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In 1971, The National Institute for Trial Advocacy (NITA®) originated the method of learning trial skills through rigorous “learning-by-doing.” Since then, we have continued to refine our unique methodology. The NITA mission is to train and mentor lawyers and legal professionals in the art of effective and ethical advocacy in the pursuit of justice. We are a leading publisher of legal resources for law schools, practitioners, and libraries. As part of our mission, NITA provides scholarships and minimum tuition programs for public service attorneys.

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Our best-selling *Modern Trial Advocacy* Revised Fourth Edition includes crucial updates to the current language and style of the Federal Rules of Evidence. *Modern Trial Advocacy* continues to be the leading publication on this subject, and we’re pleased to deliver only the most up-to-date information.

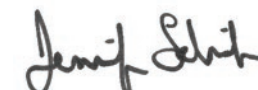
Also available are new titles from David Malone in our pocket-size law library, which include the recently completed *30(b)(6) Rules: Talking to an Organization* and *Daubert Rules*. This year’s new editions also include a rewritten version of Deanne Siemer’s *Laying Foundations and Meeting Objections* and a revised *Federal Rules of Evidence Objections* card that addresses the new Confrontation Clause issues. In the coming year, we’ll be publishing more top-quality content with new editions of *Criminal Litigation and Legal Issues* and *Fact Investigations* as well as a new title on *Discovery Techniques and Strategies that Work*.

NITA remains committed to providing the highest quality case files while incorporating the important new courtroom trends. As part of our innovative new case-file development plan for this year, some of our files will incorporate social media evidence on specially built microsites. We’re also continuing our tradition of providing updates to vital case files, including *State v. Jackson, 4th Ed.*, *Quinlan v. Kane, 3rd Ed.*, and *Flinders v. Mismo, 9th Ed.* We have also published a number of new case files, including *MRS v. Riverboat Queen*, *Public Service Case File Packet*, *Huntington v. Aster*, and the *Criminal Law Collection: Condensed Case Files*.

The future of NITA remains clear—to build on our tradition of producing excellent resources with the goal of advancing trial advocacy skills. Our passion lies in building the go-to library of reference materials, whether those materials are printed or on your laptop, tablet, or smartphone.

NITA continues to bring you the best resources for trial skills development. We believe in bringing the same high-level advocacy resources to our publications as we do in our learning-by-doing and online training courses. With NITA, you always know you will find the most consistent and trusted training publications available.

Warm Regards,



Jennifer Schneider
Director of Publications

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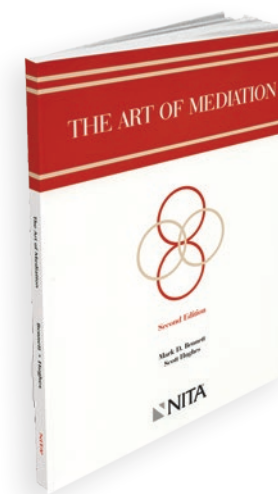


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COMMERCIAL TITLES

Alternative Dispute Resolution



The Art of Mediation

SECOND EDITION

Scott Hughes, Mark Bennett, and Michele Hermann

This workbook is designed for basic mediation training. Authors Scott Hughes, Mark Bennett, and Michele Hermann take the performance-based training for trial lawyers from NITA and adapt it to training for mediators. The authors have used these materials extensively in their mediation training classes at law schools and in programs open to the public. *The Art of Mediation, Second Edition* sets the mediation process in context, provides basic definitions, contrasts mediation with other forms of dispute resolution, describes varieties of mediation, and lays out roles and functions of the mediators. It contains forms that illustrate sample agreements to mediate and final mediation agreements, plus a section containing hypothetical situations for performance training.

\$65 | Softbound, 312 pp., Pub. #28717, ISBN 9781556818653, © 2005

SUMMARY CONTENTS

- Section 1: Introduction to Mediation
- Section 2: The Process of Mediation
- Section 3: Elements of Mediation
- Section 4: Practical Issues
- Section 5: Appendices

Advanced Negotiation and Mediation Theory and Practice: A Realistic Integrated Approach

Paul J. Zwier and Thomas F. Guernsey

Advanced Negotiation and Mediation Theory and Practice is an integrated, systematic guide to the styles and strategies of both adversarial and problem-solving negotiation and mediation approaches. Zwier and Guernsey provide the law school student with an outline to design and implement effective negotiation plans to achieve the best results.

\$65 | Softbound, 230 pp., Pub. #28724, ISBN 9781556819506, © 2005

Alternatives to Litigation

SECOND EDITION

Andrea Doneff and Abraham Ordover

\$60 | Softbound, 272 pp., Pub. #28705, ISBN 9781556817496, © 2002

Arbitration Advocacy

SECOND EDITION

Hon. John W. Cooley and Steven Lubet

A sensible guide to the arbitration process, *Arbitration Advocacy* explains how to get the best results for clients in all types of arbitration settings, from commercial to labor. Steven Lubet, author of the NITA best-selling *Modern Trial Advocacy*, introduces students to every step of decision making, preparation, and advocacy in the hearing and prehearing stage of arbitrations. You will find specific, detailed advice on:

- Choosing when to arbitrate
- Examining witnesses
- Delivering effective openings and closings
- Arbitration strategy and tactics

\$75 | Softbound, 598 pp., Pub. #28712, ISBN 9781556817991, © 2003

The Arbitrator's Handbook

REVISED SECOND EDITION

Hon. John W. Cooley

The Arbitrator's Handbook offers a full range of features geared to assist the arbitrator in performing his or her duties. This publication defines the role, authority, and ethics requirements of the arbitrator.

\$85 | Softbound, 469 pp., Pub. #28751, ISBN 9781561561053, © 2009

International Commercial Arbitration Advocacy

Hon. John W. Cooley, H. Roderic Heard, and Susan L. Walker

Authored by H. Roderic Heard, Susan L. Walker, and the late Honorable John W. Cooley, *International Commercial Arbitration Advocacy* offers practical advice for American trial lawyers on advocacy in international arbitration. Unlike arbitration treatises, which typically are written from the perspective of the arbitrator, *International Commercial Arbitration Advocacy* explains how experienced trial lawyers can tailor their advocacy skills to be more persuasive and ultimately successful in the international arbitration arena.

\$65 | Softbound, 264 pp. with CD-ROM, Pub. #28527, ISBN 9781601560810, © 2011

Mediation Advocacy

SECOND EDITION

Hon. John W. Cooley

This classic text includes sections on various mediation design processes and techniques and leads you step by step through the mediation process, likening lawyers to architects who design structural solutions to achieve clients' goals. The chapter on cybermediation presents a real-life scenario that takes students through the various stages of the process, including case and client preparation and in-session and post-session advocacy. The appendix contains sample mediation forms and rules, lists of ADR providers, and a list of nonprofit organizations that study and promote the use of ADR.

\$75 | Softbound, 470 pp., Pub. #28709, ISBN 9781556817809, © 2002

The Mediator's Handbook

SECOND EDITION

Hon. John W. Cooley

\$75 | Softbound, 536 pp., Pub. #28731, ISBN 9781556819940, © 2006

Problems and Cases in Interviewing, Counseling, and Negotiation

Anthony J. Bocchino, Thomas F. Geraghty, Melissa Nelkin, and Mark K. Schoenfeld

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Appellate Advocacy

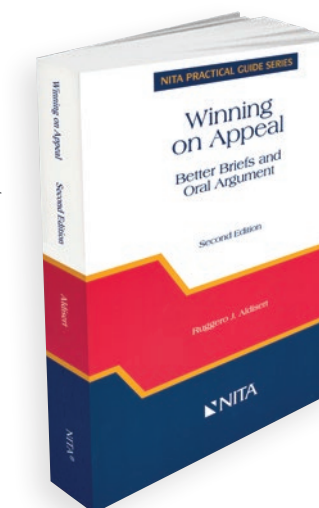
Winning on Appeal: Better Briefs and Oral Argument

SECOND EDITION

Hon. Ruggero J. Aldisert

Winning on Appeal has been adopted by many top-flight law schools for appellate advocacy courses. It also has become a popular desk reference on how to write an effective brief and deliver a persuasive oral argument. Judge Aldisert has created a wonderfully instructive how-to manual for the appellate advocate. In the Second Edition, Judge Aldisert fundamentally reorganized and expanded the number of chapters from 17 to the current 25.

Throughout *Winning on Appeal*, 19 current chief justices of state courts, nine chief judges of U.S. courts of appeals, more than 20 U.S. circuit judges, and many state appellate judges contribute their thoughts on how to write a brief and how to argue a case—information that is not available in any other publication or resource. Judge Aldisert draws the perfect road map for the attorney who wants to win on appeal.



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- Ch. 3 The Purpose of Oral Argument

PART TWO: TECHNICAL REQUIREMENTS FOR BRIEFS

- Ch. 4 Jurisdiction
- Ch. 5 Issue Preservation and Standards of Review

PART THREE: THE NUTS AND BOLTS OF BRIEF WRITING

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- Ch. 8 Finding the Argument that Will Win
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- Ch. 10 The Brief: Stating the Issue(s)
- Ch. 11 The Brief: Statements of the Case
- Ch. 12 The Brief: Statement of Facts
- Ch. 13 The Brief: Summary of the Argument
- Ch. 14 The Brief: State Your Theme

- Ch. 15 The Brief: Identify the Flashpoint of Controversy
- Ch. 16 The Brief: The Required Logical Form for Each Issue
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- Ch. 18 The Brief: Write to Persuade
- Ch. 19 The Brief: Perfecting the Argument
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PART FOUR: THE NUTS AND BOLTS OF PREPARING AND DELIVERING ORAL ARGUMENT

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\$75 | Softbound, 500 pp., Pub. #28714, ISBN 9781556818240, © 2003

“For over forty years, NITA has been the premier source for advocacy education—not only in the United States, but around the world. [This] is true for training programs, case files, and books (though I admit some bias regarding the latter). I have been associated with NITA, in one way or another, since 1974, and I have benefited from it every day of my professional life.”

—Steven Lubet, Northwestern University School of Law, Chicago, IL

“Told from a judge’s viewpoint, the book is an exposé of appellate lawyering from the other side of the bench. It fills a curious void in the existing literature on appellate advocacy, until now authored almost exclusively by non-judges. While practitioners and academics often have invaluable insights, theirs is only half the story.”

—Alex Kozinski, Judge, U.S. Court of Appeals for the Ninth Circuit



Statutory Interpretation: The Search for Legislative Intent

SECOND EDITION

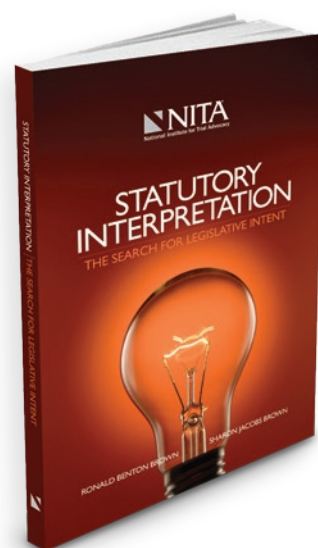
Ronald Benton Brown and Sharon Jacobs Brown

This handy guide is perfect for attorneys preparing for litigation, judges who need to understand the required and prohibited methods for statutory interpretations when bound by decisions of higher courts, and students seeking the tools of statutory interpretation. The Second Edition has been revised to respond to comments and suggestions received as well as to update developments since the publication of the First Edition. In addition to the inclusion of several traditional terms, the Second Edition has completely new sections on:

- Statutory Construction: Construing the Statutes
- *Reductio Ad Absurdum*
- Attorneys' Fees
- Shall, Must, and May: Mandatory or Permissive
- Masculine and Feminine Terms
- "And" or "Or" Conjunctive or Disjunctive
- Singular and Plural Words
- Last Antecedent: *Reddendo Singula Singulis*
- Different Phrases in a Statute Are Not Synonymous
- Effective Date
- Later Enactments and Their Histories

A handy and valuable resource broadly relevant to almost every area of the law, this concise small-format book is your key to eliminating the ambiguities and inconsistencies that are often present in statutes. It also provides critical analysis and practical application of the art of statutory interpretation.

\$35 | Softbound, 220 pp., Pub. #28710, ISBN 9781601561589, © 2011



Deposition and Pretrial

Deposition Rules: The Essential Handbook to Who, What, When, Where, Why, and How

FIFTH EDITION

David M. Malone

BEST SELLER

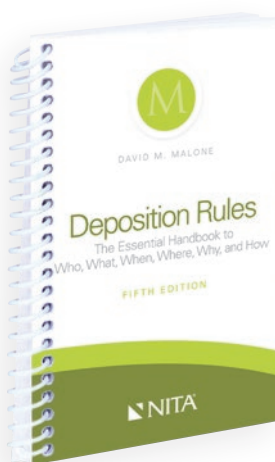
In its Fifth Edition, *Deposition Rules* remains the essential deposition handbook for busy practitioners: a ready and convenient, on-the-go reference, it provides quick access to the rules, procedures, and practices that govern deposition practice, and it answers the most commonly asked questions about depositions.

The updated edition incorporates all the changes from the 2010 updates to the Federal Rules of Civil Procedure as well as the complete rewrite of the Federal Rules of Evidence. It includes Practice Tips drawn from the actual conduct of counsel in depositions.

\$35 | Spiral bound, 206 pp., Pub. #28725, ISBN 9781601561725, © 2012

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- Ch. 9 The Seven Ways to Use Deposition at Trial



Criminal Practice

Criminal Litigation & Legal Issues in Criminal Procedure: Readings and Hypothetical Exercises

THIRD EDITION

Brent E. Newton

Criminal Litigation & Legal Issues in Criminal Procedure is designed to incorporate the substantive law of criminal procedure into a trial advocacy course. The traditional trial advocacy course is concerned almost exclusively with "skills training" (e.g., learning techniques for cross-examining a witness), but does not incorporate much, if any, substantive law. Conversely, a traditional substantive course on criminal law or criminal procedure focuses exclusively on legal principles and doctrine, but does not involve training students in courtroom advocacy skills concerning substantive law.

\$45 | Softbound, 236 pp., Pub. #28749, ISBN 9781601560988, © 2009

Federal Rules of Criminal Procedure

2014 EDITION

NEW EDITION

This edition of NITA's convenient pocket-size book incorporates the amendments to the Federal Rules of Criminal Procedure that went into effect December 2013.

\$20 | Spiral bound, 184 pp., Pub. #28685, ISBN 9781601563866, © 2013

Practical Criminal Procedure: A Constitutional Manual

SECOND EDITION

Brent E. Newton

Practical Criminal Procedure provides a comprehensive, yet easily accessible, manual of the constitutional rules of procedure. This pragmatic guide helps practicing lawyers understand complex legal issues in context—as they arise in real-world litigation. Law students can use this guide to get a practical perspective on relevant issues of criminal law. Newton shares his unique perspective as both a practicing attorney and law school professor, examining the major topics in constitutional criminal procedure and including a reference to every significant decision of the United States Supreme Court.

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Administrative Agency Litigation

Christopher McNeil

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Deposition Evidence: Objections, Instructions Not to Answer, and Responses Law and Tactics

Anthony J. Bocchino and David A. Sonenshein

Deposition Evidence explores an attorney's role in dealing with evidentiary issues that arise when taking and defending depositions. It provides experienced insights into typical issues confronting attorneys during depositions, as well as guidance on tactical and professional responsibility issues. *Deposition Evidence* is designed to provide a ready reference regarding a variety of evidentiary and practice-related issues such as:

- The law and tactics of making and curing objections
- Preparation of witnesses regarding objections
- Instructions not to answer on privilege or trial preparation material grounds and how to respond to such instructions
- Rule-by-rule practice guide (Federal Rules of Evidence) on how to make, respond to, and cure objections at deposition

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Fact Investigation: A Practical Guide to Interviewing, Counseling, and Case Theory Development

Paul J. Zwier and Anthony J. Bocchino

Fact Investigation focuses on the most effective modern methods and techniques for investigating a case, uncovering the critical facts, and developing a winning case theory. These methods help to narrow issues and focus litigation so that the attorney/counselor can gather, produce, and impart "practical wisdom" to the clients. *Fact Investigation* contains practical learning models tested by successful lawyers and teachers for planning and decision making. Also included are three problems that demonstrate the practical use of the models and integrate them into the overall case planning and ethical issues of day-to-day lawyering. The three problems are: *Quinlan v. Kane Electronics* (business/contract case), *Brown v. Byrd* (auto accident and personal injury case), and *State v. Lawrence* (criminal robbery case).

\$55 | Softbound, 240 pp., Pub. #28698, ISBN 9781556815324, © 2000

"[The] NITA publications have expanded steadily to new media, giving users of NITA materials more flexibility and choices and authors more outlets for their work. [The] NITA staff examines each possibility—standard print books, special-size books, e-books, audio books, podcasts, webcasts, and video adaptations—to assess the best channels to serve NITA's teachers, students, and alumni. This kind of careful reaching out into new delivery media and markets is making good progress in advancing [the] NITA mission."

—Deanne Siemer, Wilsie Co., LLP, Washington, D.C.

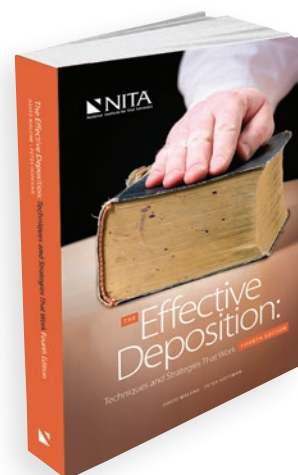
The Effective Deposition: Techniques and Strategies That Work

FOURTH EDITION

David M. Malone, Peter T. Hoffman, and Anthony J. Bocchino

BEST SELLER NITA programs and law schools nationwide have used *The Effective Deposition* for years, providing attorneys and soon-to-be attorneys with the essential know-how in taking a deposition—the most critical step in discovery. In the updated Fourth Edition, the authors apply their expertise as attorneys and educators to bring you critical information on recent rules; information on the impact of technological developments, including e-discovery and digital transcription; and new deposition techniques that you will not learn from any other text. Today, the goals in applying deposition skills remain important regardless of whether a case faces trial or alternative dispute resolution. In fact, with the increasing trend toward nontrial resolutions, depositions are used as much or more than in years past in the context of motions, negotiated settlements, mediations, arbitrations, and dismissals.

New to this edition is a chapter dedicated to Rule 30(b)(6) organization depositions—the most powerful and efficient discovery tool available in complex litigation. Expanded material on using depositions in motion practice and trial, and taking and using preservation depositions are also included.



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- Ch. 4 Planning and Scheduling Depositions
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- Ch. 7 Style, Organization, and Other Matters

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Effective Deposition Defense Rules

SECOND EDITION

David M. Malone

\$35 | Spiral bound, 160 pp., Pub. #28431, ISBN 9781601561732, © 2012

“Lubet’s *Modern Trial Advocacy* and Malone’s *The Effective Deposition* are the very best lawyering skills book available for the two most important litigation practices. They are intelligent, practical, and detailed. They represent the best of the best continuing education organizations.”

—Robert Burns, Northwestern University School of Law, Chicago, IL

30(b)(6) Rules: Talking to an Organization

David M. Malone

NEW IN 2013

The Rule 30(b)(6) organization deposition is the most powerful and efficient discovery tool available in complex litigation. In this handy and practical pocket guide, David Malone will help you get the most out of your chance to talk to—and pin down—organizations.

\$35 | 160 pp., spiral bound, Pub. #28453, ISBN 9781601563309, © 2013



SUMMARY CONTENTS

- Ch. 1 An Overview of Rule 30(b)(6) Depositions
- Ch. 2 When and Why to Take a Rule 30(b)(6) Deposition
- Ch. 3 How to Take a Rule 30(b)(6) Deposition
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- Ch. 5 Finding, Preparing, and Defending the Rule 30(b)(6) Designee
- Ch. 6 How to Ask Questions
- Ch. 7 Questioning within the Specifications
- Ch. 8 Questioning “Beyond the Specifications”
- Ch. 9 How Nonparty Organizations Respond

Exhibit Rules: Tips, Rules, and Tactics for Preparing, Offering, and Opposing Exhibits

SECOND EDITION

David M. Malone and Paul J. Zwier

NEW EDITION

In this compact and easy-to-use handbook, David Malone and Paul Zwier provide practical advice on every aspect of creating, discovering, using, offering, and opposing exhibits in litigation.

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Facts Can’t Speak for Themselves: Reveal the Stories That Give Facts Their Meaning

Eric Oliver

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Laying Foundations and Meeting Objections: How to Succeed with Exhibits at Deposition and Trial

FOURTH EDITION

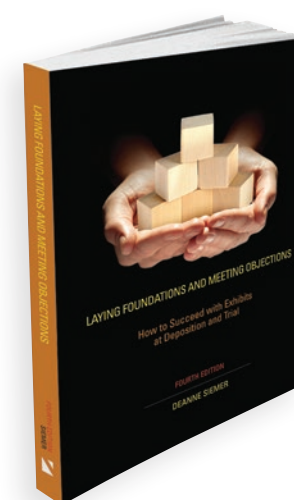
Deanne Siemer

NEW EDITION

This publication outlines the questions to ask and the answers to get from your witness so that your exhibits will be admitted in evidence. Set up the foundation for an exhibit and protect against the objections available to your opponent. This text provides easy-to-follow examples for text documents, e-mails, spreadsheets, computer printouts, charts, graphs, maps, diagrams, drawings, computer animations, and more.

Each of the elements has specific requirements right from the evidence rules. Keep yourself on firm ground so that each element is met. See how you can separate the objection to foundation from the other objections—hearsay, original document, and policy (undue prejudice, confusion, waste of time)—so that you can respond quickly and effectively when your opponent challenges your exhibit.

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Legal Strategy

Paul J. Zwier

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Trial Prep for the New Advocate

Michael Coyne and Ursula Furi-Perry

Offering tips, advice, and checklists, *Trial Prep for the New Advocate* gives new attorneys a comprehensive resource for handling case preparation. Understand the pretrial process from initially meeting and interviewing the client to creating a war room and trial notebook. Learn the essentials of preparing and presenting a case with a professional presence and efficient process. This book is divided into three parts—covering a substantive overview of pretrial and trial processes, practical skills for preparation, and advice for developing long-lasting professional relationships with staff, opposing counsel, and the courts. Each chapter includes:

- Organizational tips
- Key terms
- Trial prep checklists
- Practice exercises and problems
- Tips from experienced trial lawyers and others

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Trial Prep for Paralegals: Effective Case Management and Support to Attorneys in Preparation for Trial

Michael L. Coyne and Ursula Furi-Perry

\$35 | Softbound, 238 pp., Pub. #28745, ISBN 9781601560841, © 2009

Winning at Deposition

Anthony J. Bocchino

This DVD offers a series of 20 vignettes on five topics related to taking depositions: starting the deposition; obtaining information; use of exhibits; obtaining typical categories of information; and dealing with opposing counsel. The content is based on the case files *Polisi v. Clark* and *Clark v. Parker & Gould*.

\$95 | DVD (1:30), Pub. #28794, ISBN 9781422494165, © 1998

Written and Electronic Discovery: Theory and Practice

FIFTH EDITION

John Hardin Young, Terri A. Zall, and Alan F. Blakley

A comprehensive and practical guide, *Written and Electronic Discovery: Theory and Practice* leads the reader through the entire discovery process—from the crucial planning stages through the initial 26(f) planning conferences, mandatory disclosures (including experts), interrogatories, production, depositions, admissions, subpoenas, and the ultimate use of the fruits of discovery at trial. Special attention is given to the area of electronically stored information—including issues of retaining and accessing electronic information, expense of discovery versus value in litigation, cost-shifting, metadata, working with IT departments and other computer experts, and automated litigation support. With its unique blend of theory and practical advice, this book is a must for any litigation professional.

\$75 | Softbound, 460 pp. with CD-ROM, Pub. #28740, ISBN 9781601560568, © 2009

100 Vignettes for Improving Trial Evidence Skills

David A. Sonenshein, Anthony J. Bocchino, and JoAnne Epps

100 Vignettes for Improving Trial Evidence Skills is designed to raise evidentiary issues in the context in which they occur. The vignettes are examples of how specific issues arise at trial and provide a context for a better understanding of the rules of evidence as they are applied. These materials are designed to be used in both an evidence and trial advocacy class.

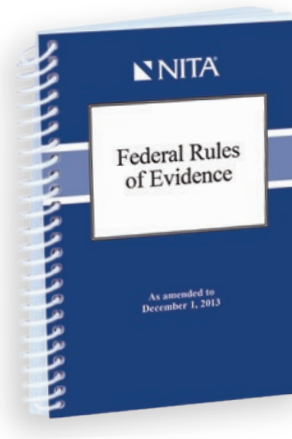
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Federal Rules of Evidence

2013 EDITION

BEST SELLER This handy guide compiles the Federal Rules of Evidence for U.S. Courts and Magistrates, as amended through December 1, 2013. The small-format packaging is designed so you can easily tuck the book into a pocket or briefcase. The spiral binding allows you to place the book flat on a desk or table, so you can quickly reference pages without damaging the spine.



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- Article II Judicial Notice
- Article III Presumptions in Civil Cases
- Article IV Relevancy and Its Limits
- Article V Privileges
- Article VI Witnesses
- Article VII Opinions and Expert Testimony
- Article VIII Hearsay
- Article IX Authentication and Identification
- Article X Contents of Writings, Recordings, and Photographs
- Article XI Miscellaneous Rules

Federal Rules of Evidence with Objections

ELEVENTH EDITION

Anthony J. Bocchino and David A. Sonenshein

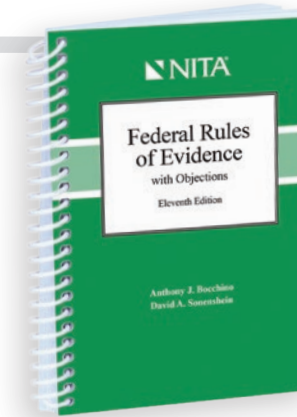
BEST SELLER *Federal Rules of Evidence with Objections* contains the complete text of the Federal Rules of Evidence as amended to December 1, 2013. This useful guide is organized for quick reference, with an alphabetical section of major objections, and includes practical tips and legal interpretations for each rule. The small-format packaging is designed so you can easily tuck the book into a pocket or briefcase. The spiral binding allows you to place the book flat on a desk or table, so you can quickly reference pages without damaging the spine.

In addition, the book lists key phrases for objections with thumb tabs for quick reference, and includes a mini CD-ROM with the entire book in PDF format hyperlinked and bookmarked for ease of use.

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| Competence to Testify | Impeachment | Privileges |
| Compound Questions | Insurance Against Liability | Refreshing Present Recollection |
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Evidence

Evidence in Context: A Trial Evidence Workbook

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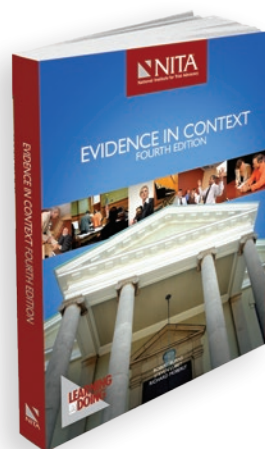
Robert P. Burns, Steven Lubet, and Richard Moberly

BEST SELLER *Evidence in Context* is designed to create a fully contextual understanding of the law of evidence. It contains two detailed case files, representative of the material a trial lawyer may have when approaching trial. It encourages active learning by requiring students to invoke what they know about a complex factual pattern before making their arguments in favor of, or against, admissibility—just like a competent trial advocate.

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- Witness Examination and Rulings on Evidence
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Objections at Trial

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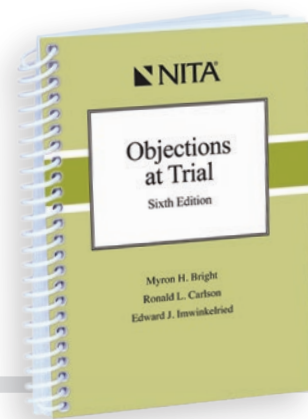
Myron H. Bright, Ronald L. Carlson, and Edward J. Imwinkelried

BEST SELLER This invaluable handbook bridges the gap between knowing the Rules of Evidence and applying them in a judicial setting—and clearly identifies what proposed evidence is subject to exclusion by objection. This updated Sixth Edition provides the reader—judge, lawyer, or law student—with a primer on the fine art of making effective objections to inadmissible evidence. *Objections at Trial*, based on the Federal Rules of Evidence, is also useful in practice in the courts of all 50 states. Indeed, 41 states now have evidence codes patterned directly after the Federal Rules.

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Expert Testimony Improper	Parol Evidence Rule Violated	Vague
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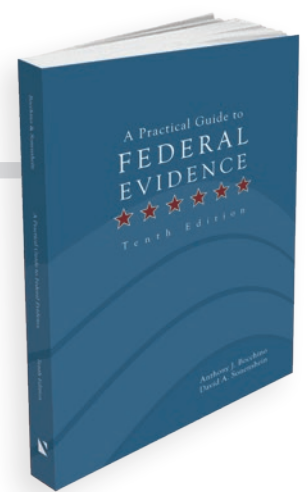
Anthony J. Bocchino and David A. Sonenshein

Now in its Tenth Edition, *A Practical Guide to Federal Evidence* provides information on the appropriate way to offer and oppose evidence during pretrial and trial. Reflecting changes to the Federal Rules of Evidence through December 1, 2011, each section provides a definition of the matter, the forms of objection and response, a reprint of the controlling rule, and a valuable practice commentary that gives experienced insights into typical issues confronting the trial lawyer and presents the foundations necessary for admissibility of evidence. The Quick Reference Guide provides instant access to the accurate responses to ninety common objections.

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- Ch. 3 Relevance
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Problems and Materials in Evidence and Trial Advocacy

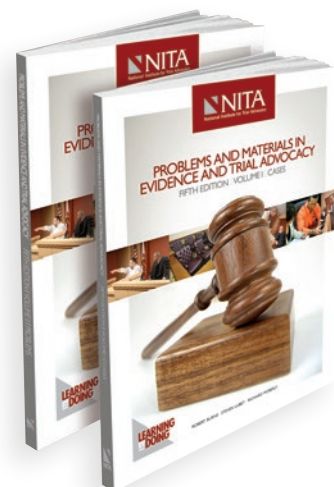
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The authors developed these materials to provide an integrated course in evidence and trial advocacy.

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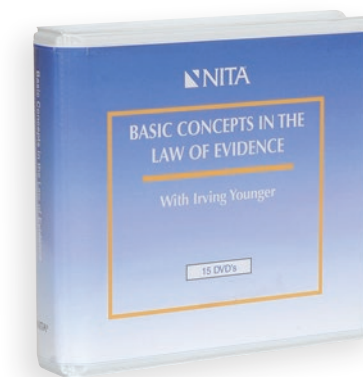
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Trial Advocacy

Mock Trials: Preparing, Presenting, and Winning Your Case

Steven Lubet and Jill Trumbull-Harris

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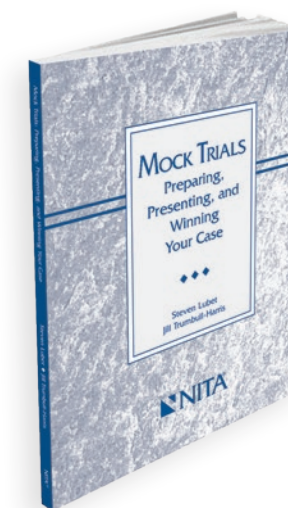
This groundbreaking title is by best-selling trial advocacy author Steven Lubet and experienced mock-trial team coach, Jill Trumbull-Harris.

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| Ch. 4 Direct Examination | Ch. 11 Opening Statement |
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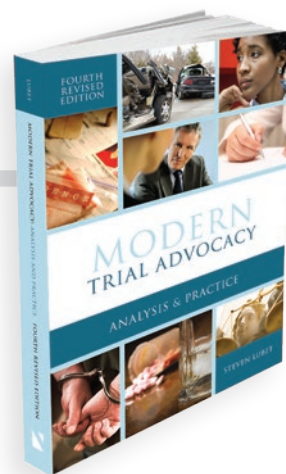
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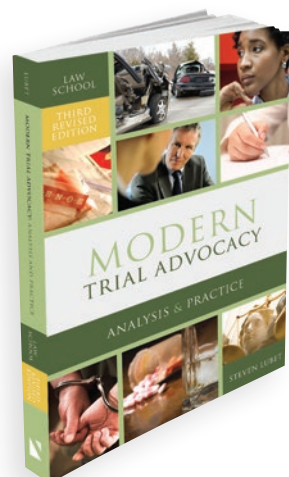
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| Ch. 4 Mastering Trial Preparation and Set Up | Ch. 11 Understanding the Jury Instruction Process |
| Ch. 5 What You Need to Know About Openings | Ch. 12 Closing Arguments That Work |
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Carol B. Anderson

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Sherrie Bourg Carter

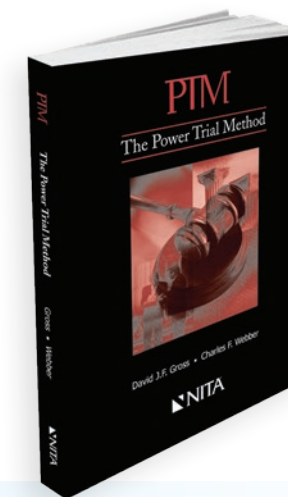
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\$35 | Softbound, 190 pp., Pub. #28742, ISBN 9781601560711, © 2009

Compendium of Trial Advocacy Drills

Robert A. Stein and Ben Rubinowitz

\$30 | Softbound, 72 pp., Pub. #28728, ISBN 9781556819612, © 2006



“For the subject matter it covers, this is an unusually readable text. Gross and Webber have not bogged down in jargon, rules or unnecessary detail. Instead, their narrative style kept me interested and entertained. They cover the waterfront and provide both a tutorial for young lawyers and a useful refresher for older ones. I am pleased to recommend *The Power Trial Method* to NITA readers.”

—Jesse J. Jenner, Partner, Fish & Neave, New York

Daubert Rules: Modern Expert Practice under *Daubert* and *Kumho*

David M. Malone

NEW IN 2013 In this convenient handbook, author David Malone created a guide to the questions and answers on the game-changing *Daubert* decision and its important progeny, including *Joiner* and *Kumho Tire*.

When issues arise and need to be dealt with quickly, this new publication from NITA will be the place to start. For objections, for responses, for motions to exclude testimony, and for motions that inform the judge why unusual bases for opinions are or are not permissible, *Daubert Rules: Modern Expert Practice under Daubert and Kumho* provides persuasive arguments and scientifically logical reasoning.

Among other topics, the relationship between the expert's report and the adequacy of methodologies; the difference between qualitative and the quantitative sufficiency of the data used; and the fundamental importance to scientists of the concepts of testability and falsifiability are covered.

\$35 | Spiral bound, 200 pp., Pub. #28456, ISBN 9781601561718, © 2013



Effective Closing Argument

SECOND EDITION

Peter C. Lagarias

\$65 | Hardbound, 754 pp., Pub. #28762, ISBN 9781422479285, © 1999

Effective Courtroom Advocacy

Hon. Joseph F. Anderson Jr.

Drawing from more than 20 years of experience on the federal bench, Judge Joseph F. Anderson Jr. gives a unique perspective to the art of advocacy: that of the judge. Topics include effective trial tactics, how to handle the different types of judges a lawyer will encounter, common mistakes to avoid, and the "nuts and bolts" of evidence law. These topics are illustrated with amusing sidebars.

In addition, Judge Anderson presents invaluable feedback from jurors in trials over which he has presided, which was collected in informal interviews and questionnaires. He includes the results of surveys that he has conducted with fellow judges on good and bad lawyering they have observed, illustrates his distilled wisdom in a mock transcript of a trial, and offers transcripts of real-world examples of good advocacy.

\$45 | Softbound, 230 pp., Pub. #28927, ISBN 9781601561244, © 2010

Federal Trial Objections Quick Reference Card

Sydney A. Beckman

This handy four-panel reference card offers the student or trial attorney a quick reference to federal trial objections. Sydney Beckman has put together an extensive list of objections, ranging from hearsay to confrontation clause issues, categorized into sections for easy subject reference. Each objection is paired with the supporting rule(s) of evidence or procedure. This card is an invaluable in-court reference, study guide, and trial preparation tool.

\$9.95 | Card, Pub. #28744, ISBN 9781601563385, © 2013

Prepack of 25 cards is also available:

\$248.75 | Pub. #28744, ISBN 9781601563392, © 2013

Federal Rules of Civil Procedure

2013 EDITION

This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2013. The small-format packaging is designed so you can easily tuck the book into a pocket or briefcase. The spiral binding allows you to place the book flat on a desk or table, so you can quickly reference pages without damaging the spine.

\$20 | Spiral bound, 268 pp., Pub. #28686, ISBN 9781601563262, © 2013

How to Try a Jury Case

John F. Kimberling

\$65 | Softbound, 224 pp., Pub. #28734, ISBN 9781601560193, © 2007

Inside Jurors' Minds: The Hierarchy of Juror Decision-Making

Carol B. Anderson

This book discusses the conscious and unconscious psychological factors that influence juror decision-making. Jurors inevitably rely on the same "thinking tools" at trial that they use to solve problems and make decisions in their everyday lives. That makes it almost impossible for them to divorce instinct and emotion from decision-making.

Jurors unconsciously weigh information in a hierarchical fashion. That "hierarchy of juror decision-making" can serve as a blueprint for creating strategies to counteract the most common thinking errors that can skew jurors' perceptions of the case. This is a valuable weapon that should be in every trial lawyer's arsenal.

\$45 | Softbound, 180 pp., Pub. #28467, ISBN 9781601561817, © 2012

Jury Speech Rules: The Art of Ethical Persuasion

SECOND EDITION

David M. Malone

NEW EDITION *Jury Speech Rules* shows trial lawyers that persuasive jury opening statements and closing arguments require imagination, story-telling skills, and a thorough knowledge of the legal and ethical rules that govern this important part of trial. Famous historical cases and many useful examples demonstrate when things go wrong and when they are done right.

\$35 | Spiral bound, 140 pp., Pub. #28444, ISBN 9781601561763, © 2013

Justice for All: The Challenges of the Mentally Ill in the Legal System

Sherrie Bourg Carter

\$25 | Softbound, 104 pp., Pub. #28747, ISBN 9781601560896, © 2009

Problems in Trial Advocacy

2013 EDITION

Anthony J. Bocchino and Donald H. Beskind

NEW EDITION *Problems in Trial Advocacy, 2013 Edition* provides the subject matter for realistic courtroom simulations, and many of the problems are based on actual trials—both civil and criminal. Hands-on problems cover opening statements, direct and cross-examination of lay and expert witnesses, introduction of exhibits, witness impeachment, and closing arguments. Many popular problems and fact patterns by NITA are included and have been updated with current date references and many new and enhanced exhibits. A CD-ROM containing electronic copies of all the exhibits is included. These concise exercises give students the opportunity to learn quickly without having to memorize a full case file of facts.

\$65 | Softbound, 500 pp. with CD-ROM, Pub. #28733, ISBN 9781601563514, © 2013

Speaking with Power and Style: A Guide for Lawyers and Law Students

Steven Wisotsky

NEW IN 2013 Lawyers earn their living with words; however, speaking as a skill is often overlooked in legal education and training. *Speaking with Power and Style* provides both lawyers and law students the essentials needed to develop and improve their speaking skills. In this book you will learn how to plan your presentation, whether in trial or elsewhere, and how to choose your words to effectively present your information.

Learn the sounds and looks of persuasion, including nonverbal communication. Finally, use the section on self-improvement to practice and hone your speaking skills.

\$30 | Softbound, 144 pp., Pub. #28454, ISBN 9781601561596, © 2013

Logic for Lawyers: A Guide to Clear Legal Thinking

THIRD EDITION

Hon. Ruggero J. Aldisert

\$60 | Softbound, 300 pp., Pub. #28699, ISBN 9781556815386, © 1997

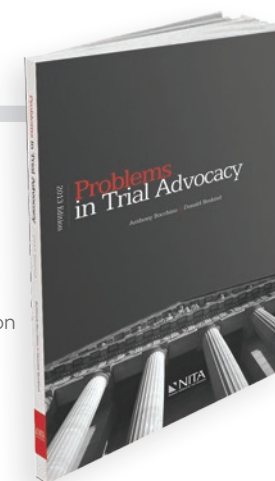
Making Your Record

Leticia Araujo Perez

\$25 | Softbound, 152 pp., Pub. #28770, ISBN 9781556817472, © 2001

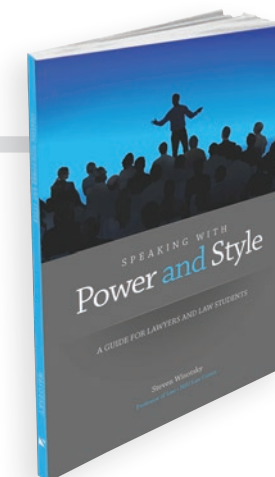
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- Section II: Exhibits
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 - B. Tangible Objects
 - C. Documents
- Section III: Impeachment and Rehabilitation
- Section IV: Adverse Examination
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Trial Advocacy Basics

Dent Gitchel and Molly Townes O'Brien

Trial Advocacy Basics is a brief, yet comprehensive guide for the beginning trial lawyer. It offers practical advice on every stage of trial preparation and practice from voir dire to verdict. The authors explain trial procedures and techniques in a straightforward and understandable way, using colorful examples, memorable quotes, and humor. In correlation with topics covered in trial advocacy courses, each chapter covers a separate phase of the trial.

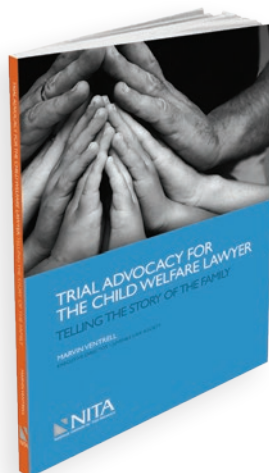
\$55 | 272 pp., Pub. #28729, ISBN 9781556819650, © 2006

Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family

Marvin Ventrell

BEST SELLER From case analysis and opening statement through closing argument, *Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family* is a concise and comprehensive treatment of the trial. It incorporates generations of trial advocacy wisdom into the context of juvenile and family court proceedings. A veteran instructor of the NITA teaching methodology, Marvin Ventrell walks you through a "how-to method" of each stage of the case, using real-life examples of child welfare cases. These essential lessons extend beyond child welfare proceedings and provide insight and skills applicable to all family and domestic relations cases.

Trials, effectively presented, are stories—stories of mothers, fathers, children—stories of the family. *Trial Advocacy for the Child Welfare Lawyer* teaches you how to present the story of the family from the unique and powerful perspective of each litigant. From nuts and bolts to advanced practice techniques, each trial skill is treated as a mechanism of persuasion for both judge and jury. This publication reflects the author's decades of experience as a litigator, teacher, writer, trial skills instructor, trial coach, and juvenile and family law policy consultant.



SUMMARY CONTENTS

- Foreword by Michael J. Dale
- Preface: The Art of Trial Advocacy
- Ch. 1 Case Analysis: Telling the Story of the Family
- Ch. 2 Direct Examination: The Words of the Story
- Ch. 3 Closing Argument: Story of the Case + Law = Verdict
- Ch. 4 Cross-Examination: Minimizing and Marginalizing Witness Impact
- Ch. 5 Expert Witness Examination: Moving from Perception to Belief
- Ch. 6 Difficult Witnesses: Managing the Challenge
- Ch. 7 Exhibits and Their Foundations: "Picture This!"
- Ch. 8 Making and Meeting Objections: Enforcing the Rules of the Trial
- Ch. 9 Opening Statement: Imprinting the Story
- Ch. 10 Ethics and Professionalism: Integrity in the Courtroom
- Appendix: Ten Trial Skills Take-Aways
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\$45 | Softbound, 156 pp., Pub. #28520, ISBN 9781601561497, © 2011

Trialbook

THIRD EDITION

John O. Sonsteng and Roger Haydock

\$65 | Softbound, 410 pp. with CD-ROM, Pub. #28908, ISBN 9781601561046, © 2010

Trial Technique & Evidence

FOURTH EDITION

Michael Fontham

NEW EDITION The original edition of this book pioneered the concept that instruction on trial technique and evidence rules in the same volume is an effective way to teach either an Evidence or Trial Advocacy course. This publication explains the purpose and application of each evidence rule. The practical methods of presenting evidence are balanced against the requirements of the rules. Indeed, many evidence rules are "practice" rules, either not covered in the formal rules of evidence or not addressed in detail.

\$85 | Softbound, 896 pp., Pub. #28743, ISBN 9781601562456, © 2013

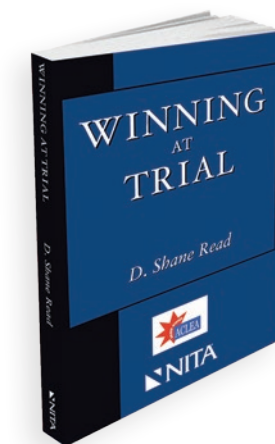
Winning at Trial

D. Shane Read

BEST SELLER Winner of the 2008 Award for Professional Excellence, *Winning at Trial* has been singled out by the Association for Continuing Legal Education (ACLEA) for its clarity and superb teaching methods. It uses innovative techniques to teach students and experienced lawyers alike the art of presenting a clear and compelling case in order to win at trial, using video and transcripts of actual trials demonstrating both great and terrible skills in the courtroom. These skills are gained first by observing then by doing, and in *Winning at Trial*, the reader is enabled to do just that by analyzing famous trials, namely the O. J. Simpson and the Timothy McVeigh trials.

This book is one of the most comprehensive trial advocacy resources published in recent years. Students, lawyers, and judges alike will benefit from Read's wisdom and unique ability to reveal secrets of jury decision making through the use of video in collaboration with one of the nation's foremost jury consultants, DecisionQuest®.

The book includes two DVDs containing almost four hours of footage from the O. J. Simpson trial and a focus group deliberating a civil trial.



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\$75 | Softbound, 440 pp., and 2 DVDs, Pub. #28732, ISBN 9781601560018, © 2007

Teaching materials available

Winning Jury Trials: Trial Tactics and Sponsorship Strategy

THIRD EDITION

Robert H. Klonoff and Paul L. Colby

\$75 | Softbound, 272 pp., Pub. #28737, ISBN 9781601560285, © 2007

"Marvin Ventrell has made a profound contribution to the field of child welfare law with this succinct and practical book. It really should be required reading for all lawyers appearing in child welfare court. It is an artful blending of the essentials of trial advocacy with the particulars of child welfare court. This book will empower attorneys to provide improved advocacy for children, parents, and agencies ... and that, in turn, will lead to better judicial outcomes for our most vulnerable children and their families."

—Jennifer L. Renne, Esq., Director, National Child Welfare Resource Center, American Bar Association Center on Children and the Law, Washington, D.C.

"Shane Read takes the mystery out of learning trial skills in this unique book, sure to revolutionize the way trial skills are taught. ... In *Winning at Trial*, readers study actual trials where techniques are either executed at such a high level of excellence or so badly demonstrated that those skills needed to master winning techniques will never be forgotten."

—Eric H. Holder Jr.,
Attorney General of the United States





CASE FILES

Arson

State v. Jackson

FOURTH EDITION

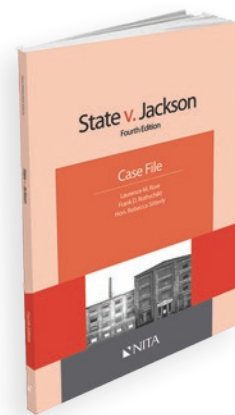
Laurence M. Rose, Frank D. Rothschild, and Hon. Rebecca Sitterly

NEW EDITION This criminal action was originally brought by the State of Nita against Arthur Jackson and Sonia Peterson. It is claimed that the two arranged with George Avery to destroy the Flinders Aluminum Fabrication Corporation plant on November 16, 2011, by burning the plant. Avery died in the fire. The two defendants were charged with commercial arson. The case went to trial in 2012 and resulted in a mistrial due to a hung jury. Sonia Peterson pled guilty to conspiracy to commit a felony and agreed to testify against Arthur Jackson.

There are four witnesses for both the State and the defense. A CD with videos of the fire, deposition statements, and a PowerPoint® presentation is included.

A companion civil case file, *Flinders v. Mismo*, involves Jackson suing to recover from the company that insured the plant.

\$35 | 132 pp., with CD-ROM, Pub. #28648, ISBN 9781601563255, © 2013



Assault

State v. Anderson

SECOND EDITION

Joseph E. Taylor

When defendant Raymond Anderson resolves a fender bender by beaming Wayne Henkel with a baseball bat and stealing his truck, the State charges Anderson with assault with a deadly weapon and robbery. Anderson's prior conviction for first degree burglary throws him a curve ball by invoking the State's "three strikes law," making another conviction a mandatory state prison case and doubling Anderson's likely sentence. After the first trial ends in a hung jury, the State retries the case. *Anderson* refines the student's advocacy and examination skills through this full trial, which includes visual aids and video testimony, head trauma experts, and a lineup of witnesses going to bat for the State and Anderson.

\$35 | 94 pp., Pub. #28777, ISBN 9781601563705, © 2013

Teaching materials available



State v. Chambers

Joseph E. Taylor and Lincoln N. Mintz

Officer Goodfellow pulled over Mark Chambers for suspicion of driving under the influence of alcohol. Chambers, although he did pull over, responded by battering Goodfellow. The defendant was arrested on two charges; however, those charges were severed, and in this case file, Chambers is only being charged with battery. Chambers filed a complaint against Officer Goodfellow for misconduct, but a hearing determined that the complaint was unfounded. Based on an actual case, *State v. Chambers* focuses on many controversial issues, making this an extraordinary case file for any law school course. There are four witnesses for both the plaintiff and the defendant, including two expert witnesses.

\$28 | 114 pp., Pub. #28586, ISBN 9781556815652, © 1999

Teaching materials available

State v. Harris

SECOND EDITION

Laurence M. Rose

\$35 | 76 pp., with CD-ROM, Pub. #28781, ISBN 9781601561695, © 2011

State v. Southley

SECOND EDITION

Barbara S. Barron and Lawrence W. Kessler

\$35 | 158 pp., with CD-ROM, Pub. #28645, ISBN 9781601560759, © 2009

Construction Law

Jerry's Wiring Inc. v. Smith Construction Co.

SECOND EDITION

Anthony J. Bocchino

This problem involves the presentation of expert accountant testimony on the amount owed to an electrical subcontractor (Jerry's Wiring, Inc.) as a result of cost overruns it incurred due to the delays in a construction project.

\$28 | 36 pp., Pub. #28627, ISBN 9781556819636, © 2005

Contracts

BMI v. Minicom, Inc.

NINTH EDITION

Anthony J. Bocchino and Donald H. Beskind

This classic breach of contract case is available in two versions: deposition skills and trial skills. A shipment of interconnector plugs is lost in transit. The supplier, BMI, claims the purchaser, Minicom, bore the risk of loss and sues to recover for breach of contract. Minicom defends that BMI's agent orally agreed to insure the plugs and asks for damages to cover costs. The file is well-balanced and provides ample material for basic and advanced advocacy training.

\$35 | 198 pp., with CD-ROM, Pub. #28649, ISBN 9781601560902, © 2009

Plaintiff's Edition

\$35 | 182 pp., with CD-ROM, ISBN 9781601560933, © 2009

Defendant's Edition

\$35 | 184 pp., with CD-ROM, ISBN 9781601560940, © 2009



Faculty Edition

\$35 | 198 pp., with CD-ROM, ISBN 9781601560957, © 2009

"*BMI* is my favorite file for all teaching, JD, LLM, and lawyers in private and public settings. It is a well-balanced file with great documents. It requires a fine analysis to determine case theories and to counter thrusts by the other side. It has withstood the tests of time and is NITA's best and greatest file. It may be used for trial and deposition training."

—Lou Natali, Temple University School of Law, Philadelphia, PA

Cosmopolitan Life Insurance Co. v. Jordan and Moore

Hon. Andrew P. Rodovich

\$28 | 60 pp., Pub. #28761, ISBN 9781556819360, © 2005

Teaching materials available

Li v. Ross and Ross Construction Co., Inc.

SECOND EDITION

Paul J. Zwier

In *Li v. Ross and Ross Construction Co., Inc.*, a traditional contracts case file, the plaintiff claims he had a significant business relationship with Michelle Greenwood and that the defendant improperly interfered with that relationship by making a series of improper and false statements about the quality of his work. As a result of these statements, the plaintiff claims that Greenwood broke off her relationship with him and instead gave the contract to the defendant's employer, Ross Construction Company. There are three witnesses for the plaintiff and five witnesses for the defendant. The case file contains ample material for motion practice.

\$35 | 184 pp. with CD-ROM, Pub. #28622, ISBN 9781556819414, © 2005

Advocate's Edition

\$35 | 156 pp. with CD-ROM, ISBN 9781556819452, © 2007

Barrister's Edition

\$35 | 162 pp. with CD-ROM, ISBN 9781556819469, © 2007

Faculty Edition

\$25 | 197 pp. with CD-ROM, ISBN 9781556819476, © 2007

MRS v. Riverboat Queen

FIRST EDITION

Cheryl Brown Wattley

NEW IN 2013 A popular tourist boat mysteriously sinks into Beacon Lake three days before the boat's insurance policy is due to expire. The boat's owner, Fred Glenn, hires Marine Rescue and Salvage (MRS) to haul the boat out of the lake. MRS fails to successfully raise the boat, and a dispute arises between Glenn and MRS. The Riverboat Queen had been docked at a boat ramp owned and operated by Nita City, who has chosen to terminate Glenn's lease.



The Riverboat Queen case files include four lawsuits drawn from the same fact pattern—three civil and one criminal. The case files topics include a contract dispute and counterclaim, bad faith denial of an insurance claim and breach of contract, breach of contract landlord/tenant, and attempted insurance fraud. This dynamic case file compilation includes over fifty exhibits, including diagrams, emails, and photographs, as well as evidentiary issues such as hearsay and business records exceptions.

\$35 | 98 pp. with CD-ROM, Pub. #28611, ISBN 9781601562166, © 2013

Quinlan v. Kane

THIRD EDITION

Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino

NEW EDITION At what point does a friendly conversation end and a business consultation begin? That is a question to which neither Roberta Quinlan nor Brian Kane knows the answer. In this business contracts case, the plaintiff demands a broker fee of \$300,000 that she is convinced she is entitled to be paid. The defendant, however, maintains that Quinlan simply offered friendly advice on the sale of his business, Kane Electronics, to Nita Computer World and therefore owes her no fee. There are two witnesses for both the plaintiff and the defendant.

\$35 | 98 pp. with CD-ROM, Pub. #28611, ISBN 9781601562166, © 2013

Contribution and Indemnity

World Oil Co. v. Northeast Shipbuilding, Inc. and Toiler Salvage Co.

FOURTH EDITION

Thomas F. Geraghty

One dark night, the J.B. John Northeast Shipbuilding tanker grounded and broke in half, spilling 230,000 tons of crude oil into the water and subsequently onto Nita's shore. Now, an action for indemnification and contribution has been filed for the plaintiff who is seeking to recover \$1.2 billion in damages. This is not the first suit surrounding this accident. The State of Nita, Nita residents, and various other businesses sued World Oil for damages and were awarded a total of \$1.2 billion. There are ten witnesses for the plaintiff and five witnesses for the defendants, including several experts. This file is recommended for use in advanced advocacy courses.

\$28 | 234 pp., Pub. #28584, ISBN 9781556815263, © 1996

Teaching materials available

Discrimination

Stucky v. Conlee, Parsell, and the City of Nita

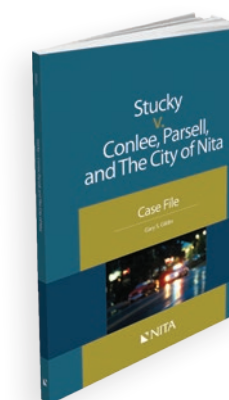
Gary S. Gildin

NEW IN 2013 *Stucky v. Conlee, Parsell, and The City of Nita* is a civil rights action for damages arising out of an alleged instance of racial profiling giving rise to a traffic stop. Plaintiff Clayton Stucky is an African-American who works as a trooper with the Nita State Police. While off duty and driving his personal vehicle, Stucky was pulled over by two City of Nita police officers. Officers Conlee and Parsell, both Caucasian, allege that Stucky was driving over 50 miles per hour in a 25-miles-per-hour zone. Conlee and Parsell issued Stucky a citation for driving at an unsafe speed. Following a hearing, the district justice found Stucky not guilty of the charged traffic offense.

Stucky asserts that he was driving the speed limit and alleges that Conlee and Parsell pulled him over for "driving while black." He sued Conlee and Parsell for damages for violation of Stucky's right to be free from an unreasonable seizure and his right to the equal protection of the laws.

Stucky also named the City of Nita as a defendant, alleging that City of Nita Police Chief Kurt Lieber was deliberately indifferent with respect to the training and supervision of Conlee and Parsell as to the risk of racial profiling and that Lieber's deliberate indifference was a cause of Conlee and Parsell's stopping Stucky without probable cause and based upon Stucky's race. There are three witnesses for each side. Additionally, a racial profiling expert and a medical expert are available for both the plaintiff and defendants. Digital versions of the exhibits are provided on the accompanying CD-ROM.

\$35 | 186 pp. with CD-ROM, Pub. #29809, ISBN 9781601563439, © 2013



Corporate Governance

Bio-Solutions, Inc. v. O'Malley

William R. Hinchman

Focusing on the current issue of medical research and misappropriation of company funds, *Bio-Solutions, Inc. v. O'Malley* is a case file designed for any law school classroom focused on civil litigation and/or trial advocacy. The case involves the facts surrounding Bio-Solutions, Inc.'s development of a DNA breast-cancer vaccine and the duties of its CEO, Steven O'Malley, who allegedly breached his employment agreement. The plaintiff claims that O'Malley inappropriately used company time and company personnel in developing his multi-million dollar home. There are four witnesses for both the plaintiff and the defendant.

\$28 | 84 pp., Pub. #28636, ISBN 9781601560179, © 2007

Teaching materials available



Dissolution of Marriage

Allen v. Allen

EXPERT EDITION

Andrew I. Shephard, Gregory Firestone, Louis P. Ortiz, Arline S. Rotman, and Philip Stahl

These materials tell the story of the Allen family—David, Lynne, and their children—Jane, age thirteen, and Joey, age eleven. It describes the legal and emotional challenges they face as a consequence of David and Lynne’s pending divorce.

\$28 | 196 pp., Pub. #28755, ISBN 9781556819872, © 2006

Petitioner Edition

\$28 | 186 pp., ISBN 9781556819858, © 2006

Respondent Edition

\$28 | 186 pp., ISBN 9781556819865, © 2006

Faculty Edition

\$30 | 202 pp., ISBN 9781422479278, © 2006



Jarvis v. Columbia Breweries, Inc.

Hon. Andrew P. Rodovich

\$28 | 66 pp., Pub. #28767, ISBN 9781556819681, © 2005

Teaching materials available

Jones v. Kids-R-Ours

Paul Chill and Hollace P. Brooks

After suffering a seizure at work, the plaintiff, Jean Jones, was suspended without pay from the Kids-R-Ours day care where she worked. Jones suffers from epilepsy, which is a qualified disability under the Americans with Disabilities Act. This, however, did not stop the defendant from suspending, demoting, and then firing the plaintiff. Kids-R-Ours claims that their action was justifiable since Jones was a threat to the children. This is a well-balanced file where the verdict could easily be won by either party. There are three witnesses for both the plaintiff and the defendant.

\$28 | 76 pp., Pub. #28582, ISBN 9781556814587, © 1995

Teaching materials available

“At Loyola University Chicago School of Law we rely on NITA publications throughout our advocacy curriculum. Students interested in advocacy may pursue a Certificate in Trial Advocacy, which provides students with a focused program of study that emphasizes advocacy from the standpoint of trial litigation and expands student learning to alternative dispute resolution and appellate writing and advocacy.”

—Zelda Harris, Loyola University School of Law, Chicago, IL

Employment Discrimination

Polisi v. Clark and Parker & Gould

SECOND EDITION

Anthony J. Bocchino, David A. Sonenshein, and Frank D. Rothschild; Graphics and Electronic Files by Frank D. Rothschild

After Maggie Polisi, an associate at the law firm of Parker & Gould, breaks off a relationship with a partner, Simon Clark, she is denied partnership. Polisi sues Clark and the firm for gender discrimination, sexual harassment (quid pro quo and hostile work environment), and defamation. This case file is designed to teach advanced trial skills in a complex action involving both liability and damages. Includes a CD-ROM with video depositions of the key witnesses that allows for teaching how to conduct an impeachment by use of technology. These deposition clips are included as part of a PowerPoint show.

\$35 | 264 pp. with CD-ROM, Pub. #28592, ISBN 9781556817274, © 2001

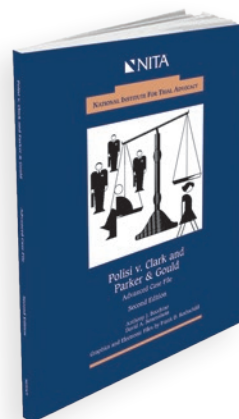
Teaching materials available

Plaintiff’s Edition

\$28 | 224 pp., ISBN 9781556817724, © 2001

Defendant’s Edition

\$28 | 202 pp., ISBN 9781556817731, © 2001



Rowe v. Pacific Quad, Inc.

FIFTH EDITION

David B. Oppenheimer and Fred C. Moss

Alice Rowe has brought an action for sexual harassment and wrongful discharge against her employer, Pacific Quad, Inc. She asserts that her supervisor, operations manager Stanley Schmit, continually leered at her, made offensive sexually suggestive comments to her, brushed by her in order to sexually touch her, and, finally, propositioned her during the two weeks she worked for Pacific Quad. She further alleges that the president of Pacific Quad, John Walsh, was informed of the harassment and ratified it.

Pacific Quad denies that the harassment occurred. Walsh and Schmit claim that Rowe was a highly nervous, marginally productive administrative assistant who was likely to be dismissed the week after she walked off the job. They claim to be mystified as to why she quit but speculate that she was paranoid or was extremely oversensitive and misunderstood the friendly atmosphere of their small, family-like office. Rowe claims lost wages, medical expenses (psychotherapy), general damages for emotional distress, and punitive damages.

This case can be tried on the issue of liability only or liability and damages. There are three witnesses for the plaintiff and three for the defendant. The Fifth Edition has been updated to match the deposition version of Rowe v. Pacific Quad, Inc.

\$35 | 116 pp., Pub. #28639, ISBN 9781601563453, © 2013

Teaching materials available

Plaintiff’s Edition

\$35 | 126 pp. with CD-ROM, Pub. #28776, ISBN 9781601563477, © 2013

Defendant’s Edition

\$35 | 124 pp. with CD-ROM, Pub. #28775, ISBN 9781601563484, © 2013

Faculty Edition

\$35 | 140 pp. with CD-ROM, Pub. #28644, ISBN 9781601563460, © 2013

Taylor v. Pinnacle Packaging Products, Inc.

SECOND EDITION

Hon. Andrew P. Rodovich and Thomas J. Leach

The plaintiff, Jamie Taylor, was hired by the defendant, Pinnacle Packaging Products, Inc., to work in the warehouse. During her employment, the plaintiff claims she was sexually harassed by the warehouse manager, John Hamilton, who repeatedly asked the plaintiff to go out with him. Taylor was fired by Hamilton during her probation period. The plaintiff alleges that she was fired because she resisted the advances of Hamilton. There are two witnesses for both the plaintiff and the defendant.

\$35 | 86 pp. with CD-ROM, Pub. #28621, ISBN 9781601561336, © 2010

Plaintiff’s Edition

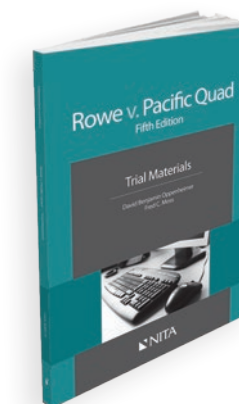
\$35 | 62 pp. with CD-ROM, ISBN 9781601561350, © 2010

Defendant’s Edition

\$35 | 62 pp. with CD-ROM, ISBN 9781601561367, © 2010

Faculty Materials

\$35 | 80 pp. with CD-ROM, ISBN 9781601561343, © 2010



Green v. Hall and Rose

SIXTH EDITION

Kenneth S. Broun

Initially designed as a case file for a fair housing clinic, Green v. Hall and Rose is an excellent case file not only for fair housing study, but also racial discrimination. With special emphasis on discovery exercises, this case file focuses on Richard and Martha Green’s trouble with buying a home in the Beverly Hills area of Nita City. The Greens allege that homeowner and defendant, Elizabeth Hall, refused an offer made by the Greens’ realtor, Sylvia Rose, because of the Greens’ race. There are two witnesses for the plaintiff and four witnesses for the defendants, including an expert real estate appraiser and an expert medical psychiatrist.

\$28 | 140 pp., Pub. #28764, ISBN 9781556815485, © 1997

Teaching materials available

Homicide

Criminal Law Collection: Condensed Case Files with CD-ROM

FIRST EDITION

Hon. Randy Rich

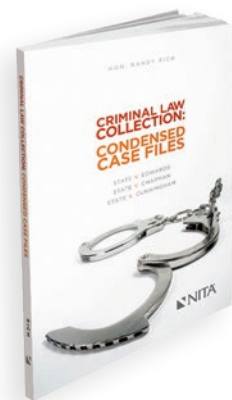
The three short yet complete case files in this criminal case file packet allow readers to try, review, and compare the cases in less time. They are perfect for courses in trial skills, trial practice, criminal litigation, and evidence handling, and will also work well in mock trials.

State v. Chapman: A police officer faces murder charges after an elderly woman is found dead in her car. Chapman maintains his innocence, and insists that detectives, protecting another police officer who committed suicide days after the murder occurred, are setting him up.

State v. Edwards: Michael Edwards, who is serving time for car theft, is accused of murdering a pawn shop owner. Edwards insists he couldn't have committed the murder because it occurred on his birthday and he was with friends the entire day.

State v. Cunningham: The defendant, Richard Cunningham, is charged with violating the Controlled Substance Act after he sells cocaine to an undercover police officer. The defendant claims he was the victim of police entrapment. The state claims that Cunningham was not entrapped, and freely sold drugs to the undercover police officer.

\$35 | Softbound, 160 pp. with CD-ROM, Pub. #28799, ISBN 9781601563248, © 2013

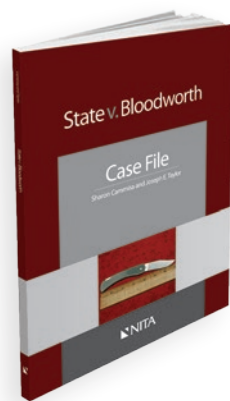


State v. Bloodworth

Sharon Cammisa and Joseph E. Taylor

Three days before his death, Kenneth Fletcher was found unconscious on the floor of Gene Bloodworth's condo. Bloodworth claims that Fletcher broke into his home and had a knife. Bloodworth also claims he was defending himself when he struck Fletcher and knocked him out.

\$35 | 120 pp., Pub. #28432, ISBN 9781601562128, © 2012



State v. Baker

THIRD EDITION

Joseph E. Taylor

Sarah Baker has been charged with the first-degree murder of her husband, who was a well-known news anchor. The State alleges that Baker intended to divorce her husband and cut him out of her will and that he was going to sue her for a large portion of the estate. Baker claims she shot him to protect herself when he advanced toward her with a kitchen knife threatening to kill her. The case features the use of expert forensic pathology, criminalistics, DNA testimony, and the defense of self-defense. There are five witnesses for the plaintiff and four witnesses for the defendant.

\$35 | 112 pp. with CD-ROM, Pub. #28629, ISBN 9781601560117, © 2013

Teaching materials available

State v. Burns

REVISED FIFTH EDITION

Anthony J. Bocchino and Donald H. Beskind

A grocer shoots at a man who is trying to rob his store, but tragically, the bullet strikes and kills the grocer's wife. The robber turns state's evidence, and John Burns, who the State claims planned the robbery, is charged with felony murder. This basic file offers impeachment and rehabilitation issues and gives students the opportunity to try their skills with adverse examination. There are three witnesses for both the plaintiff and the defendant.

\$28 | 144 pp., Pub. #28570, ISBN 9781556812972, © 1992

Teaching materials available

"One of my favorite case files is *State v. Burns*. In grappling with a single criminal case file, students learn relatively sophisticated criminal law concepts, e.g., felony murder and transferred intent, and a host of evidentiary rules. Students really enjoy working with NITA materials; in fact, many former students have gone on to teach in NITA trial skills programs all over the country."

—Carol Anderson, Wake Forest University School of Law, Winston-Salem, NC

State v. Cole

SECOND EDITION

Michael S. Sands

\$35 | 77 pp. with CD-ROM, Pub. #28653, ISBN 9781601561022, © 2009

Teaching materials available

State v. Casey

Joseph E. Taylor

\$35 | 242 pp. with CD-ROM, Pub. #28607, ISBN 9781556818189, © 2003

State v. Diamond

FIFTH EDITION

James H. Seckinger

A grand jury has charged John Diamond with first-degree murder in the shooting death of his girlfriend, Trudi Doyle. Diamond maintains the shooting was accidental. He had recently resigned from the Nita City Police Department. He went to meet Ms. Doyle when she was getting off work. A shot rang out, followed by a second shot. Diamond remained on the scene and was arrested when the police arrived. Despite Diamond's pleas and the unusable fingerprints on the gun, the remaining evidence points to him. There are four witnesses for the plaintiff and three witnesses for the defendant, including an expert, who are available to testify.

State v. Travers is the companion file to *State v. Diamond*. The gender roles have been reversed (woman kills cop) in a similar scenario. Seckinger's idea is to see how switching the killer's gender affects how the case is presented and ultimately decided.

\$35 | 54 pp. with CD-ROM, Pub. #28575, ISBN 978101560537, © 2011



State v. Donaldson

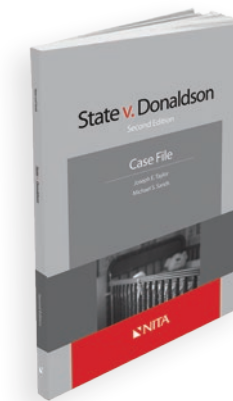
SECOND EDITION

Joseph E. Taylor and Michael S. Sands

Six-month-old Cara O'Neil died from a mysterious head injury. The State of Nita has charged Stephen Donaldson with murder in the second degree, but he claims he did nothing more than comfort and care for his stepdaughter after she fell out of her crib days before her death. There are five witnesses for the plaintiff and four witnesses for the defendant. The trial includes a battle of expert forensic pathologists, presentation of an unavailable witness' testimony through video, and a number of visual aids, including a video of the scene.

\$35 | 116 pp., Pub. #28780, ISBN 9781601563712, © 2013

Teaching materials available



State v. Jordan

Hon. Andrew P. Rodovich

At 5:32 P.M. Amy Jordan left her apartment. At 5:44 P.M. Arthur Moore turned to leave an ATM, only to be shot and killed. At 6:02 A.M. Amy Jordan returned to her apartment. Is it convenient or a coincidence that Amy's .38 caliber handgun was reported stolen eight days prior? According to the State of Nita it is not a coincidence, but rather a fact that Amy shot her boyfriend, Arthur, in order to receive the proceeds of a life insurance policy. The case is complicated by the fact that Arthur's wife, Sandra, was the beneficiary for the remainder of the estate. There are four witnesses for both the plaintiff and the defendant—each of whom present largely circumstantial evidence.

\$28 | 46 pp., Pub. #28784, ISBN 9781556819346, © 2005

Teaching materials available

State v. O'Neill

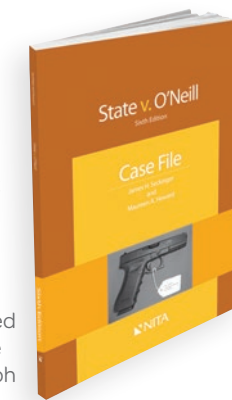
SIXTH EDITION

James H. Seckinger and Maureen A. Howard

Helen O'Neill stood on the front porch of her stepmother's home only to be shot and killed. The grand jury believes her stepmother's claims that Joseph O'Neill, Helen's estranged husband, drove up to the house and fired the deadly shot. Joseph pleads not guilty, and a jury is unable to find a verdict. The result: the State retries this case as told in *State v. O'Neill*. There are three witnesses for both the plaintiff and the defendant along with one optional witness for either side.

\$35 | 84 pp. with CD-ROM, Pub. #28572, ISBN 9781601562081, © 2012

Teaching materials available



State v. Sanchez

REVISED EDITION

Elizabeth I. Boals

Ernesto Sanchez admits to fatally stabbing Patrick Connor during a street fight between two Nita City gangs. Sanchez pleads self-defense, and the circumstances surrounding the stabbing are complicated by the testimonies of other gang and community members. This case file is particularly unique because of its focus on gang activity and its use of nontraditional experts with specialized knowledge of gang behavior. There are five witnesses for both the state and the defense.

\$35 | 123 pp. with CD-ROM, Pub. #28642, ISBN 9781601561466, © 2009

Teaching materials available

State v. Skywolf

Joseph E. Taylor

\$35 | 138 pp. with CD-ROM, Pub. #28643, ISBN 9781601560650, © 2008

Teaching materials available

State v. Travers

FIFTH EDITION

James H. Seckinger

A grand jury has charged Tiffany Travers with first-degree murder in the December 1 shooting death of Jack Bennett at the Good Bite Café on Highway 33 outside of Nita City.

State v. Diamond is the companion file to *State v. Travers*. The gender roles have been reversed (cop kills woman) in a similar scenario. Seckinger's idea is to see how switching the killer's gender affects how the case is presented and ultimately decided.

\$35 | 75 pp. with CD-ROM, Pub. #28437, ISBN 9781601562074, © 2012

Intellectual Property

Love v. Regency

Jonathan Rest and Edward R. Stein

In this trademark infringement case, Dr. Stanley Love, a dermatologist, alleges that Regency Plastic Surgery, PC, has infringed his common-law trademark of the "The Love Look" by using "The Look of Love" as its marketing slogan. Dr. Love is seeking injunctive relief and damages.

\$35 | 91 pp. with CD-ROM, Pub. #28436, ISBN 9781601562111, © 2012



"*Love v. Regency* is a wonderful common-law trademark case file that is an excellent vehicle for teaching everything from jury selection, to the basics of trademark law, to the full range of other trial skills. I use the file in my Trial Techniques course. It has with it some excellent video with mini lectures and demonstrations from some of the U.S.'s very best trial lawyers. NITA continues to lead in the publication of modern trial advocacy teaching materials."

—Paul J. Zwier, Emory University School of Law, Atlanta, GA

Intentional Torts/Damages

Fordyce v. Harris and Felson

SIXTH EDITION

Laurence M. Rose

\$35 | 90 pp. with CD-ROM, Pub. #28571, ISBN 9781601561701, © 2011

Teaching materials available

Strange v. Wrigley

SECOND EDITION

Hon. Andrew P. Rodovich

This personal injury case file involves the plaintiff, William Strange, who, after drinking at a local bar, thought he was entering his friend David Cunningham's house. Instead he walked into the front door of the defendant, James Wrigley, and his wife, Kathy. After Strange entered the house, Wrigley shot him twice. Strange has sued to recover for his injuries. This case file examines issues of self-defense and comparative fault and is a good practice for the beginning student to develop basic trial skills. There are two witnesses for both the plaintiff and the defendant and four additional witnesses either party may call.

\$28 | 44 pp., Pub. #28647, ISBN 9781601560834, © 2008

Teaching materials available

Juvenile

In Re Pena

Diane Geraghty, Thomas F. Geraghty, and Angela C. Vigil

This case file presents two problems that many young children caught up in the juvenile justice system experience. The first focuses on the parental rights of Maria Pena, a mother with an apparent substance abuse problem, who has two children: Ricky (9) and Eva (8). A termination of parental rights case ensues when the Nita City police are called to Maria Pena's residence after Ricky and Eva were found requesting food from a neighbor, claiming they had none in their house. There are five witnesses in the case. The second problem of the case file involves a delinquency petition filed against eight-year-old Eva, who is charged with assault of a foster child in the foster home where she is placed. She claims she learned this behavior by watching violent television programming. The second part of the file includes seven witnesses.

\$28 | 146 pp., Pub. #28605, ISBN 9781556818059, © 2003

Teaching materials available

Landlord-Tenant

Nita City Housing Authority v. Johnson

Mark S. Caldwell

Nita City Housing Authority v. Johnson is an action for eviction. Ladonna Johnson and her two grandchildren and great grandchild live at Nita Gardens, Nita City's only public housing project. Grounds for the eviction are based on Ms. Johnson's grandson's alleged criminal gang activity. However, Ms. Johnson believes the eviction is in retaliation for her formation of a tenant action committee requesting the installation of fire sprinklers. A CD-ROM is included, which contains full-color exhibits and a sample PowerPoint presentation of the exhibits.

\$35 | 106 pp. with CD-ROM, Pub. #28640, ISBN 9781601560506, © 2008

"At Pacific McGeorge we have always relied on the NITA case files, as they are the best available to spell out real life legal issues [that] litigation attorneys routinely handle, and best require them to articulate their case to juries. The issues include recognizing and applying evidence law and civil or criminal substantive law. They best enable the students to practice their communication skills and to utilize visual aids."

—Joe Taylor, University of the Pacific, McGeorge School of Law, Sacramento, CA

Legal Ethics

In Re Cooperman

SECOND EDITION

Anthony J. Bocchino

This case file contains a four-count disciplinary action brought by the Nita State Bar against the respondent, Harriet Cooperman, a member of the Nita State Bar. The Bar alleges that Cooperman failed to adequately consult with her client, David Engles, during the course of his action against the Acme Paper Company. The Bar also states: Cooperman failed to adequately explain the contents of her fee agreement; she represented clients with conflicting interests without first obtaining the informed consent; and finally, she represented a client against a former client in a cause of action. The appendix contains the American Bar Association Rules of Professional Conduct applicable to this case. There are three witnesses for both the State Bar and the respondent.

\$28 | 90 pp., Pub. #28626, ISBN 9781556819575, © 2005



Licensing Agreements

Cranbrooke v. Intellex

SECOND EDITION

Robert P. Burns, Steven Lubet, Terre Rushton, John T. Baker, and James H. Seckinger

Cranbrooke v. Intellex is an excellent case file for advocacy courses focusing on intellectual property or international law. This case file is designed so liability and damages can be tried separately. Cranbrooke Industries, PLC is suing Intellex, Inc. on the basis that they violated a contractual agreement that allowed Cranbrooke exclusive distribution rights of Intellex's video gaming products. Intellex is a U.S.-based manufacturer of video game decks and cartridges, while Cranbrooke is a British company also specializing in the making and distribution of video games. There are three witnesses for both the plaintiff and the defendant, including accounting experts.

\$35 | 236 pp. with CD-ROM, Pub. #28654, ISBN 9781601561152, © 2010

Plaintiff's Edition

\$35 | 226 pp. with CD-ROM, ISBN 9781601561107, © 2009

Defendant's Edition

\$35 | 226 pp. with CD-ROM, ISBN 9781601561114, © 2009

Faculty Edition

\$35 | 238 pp. with CD-ROM, ISBN 9781601561121, © 2009



Life Insurance

Dixon v. Providential Life Insurance Co.

Original case file by James H. Seckinger, Adapted by Edward R. Stein and Frank D. Rothschild

Judge John Dixon's dead body was found with a gunshot wound in the head. His wife, the plaintiff, demands that Providential Life Insurance Company pay on Dixon's life insurance policy, but Providential refuses. The coroner, Dixon's personal physician, determined the death was accidental, but Providential claims the coroner's conclusion was tainted by his friendship with the judge and that Dixon's death was, in fact, a suicide. The student's skills will be tested with this well-balanced file bringing in equal number of verdicts for both the plaintiff and the defense. There are four witnesses for the plaintiff and three for the defendant.

\$35 | 168 pp. with CD-ROM, Pub. #28591, ISBN 9781556817199, © 2000

Teaching materials available

Medical Malpractice

Steele v. Kitchener

Dennis Turner

This case involves the alleged negligent misreading of a biopsy tissue sample by the defendant, Susan Kitchener, M.D. After examining the tissue sample from the plaintiff, Dr. Steele, the defendant, concluded that the lesion was benign. Seven months later, Steele's lesion had grown, and the analysis of the biopsy at that time concluded that the lesion had actually been malignant melanoma. Two years later, Steele developed brain lesions and died. The patient's widow, Linda Steele, seeks to recover damages for wrongful death from Kitchener and her employer, Pathology Labs. There are two witnesses for both the plaintiff and the defendant.

\$35 | 144 pp. with CD-ROM, Pub. #28618, ISBN 9781556818967, © 2004

Teaching materials available

Motor Vehicle Accident

Addison v. Peyton

Elizabeth I. Boals

In this civil case version of *State v. Peyton*, Taylor Addison has filed a complaint against Jordan Peyton alleging negligence and negligence per se. Addison further alleges that Peyton operated her car in an unsafe manner while under the influence of alcohol and struck Addison's car causing the coffee he was holding to spill over onto his hand, which resulted in severe burns. (See p. 40 for the civil case file, *State v. Peyton*.)

\$35 | 120 pp., Pub. #28434, ISBN 9781601561268, © 2012

Brown v. Byrd

Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino

Kenneth Brown claims he can't engage in any strenuous exercise. He also claims that a muscle relaxant his doctor prescribes does not allow him to drink any alcohol. Both of these inconveniences, Brown is convinced, are results of being rear-ended by the defendant, Robert Byrd. However, Brown has been observed exercising and drinking alcohol. Byrd maintains that the collision was in no way serious enough to cause Brown's alleged injuries. There are two witnesses for both the plaintiff and the defendant.

\$35 | 110 pp. with CD-ROM, Pub. #28597, ISBN 9781556817441, © 2001

Constantine v. Prince

SECOND EDITION

William S. Bailey

This is a wrongful death case involving bicyclist George Constantine, who, while working for a bicycle messenger service, was struck by motorist Richard Prince. The decedent's estate seeks to recover damages from the defendant, alleging that he was going too fast and not keeping a proper lookout. The case utilizes computer animations in support of the testimony of both the plaintiff's and defendant's accident reconstruction experts. There are ten witnesses for the plaintiff and four witnesses for the defendant.

\$35 | 114 pp. with CD-ROM, Pub. #28760, ISBN 9781601562920, © 2013

Darngood v. Landers and PUDS

John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller

The plaintiff, Helen Darngood, was struck by a Picket Up Delivery Services van driven by the defendant, Mel Landers. A negligence action has been brought by Helen Darngood against Mel Landers and Picket Up Delivery Services. They claim that the vehicle driven by Landers entered the intersection on a yellow light, that the vehicle proceeded through the intersection as permitted by law, and that Darngood was 100 percent contributorily negligent in that she crossed negligently in front of the van.

\$35 | 195 pp. with CD-ROM, Pub. #28661, ISBN 9781601560612, © 2011

Defendant's Edition

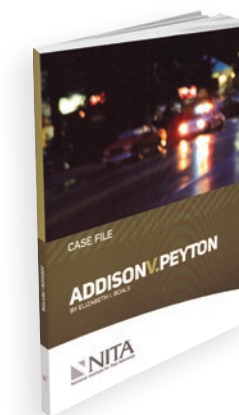
\$35 | 193 pp. with CD-ROM, ISBN 9781601561831, © 2011

Plaintiff's Edition

\$35 | 193 pp. with CD-ROM, ISBN 9781601561824, © 2011

Faculty Edition

\$35 | 195 pp. with CD-ROM, ISBN 9781601560971, © 2011



Fitzgerald v. Nita & Western Railroad

FOURTH EDITION

Text by Laurence M. Rose; Graphics and Electronic Files by Frank D. Rothschild

This case file is a wrongful death action arising out of an accident at a railroad crossing. The plaintiff contends the railroad was negligent in not providing adequate warnings at the crossing and in the operation of the train. The defendant claims the plaintiff was negligent in the operation of his car or intentionally drove his car into the train. CD-ROM includes dialogue in deposition format of important witnesses as well as PowerPoint slides on the judge's instructions to the jury. There are five witnesses for the plaintiff and four for the defendant, including use of experts.

\$35 | 250 pp. with CD-ROM, Pub. #28646, ISBN 9781601560766, © 2009

Fulbright v. Americraft Industries and Parker

THIRD EDITION

Edward R. Stein and Anthony J. Bocchino; Graphics and Electronic Files by Frank D. Rothschild

A high-school football star, John Fulbright, is thrown from his motorcycle and severely injured when it collides with a Cadillac that just pulled out of a parking lot. Most of the witnesses say Fulbright was speeding and not wearing a helmet, but a fourteen-year-old boy says otherwise. There is evidence that the Cadillac's driver, Andrew Parker, an Americraft employee, had been drinking. The plaintiff claims he became an epileptic as a result of his injuries. There is no helmet law in the State of Nita. There are four witnesses for both the plaintiff and the defendants.

\$35 | 128 pp. with CD-ROM, Pub. #28641, ISBN 9781601560544, © 2008



McLain v. Barber

THIRD EDITION

Anthony J. Bocchino and Ronald L. Beal

McLain has filed a personal injury action arising out of an automobile accident. The plaintiff, a potter by trade, sues for the value of his car, medical expenses, loss of income, and pain and suffering. His wife is suing for loss of consortium. The defendant counterclaims for damages to his car. This case file is designed so liability and damages can be separated. It contains twenty exhibits, including conflicting medical reports. There are five witnesses for the plaintiff and four witnesses for the defendant.

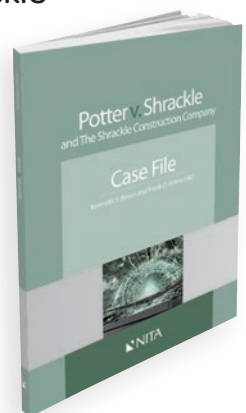
\$28 | 188 pp., Pub. #28585, ISBN 9781556815409, © 1997

Potter v. Shrackle and The Shrackle Construction Co.

SIXTH EDITION

Kenneth S. Broun and Frank D. Rothschild

Was the light red or green? Charles Shrackle's truck strikes and kills Katherine Potter as she is crossing an intersection in Nita City. Her estate brings a wrongful death action against Shrackle and his company. This classic file is ideal for teaching basic trial skills. It has been updated to reflect today's pertinent issues. Was the accident caused by the use of a cell phone? Was Jeffrey Potter involved in an affair when his wife died? There are six witnesses for the plaintiff and four witnesses for the defendants.



\$35 | 120 pp. with CD-ROM, Pub. #28604, ISBN 9781601562050, © 2012

Teaching materials available

Reagan v. Jacobson

John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller

This case involves a collision between two cars. First Street, the two-way street on which the accident occurred, is narrow and not well lit. Cars were parked on both sides of the street, which permitted only one lane of traffic. There is no marked center line.

\$35 | 112 pp. with CD-ROM, Pub. #28439, ISBN 9781601561039, © 2012

Scruggs v. Snyder

SECOND EDITION

William S. Bailey and Frederick C. Moss

\$35 | 216 pp. with CD-ROM, Pub. #28637, ISBN 9781601560445, © 2008

Williamson v. Shrackle

Molly Townes O'Brien, Steven Friedman, and Kevin L. Prins

Professor Fergus D. Williamson was crossing the street when he was struck by the company pickup truck of Charles T. Shrackle. Williamson has filed a civil negligence suit with the Nita state court, claiming that Shrackle's negligence caused him severe injury and disability. Shrackle admits to hitting Williamson, but claims that he was crossing in the middle of the street, not the crosswalk, and that Williamson did not look before entering the road. The defendant denies negligence, instead alleging contributory negligence on the part of the plaintiff. There are three witnesses for the plaintiff and four for the defendant.

\$28 | 118 pp., Pub. #28589, ISBN 9781556816802, © 1999

Garcia v. Vertex Manufacturing Company

SECOND EDITION

William S. Bailey and Frederick C. Moss

In this products liability case involving the tip-over of an extended-reach personnel lift, a shipyard worker falls seventy feet when the lift he's in tips over. He suffers broken ankles in the fall and claims that he sustained a closed head injury. He sues Vertex Manufacturing, the maker of the lift, claiming negligent design. Experts will testify for both sides on the lift's design safety and industry standards. The defendant alleges that the lift was within industry standards and that it tipped over because of the plaintiff's employer's failure to properly train its workers. The defendant also disputes the plaintiff's claims of a head injury and personality change. If tried for liability only, there are three witnesses for the plaintiff and two for the defense. If damages are pursued, then there are five witnesses for the plaintiff and three for the defense. A CD-ROM containing photos of the accident scene and equipment, medical reports, and computer graphics is included.

\$35 | 144 pp. with CD-ROM, Pub. #28608, ISBN 9781601561077, © 2011

Lang v. Anderson

SECOND EDITION

Anthony J. Bocchino, Joseph J. Kalo, and Kelly S. Thomas

The plaintiff, Jeffrey B. Lang, seeks to recover damages based upon a claim that the defendant, Jennifer L. Anderson, owner of Mr. Gatsby's Restaurant, by serving and selling alcoholic beverages to Butch Turner, caused the intoxication of Butch Turner, and that Butch Turner injured the plaintiff while in this intoxicated condition. The defendant denies that as a result of beer consumed at Mr. Gatsby's Restaurant Butch Turner became intoxicated. The defendant claims that the plaintiff provoked the fight with Turner. The defendant asserts that she, therefore, is not liable for the plaintiff's injuries. This file is intended to be used for a bench trial or a short jury trial. The trial may be limited to the issue of liability; however, adequate materials are included to allow the issue of damages to also be tried. Each side should be permitted to call only two witnesses.

\$28 | 72 pp., Pub. #28596, ISBN 9781556817410, © 2001

Powell v. SuperPulper, Inc.

Andrew J. Stern, Gwen Roseman Stern, and Samuel A. Haaz

Robin Powell has filed a wrongful death suit against SuperPulper, Inc. after her husband, Steven Powell, died as a result of falling into a hydropulper manufactured by SuperPulper. The complaint alleges that the hydropulper was defective because there were no sufficient guards and warnings on and around the hydropulper.

\$35 | 105 pp. with CD-ROM, Pub. #28441, ISBN 9781601562159, © 2012

Negligence

Huntington v. Aster

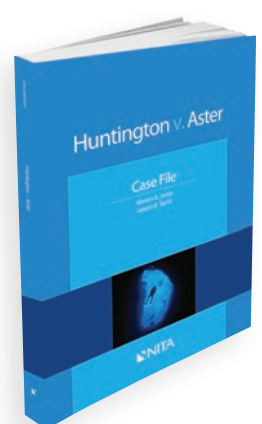
Warren Jones and Joseph E. Taylor

NEW IN 2013 Rose Huntington, the plaintiff, is suing Mark Aster, the defendant, for professional negligence, breach of fiduciary duty, conversion, and set aside of irrevocable trust. Mark helped April, Rose's daughter, convert Rose's will into an irrevocable trust. The trust named April as the sole trustee over Rose's 1.5 million dollar estate. Rose alleges that she didn't fully understand the terms of the trust when she signed it and that Mark failed to fully explain the trust's conditions to her.

April invested half of Rose's estate into two Peruvian development projects. April and Mark then traveled to Peru to discuss the investments. During the trip April disappeared while scuba diving with Mark. The Peruvian police were unable to determine the cause of her disappearance. Mark Aster denies involvement in both April's decision to invest in the Peruvian projects and her disappearance.

This complex case file will challenge students and professors. April Huntington's disappearance adds another dimension to this case, allowing students to argue their position from several angles. There are comprehensive exhibits and four witnesses, including two estate law expert witnesses.

\$35 | 120 pp. with CD-ROM, Pub. #28458, ISBN 9781601563347, © 2013



Premises Liability

Fisher v. Yankee Doodle Corp.

REVISED FOURTH EDITION

C. Steven Fury

\$28 | 124 pp., Pub. #28580, ISBN 9781556813818, © 1993

Product Liability

Vending Operator, Inc. v. Nita Department of Transportation

THIRD EDITION

Steven Lubet

Nita's transportation department claims that Vending Operator materially breached a contract to build and maintain vending stations along state highways. This trial case file is suited to train students to try both the liability and damages phases of civil actions. Impeachment issues give students the opportunity to practice examination skills. There are three witnesses for both the plaintiff and the defendant including expert social science and psychology witnesses.

\$28 | 240 pp., Pub. #28576, ISBN 9781556813702, © 1993

Teaching materials available

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|---|---|---|
| Advocate's Edition | Barrister's Edition | Faculty Edition |
| \$28 148 pp., Pub. #28578, ISBN 9781556813702, © 1993 | \$28 176 pp., Pub. #28578, ISBN 9781556813719, © 1993 | \$28 172 pp., Pub. #28579, ISBN 9781556813726, © 1993 |

Property Insurance

Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company

NINTH EDITION

Hon. Rebecca Sitterly, Laurence M. Rose, and Frank D. Rothschild (Based on the original case file by Abraham P. Ordovery)

NEW IN 2013 Flinders Aluminum Fabrication

Corporation burned to the ground on the night of November 16. George Avery, an employee of the plant, died inside. Plaintiff Arthur Jackson, the sole stockholder of the company, has filed a civil action lawsuit to recover the \$1,667,000 in damages owed from the policy issued by defendant Mismo Fire Insurance Company. The defendant has refused to pay, claiming that the fire was the work of an arsonist, thus indicating deliberate fraud. Mismo asserts that Jackson conspired with others to burn the plant in order to collect what was promised in the insurance policy. This breach-of-contract case file has four witnesses for both the plaintiff and the defendant. A CD with videos of the fire, deposition statements and PowerPoint presentation is included. A companion criminal case file, *State v. Jackson*, involves the charge of arson against Arthur Jackson. (See p. 24 for companion file.)

\$35 | 120 pp. with CD-ROM, Pub. #28628, ISBN 9781601562692, © 2013

Teaching materials available



Public Service

Public Service Case File Packet

NINTH EDITION

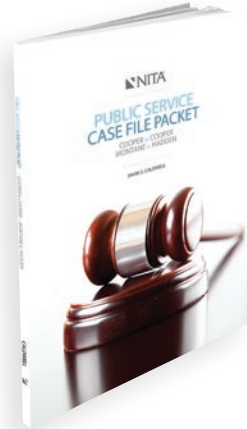
Mark S. Caldwell

NEW IN 2013 The two short, yet complete, case files in this Public Service Case File Packet allow readers to try, review, and compare the cases in less time. *Cooper* is designed to be presented as a bench trial, while *Montane* may be presented as either a bench trial or a jury trial.

In *Cooper v. Cooper*, food and fists fly in a domestic showdown at the Yankee Doodle Restaurant, where the young Mr. and Mrs. Cooper physically and publically grapple with their shared history of alcoholism, economic hardship, and allegations of domestic violence. Issues relating to public assistance, chronic substance abuse, and protective orders figure into this “he said, she said” tale of tumultuous matrimony hitting rock bottom.

Montane v. Hadden is a residential landlord-tenant case involving two sisters living in the U.S. as political refugees, who allege they got more than they bargained for upon discovering bed bugs swarming their rental apartment and wish to break their lease. Landlord Hadden disputes their claim, insisting that the bloodsuckers leached a ride in the sisters’ baggage during an extended stay in a refugee detention facility.

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Theft/Robbery

State v. Delaney

SECOND EDITION

Joseph E. Taylor

The State of Nita has charged Ardell Delaney, a professional baseball player, with robbing at gunpoint Lexi Waitkus, the assistant manager of Miller’s Fine Jewelers. The defendant contends that this is a case of mistaken identification, and he claims that at the time of the robbery he was having his car checked for smog certification. This case file includes five witnesses for the plaintiff and four witnesses for the defendant, including an eyewitness and expert witness on both sides.

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State v. Lawrence

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Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino

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United States v. Clark

Donald Q. Cochran

\$35 | 102 pp. with CD-ROM, Pub. #28631, ISBN 9781556819971, © 2006

Teaching materials available

Trade Secrets

NANO Search, Inc.™ v. St. Helens Worldwide Technologies™

John O. Sonsteng

This is a trade secret case brought about by an Internet search technology company based in Silicon Valley, Nita, called NANO Search, Inc.™ (“NANO”) against St. Helens Worldwide Technology™ (“St. Helens”) based in Bellingham, West-State. NANO claims that St. Helens misappropriated its trade secrets in St. Helen’s design of a recently launched search feature called the Family Finder.

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Paul v. Dynamo

SECOND EDITION

Morgan Cloud

This pretrial case file features a breach of contract focusing on evidentiary privileges, professional responsibility, and client misconduct. Michelle Paul seeks to recover the unpaid sum of \$2.8 million from Arthur Dillon, the buyer of her former business, Sportslifeware. After the sale, Paul started a new company, Sportique Clothing, and hired two of her former employees, one of whom brought Sportslifeware’s customer list with him. Dillon failed to make the balloon payment, claiming he owed nothing because Paul breached the agreement. These materials can be used for a number of courses.

Advocate’s Edition

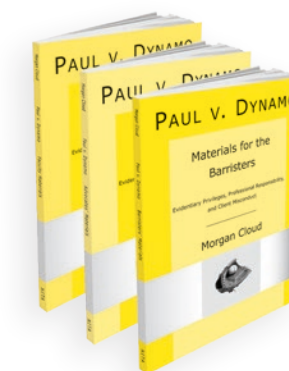
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Faculty Edition

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Sexual Assault

State v. Johnson

Jean Montoya

Edward Johnson has been charged with the rape of Amanda Smith, a woman he claimed to have met in a bar the night the alleged rape occurred. Johnson, the defendant, is pleading not guilty, asserting that while the pair did engage in sexual intercourse, the relations were consensual. Smith, contrarily, claims that she gave the defendant a ride home from the bar, and upon arrival at his apartment, he seized her keys and forced her to come upstairs. Each party is required to submit to examinations and alcohol/toxicology inspections at the laboratory. There are five witnesses for the plaintiff and four witnesses for the defendant.

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Teaching materials available

State v. Stone

REVISED FOURTH EDITION

James H. Seckinger

\$28 | 160 pp., Pub. #28574, ISBN 9781556813115, © 1992

Teaching materials available



Vehicle Violations

State v. Peyton

Elizabeth I. Boals

State v. Peyton is a criminal case involving driving under the influence and felonious hit-and-run charges. Users of the case file consider criminal trial issues including criminal conviction impeachment, bias impeachment, prior sworn testimony, business records, computer-generated documents, and optional medical expert testimony on blood-alcohol content and metabolism. The case file also features a recorded 911 call from the accident scene that may be used in either the audio or transcribed version. All case file exhibits and a comprehensive teacher's manual are available in digital format. *Addison v. Peyton* is the civil version of this case file (see p. 35 for case file).

35 | 101 pp. with CD-ROM, Pub. #28511, ISBN 9781601561251, © 2010

Wrongful Death

Farrell et al. v. Strong Line, Inc. et al.

REVISED SECOND EDITION

Thomas F. Geraghty

Anne Farrell's husband, Nathan, died after a heart transplant. There is reason to believe the equipment used in the surgery was defective and led to Nathan's untimely death. Anne is seeking damages from both the hospital and Dr. Madden, claiming negligence and medical malpractice. Additionally, the plaintiff is suing Strong Line, claiming both negligence and product liability due to the defective suture. All three defendants refute this claim and are contesting the amount of damages the plaintiff is seeking, maintaining that she cannot affirm that her husband's quality of life would have remained intact postsurgery. The professor will have choices for students to work with multiple defendants to complicate the charges. There are eight witnesses for the plaintiffs and five witnesses for the defendants.

28 | 256 pp., Pub. #28581, ISBN 9781556814198, © 1994

Teaching materials available

Wrongful Discharge

PUDS v. Brezenski

John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller

This dispute centers around the discharge of Karol Brezenski by Picket Up Delivery Services (PUDS). Karol Brezenski, an employee of PUDS, is a member of the International Association of Transport Workers (IATW). Under the terms of the collective bargaining agreement between PUDS and the IATW, the company instituted an attendance and tardiness policy.

Arbitration File

35 | 200 pp. with CD-ROM, Pub. #28445, ISBN 9781601560636, © 2012

Trial File

35 | 205 pp. with CD-ROM, Pub. #28433, ISBN 9781601562104, © 2012

State v. James

John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller

35 | 174 pp., Pub. #28438, ISBN 9781601562135, © 2012

Gilbert v. O'Neil

Joseph E. Taylor

Six-year-old Julie Gilbert, the daughter of rock star Charlie Gilbert, sues her mother, Cally O'Neil, through her guardian ad litem, alleging that the defendant caused the death of the rock star by conspiring with her lover, Buster Adams, to kill Gilbert. The plaintiff alleges that O'Neil and Adams injected Gilbert with a lethal dose of drugs, fatally shot him, and then staged his suicide. The defense claims that Gilbert died of suicide by a self-inflicted gunshot. Based on the Kurt Cobain murder/suicide case, this case file includes depositions from nine witnesses, including expert testimony from doctors, forensic experts, and a handwriting expert.

35 | 192 pp. with CD-ROM, Pub. #28537, ISBN 9781601561503, © 2011

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Tournament of Champions | 2013

In 1989, Professor Charles E. "Chuck" Kirkwood of the University of Akron School of Law hosted the first Tournament of Champions Trial Competition. He invited the best trial advocacy law schools in the nation. Invitations were based on performance over the years in two "open" student trial competitions: the National Trial Competition and the ATLA National Student Trial Advocacy Competition. The tournament was informal and fun, with a focus on outstanding trial advocacy skills. In 1995, NITA recognized the outstanding quality of this tournament and chose to sponsor the Tournament of Champions.

Today, the tournament is one of the premier law school trial competitions in the nation and is known for having the highest quality of congeniality and good sportsmanship. Each year, sixteen schools are invited. The invitations are based on a three-year performance record at the National Trial Competition and the ATLA National Student Trial Advocacy Competition, and performances at prior Tournament of Champions competition.



2013 Champions from Washington University School of Law, St. Louis

2013 Tournament of Champions Results

CHAMPION

Washington University School of Law,
St. Louis

2ND PLACE

Loyola Law School, Los Angeles

SEMIFINALIST

Duquesne University School of Law

SEMIFINALIST

Stetson University College of Law

BEST ADVOCATE, PRELIMINARY ROUNDS

Eric Bell
Loyola Law School, Los Angeles

BEST ADVOCATE, FINAL ROUNDS

Eric Bell
Loyola Law School, Los Angeles



2013 Runners-up from Loyola Law School, Los Angeles

2013 Tournament of Champions Participating Law Schools

Baylor Law School
Duquesne University School of Law
Georgetown Law
ITT Chicago-Kent College of Law
Loyola Law School, Los Angeles
Samford University, Cumberland School of Law
Stetson University College of Law
Suffolk University Law School
Syracuse University College of Law
Temple University, James E. Beasley School of Law
University of California, Berkeley, School of Law
University of Denver, Sturm College of Law
University of Kentucky College of Law
University of Maryland, Francis King Carey School of Law
University of Notre Dame Law School
Washington University School of Law, St. Louis

Awards

Champions received the traveling James H. Seckinger Trophy, a team plaque, individual plaques, and a copy of NITA's book, *Trial Technique & Evidence* by Michael R. Fonham. Runner-up and Semifinalists each received a team plaque. The best advocates received scholarships to a NITA Deposition Program. All advocates received a collection of NITA books and certificates.

PREVIOUS WINNERS OF THE JAMES H. SECKINGER TROPHY

2012	Baylor Law School	2000	University of Texas School of Law
2011	Samford University, Cumberland School of Law	1999	Howard University School of Law
2010	Chicago-Kent College of Law	1998	Temple University School of Law
2009	St. John's University School of Law	1997	Temple University School of Law
2008	Duquesne University School of Law	1996	Temple University School of Law
2007	St. John's University School of Law	1995	Loyola Law School, Los Angeles
2006	University of Maryland School of Law	1994	Stetson University College of Law
2005	Temple University School of Law	1993	Stetson University College of Law
2004	Stetson University College of Law	1992	University of San Diego Law School
2003	University of Akron School of Law	1991	Stetson University College of Law
2002	Pepperdine University School of Law	1990	South Texas College of Law
2001	Loyola Law School, Los Angeles	1989	Stetson University College of Law





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