons Professor of Law, Seton Hall University School of Law.

1516

*SETON HALL LAW REVIEW*

[Vol. 48:1515]

take a shot at finding a relative who might give permission for its publication. I got name of his sister, Sheri Gustafson (who is also his executrix) from Craig's obituary, and found her through LinkedIn. She was more than happy to give permission, and so it seems fitting to end this symposium with Craig's Article, and some commentary by those to whom he addressed it. Had Craig lived, he would have been present in person at the symposium to share his thoughts in his usual mild but forthright manner, I am sure, and this is the closest to that we can come.