

2012

PUBLICATION CATALOG

NATIONAL INSTITUTE FOR TRIAL ADVOCACY



NITA
National Institute for Trial Advocacy

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What is NITA?

The National Institute for Trial Advocacy (NITA) originated the concept of rigorous learning-by-doing trial skills training in 1971. Since then we have continued to refine our unique learning-by-doing methodology. NITA's 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.

Why Do Law Schools Choose NITA Publications?

Our skills-based focus gives you the insight and experience necessary to take your advocacy to the next level.

Our publications are designed to help lawyers develop and refine their advocacy skills in every stage of litigation. Whether it's written discovery, e-discovery, deposition, trial preparation, appeals, or alternative dispute resolution, our books give you the tools to do it all with confidence.

If you're looking for practical skills advice, we have books ranging from how to handle an administrative agency case to preparing trial notebooks to winning appeals.

If you're looking to enhance your classroom experience with interactive problems, we have a library of case files and problems to enhance any learning experience.

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Dear Reader:

Throughout 2012, we'll be introducing you to new voices in advocacy skills and enhancing your practice and classroom experiences with updated titles that you have come to depend on. We continue to strive to bring you real-world experience from seasoned attorneys across a variety of practice areas to ensure that you are up to date in advocacy training and trends.

Last year, we expanded our library with advocacy books that took you into specific practice areas, like *International Commercial Arbitration Advocacy* and *Administrative Agency Litigation*. We introduced graduates to practical advice about finding their way in the world of big law in *The Six-Minute Marathon*. We brought students and young professionals a much needed guide on the ins and outs of preparing their first case for trial in *Trial Prep for the New Advocate*. And, of course, with the restyling of the Federal Rules of Evidence, we updated the *Practical Guide to Federal Evidence* and *Federal Rules of Evidence with Objections*.

This year, we'll bring you new perspectives on trial advocacy with books like *Inside Jurors' Minds*, a look into the psychology behind jury reasoning. And a series of helpful pocket guides from the author of *Effective Deposition* that covers deposition rules, expert rules, exhibit rules, and other vitally important rules and skills necessary for trial preparation. Also we're excited to present the much-anticipated new edition of *Effective Deposition* this fall.

If you're looking for the perfect case file to bring your classroom or training session to life, we're updating some of our most popular cases. *Potter v. Schrackle* and *Quinlan v. Kane* will be out later this year, and we're continuing to add new titles to our Practicum Series, which provides students with the problem and legal theory so they can focus on the advocacy skills you want them to learn. In addition, we'll introduce you to new cases like *State v. Bloodworth*, a murder prosecution stemming from an assault causing blunt force trauma that resulted in death three days later, and *Vrosnksy v. National Farm*, a products-liability case involving injuries sustained in a hay baler accident.

As you can see, we're working hard to provide you with the best skills development tools from the most experienced advocates. Over the last forty years, NITA has become the name you can trust in learning-by-doing advocacy training. Our publications are held to the same high standard as our in-person and online training programs, and we are committed to bringing you the best advocacy development resources to improve your practice, your classroom, and your reference library.

Warm Regards,

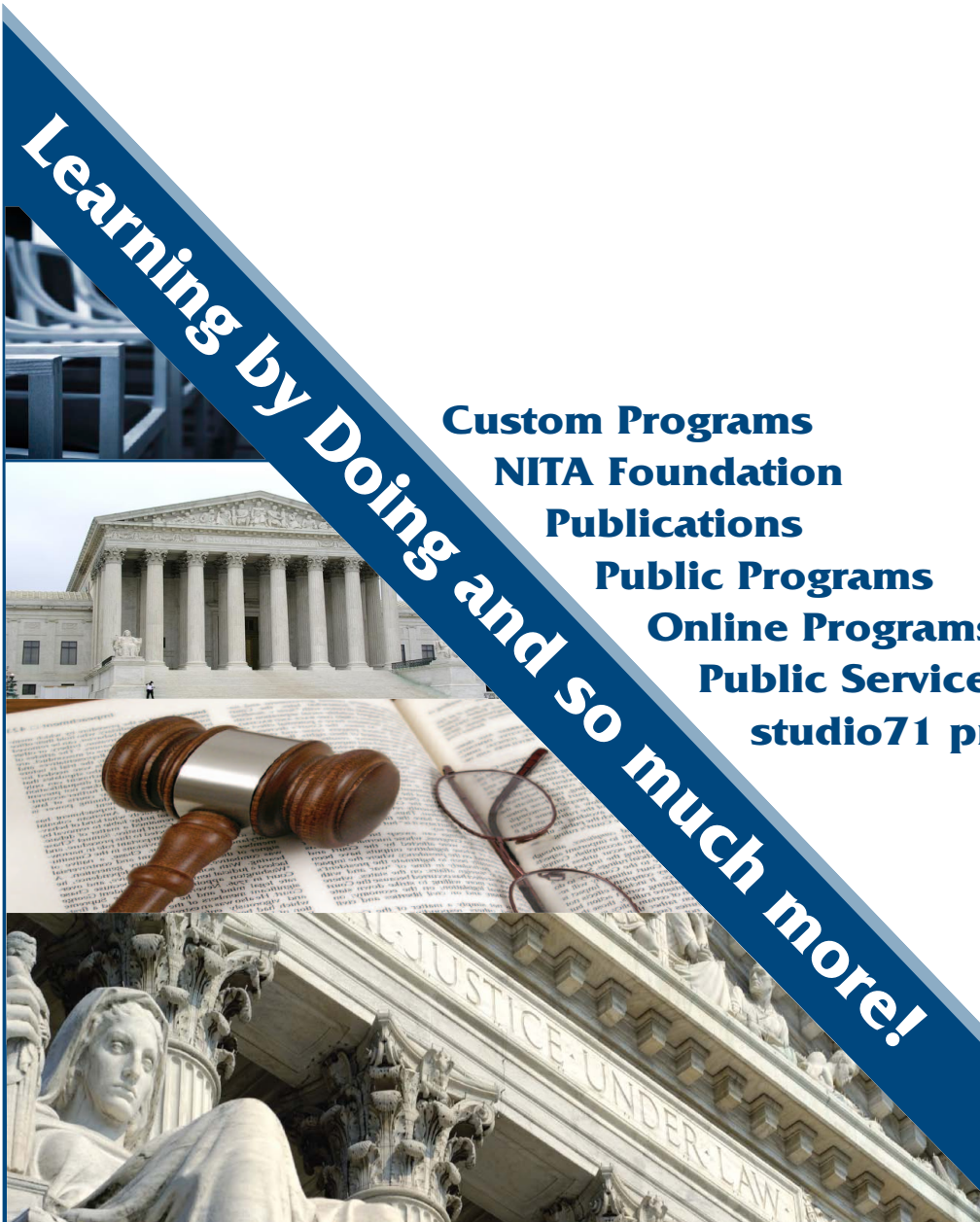


Darla Upchurch
Publisher

NITA is the premier provider of learning-by-doing education for the legal profession.

Learning by Doing and so much more!

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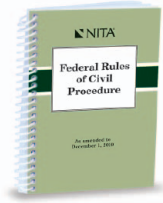


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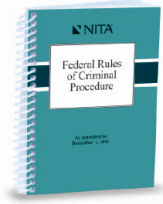
Federal Rules of Civil Procedure 2010 Edition



This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2011. 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 | 268 PP. | 2010 | 978-1-60156-164-0

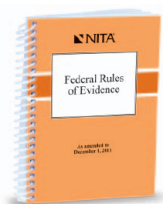
Federal Rules of Criminal Procedure 2011 Edition



This edition of NITA's convenient pocket-size book incorporates the amendments to the Federal Rules of Criminal Procedure that went into effect December 1, 2011.

■ \$20 | 150 PP. | 2011 | ISBN 978-1-60156-180-0

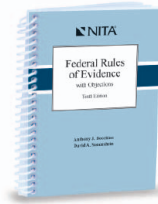
Federal Rules of Evidence 2011 Edition



This handy guide compiles the Federal Rules of Evidence for U.S. Courts and Magistrates, as amended through December 1, 2011. 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 | 78 PP. | 2011 | 978-1-60156-178-7

Federal Rules of Evidence with Objections Tenth Edition



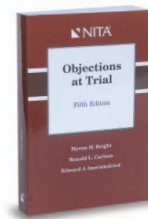
Federal Rules of Evidence with Objections contains the complete text of the Federal Rules of Evidence as amended to December 1, 2011. This useful guide is organized for quick reference, with an alphabetical section of major objections, and includes practical tips and legal interpretations for each rule. 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 with the entire book in PDF format hyper-linked and bookmarked for ease of use.

■ \$45 | 236 PP. WITH MINI-CD | 2011 | 978-1-60156-179-4

Objections at Trial Fifth Edition

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



NITA's 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 Fifth 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, will also be useful in practice in the courts of all fifty states. Indeed, forty-one states now have evidence codes patterned directly after the Federal Rules. This updated edition includes a mini-CD with the entire book in PDF format hyperlinked and bookmarked for ease of use.

■ \$35 | 348 PP. WITH MINI-CD | 2008 | 978-1-60156-073-5

Federal Trial Objections Quick Reference Card

Sydney A. Beckman



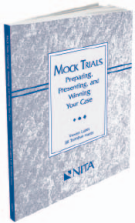
This handy four-panel reference card offers the student or trial attorney a quick reference to federal trial objections. An extensive list of objections, ranging from hearsay to confrontation clause issues, is categorized into sections for easy subject reference. Each objection is paired with the supporting rule(s) of evidence or procedure.

■ **\$9.95** | 2008 | 978-1-60156-082-7

Prepack of 25 cards is also available: **\$248.75** | 978-1-60156-085-8

Mock Trials: Preparing, Presenting, and Winning Your Case

Steven Lubet and Jill Trumbull-Harris



This trial advocacy textbook is designed specifically to educate undergraduate students on the methods and techniques needed to prepare and present a mock trial case for competition. *Mock Trials* addresses the essentials of trial persuasion and explains legal issues in terms easily understood by pre-law students.

■ **\$35** | 272 PP. | 2001 | 978-1-55681-713-7

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

Michael L. Coyne and Ursula Furi-Perry



Coyne and Furi-Perry have created the essential how-to guide for trial preparation. Paralegals will master every stage of litigation, from initial client interviews to pulling together the trial notebook. The book begins with overviews of the litigation process and the evidence rules. Practical skills for interviewing, handling discovery, preparing exhibits, and more are explained with examples.

■ **\$35** | 238 PP. | 2009 | 978-1-60156-084-1

Problems and Cases in Interviewing, Counseling & Negotiation

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

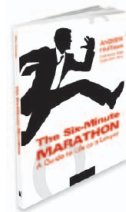


These materials are divided into two parts—exercises and problems. The introductory exercises are designed to focus attention on basic communications skills that are crucial in the interviewing/counseling or negotiation setting. The purpose of these exercises is to isolate and develop these basic communication skills before attempting full-scale interviewing/counseling or negotiation problems. The exercises are followed by interviewing/counseling or negotiation problems. Some of them are based on the *Potter v. Shrackle* and *State v. Diamond* case files. Each problem contains basic information known to all participants. These problems are designed as tools for “learning by doing.”

■ **\$45** | 292 PP. | 1986 | 978-1-55681-071-8

The Six-Minute Marathon: A Guide to Life as a Lawyer

Andrew Hartman and Caren Ulrich Stacy



Transitioning from law school to law practice can be the most daunting thing you do in your professional career. *The Six-Minute Marathon* is your survival guide to thriving in BigLaw practice. Andrew Hartman advises the up-and-coming generation of attorneys with humor and practicality. Stories of failed associates and redeeming moments from his twenty-plus years of practice will enlighten you as you venture into the world of law and learn to record your marathon of success in six-minute increments. As a bonus, Caren Ulrich Stacy provides insights from her own nearly twenty-year career in professional development. From the initial interview to dressing to impress to networking your way to the top, *The Six-Minute Marathon* will guide you around the pitfalls that ensnare so many of your unwary colleagues and lead you toward your BigLaw dreams.

■ **\$12.95** | 168 PP. | 2011 | 978-1-60156-147-3

Alternative Dispute Resolution

NITA PRACTICAL GUIDE SERIES

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 | 230 PP. | 2005 | 978-1-55681-950-6

Alternatives to Litigation

Second Edition

Andrea Doneff and Abraham Ordover



Alternatives to Litigation was first published in 1993 when alternate dispute resolution practice was in its infancy. Now over a decade later and in its Second Edition, this book reflects the growth in this field and also the growing interest and in some states mandatory use of ADR. Authors Andrea Doneff and Abraham Ordover explore key concepts and terms, and address practical how-to issues that

all attorneys need to recognize and master regardless of their field of expertise. *Alternatives to Litigation* includes appendices providing sample agreements, checklists, a model standard of conduct, commentary on ethical issues, and other useful resources.

■ \$60 | 272 PP. | 2002 | 978-1-55681-749-6

NITA PRACTICAL GUIDE SERIES

Arbitration Advocacy

Second Edition

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. Cooley, an experienced judge, trial attorney, arbitrator, and mediator, and Lubet, author of NITA's best-selling

Modern Trial Advocacy, introduce 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
- Delivering effective openings and closings
- Examining witnesses
- Arbitration strategy and tactics

■ \$75 | 598 PP. | 2003 | 978-1-55681-799-1

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. Cooley defines the role, authority, and ethics requirements of the arbitrator. Chapters focus on providing basic information on the nature of arbitration, including a description of its stages and types, and its benefits

and limitations, describing the prehearing functions and duties of the arbitrator, focusing on the time of initiation of the arbitration as well as the preparation stage; the arbitrator's hearing functions and duties, and covers such topics as the arbitrator's opening statement, handling preliminary matters, a review of basic rules of evidence, and making rulings on motions and objections; the arbitrator's post-hearing functions and duties, and addresses such topics as ruling on post-hearing motions, deciding the merits of the case, and drafting the award and the opinion supporting the award. The appendix also contains sample arbitration forms and rules from leading dispute resolution organizations, making this the most comprehensive text available for "hands-on" arbitration instruction.

■ \$85 | 469 PP. | 2009 | 978-1-60156-105-3

to order call 800.533.1637 or visit www.lexisnexis.com/nita

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 NITA's performance-based training for trial lawyers 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. The book contains forms that illustrate sample agreements to mediate and final mediation agreements, plus a section containing hypothetical situations for performance training.

■ \$65 | 312 PP. | 2005 | 978-1-55681-865-3

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* is the first book of its kind to offer 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 | 264 PP. WITH CD-ROM | 2011 | 978-1-60156-081-0

NITA PRACTICAL GUIDE SERIES

Mediation Advocacy

Second Edition

John W. Cooley



This classic text includes sections on various mediation design processes and techniques. Cooley 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

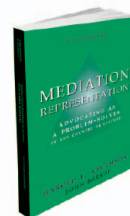
and in-session and post-session advocacy. The appendix contains sample mediation forms and rules, lists of ADR providers, and a list of nonprofit organizations that study and promote the use of ADR.

■ \$75 | 470 PP. | 2002 | 978-1-55681-780-9

Mediation Representation: Advocating as a Problem-Solver in Any Culture or Country

Second Edition

Harold I. Abramson



Representing clients effectively in mediations requires a set of problem-solving techniques that are different from those used in adversarial negotiation and arbitration. Abramson offers a new approach for your classroom, tailored to realize the full benefits of mediation practice. *Mediation Representation* contains checklists and appendices,

including samples of a briefing paper, opening statements, agreements to mediate, a confidentiality agreement, mediation rules, and a detailed explanation of how to use decision trees.

■ \$65 | 526 PP. WITH CD-ROM | 2010 | 978-1-60156-108-4

Teaching materials available.

The Mediator's Handbook

Second Edition

John W. Cooley



The Mediator's Handbook explains the roles and functions of mediators with unrivaled diligence and clarity. It outlines the basics of mediation; essential communication skills; pre-conference, conference, and post-conference duties; and hybrid and cyber mediation. In *The Mediator's Handbook*, Cooley stresses that mediation skills training should address essential lawyering attributes that carry

over into every aspect of the practice of law.

■ **\$75** | 536 PP. | 2006 | 978-1-55681-994-0

Appellate Advocacy

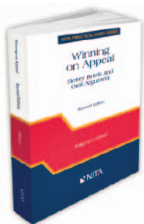
BEST SELLER

NITA PRACTICAL GUIDE SERIES

Winning on Appeal: Better Briefs and Oral Argument

Second Edition

Hon. Ruggero J. Aldisert



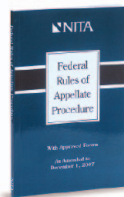
First published more than a decade ago, *Winning on Appeal* has been adopted by many top-flight law schools for appellate advocacy courses. It also has become a popular desk reference on how to write an effective brief and deliver a persuasive oral argument. Aldisert has created a wonderfully instructive how-to manual for the appellate advocate. Throughout *Winning on Appeal*, nineteen

current chief justices of state courts, nine chief judges of U.S. courts of appeals, more than twenty 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.

The Honorable Ruggero J. Aldisert received the 2008 Golden Pen Award from the Legal Writing Institute.

■ **\$75** | 500 PP. | 2003 | 978-1-55681-824-0

Federal Rules of Appellate Procedure with Approved Forms



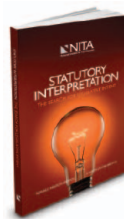
NITA's 4-by-6 inch volume contains the rules of appellate procedure as amended through December 1, 2007, which includes all updates to Rule 25.

■ **\$20** | 112 PP. | 2008 | 978-1-60156-030-8

Statutory Interpretation: The Search for Legislative Intent

Second Edition

Ronald Benton Brown and Sharon Jacobs Brown



Statute reading doesn't have to be arduous. Designed to be read with a particular statute in mind, 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.

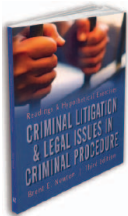
■ **\$35** | 220 PP. | 2011 | 978-1-60156-158-9

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Criminal Practice

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

Third Edition
Brent E. Newton



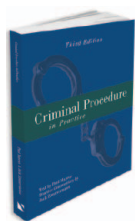
Criminal Litigation & Legal Issues in Criminal Procedure is designed to incorporate the substantive law of criminal procedure into a trial advocacy course. The traditional trial advocacy course is concerned almost exclusively with “skills training” (e.g., learning techniques for cross-examining a witness), 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 | 236 PP. | 2009 | 978-1-60156-098-8

Criminal Procedure in Practice

Third Edition
Paul Marcus and Jack Zimmermann



Criminal Procedure in Practice provides practical guidance for attorneys during each stage of a criminal case—from the police investigation to issues involving the double jeopardy clause. Authors Jack Zimmermann and Paul Marcus interpret constitutional principles and case law, and provide commentary that applies to both the prosecution and defense in federal, state, or military courts. It includes

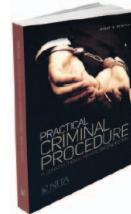
a discussion of clemency and parole in the military justice system. The examination of Confrontation Clause issues reflects the Supreme Court’s decision in *Crawford v. Washington* (and the cases that follow, including *Giles v. California*), which marked a significant change in the interpretation of that clause. The analysis of relevant case law includes important Supreme Court cases impacting the death penalty in non-homicide cases, the constitutionality of lethal injection, the application of the Federal Sentencing Guidelines, and more.

■ \$60 | 368 PP. | 2009 | 978-1-60156-060-5

NITA PRACTICAL GUIDE SERIES

Practical Criminal Procedure: A Constitutional Manual

Second Edition
Brent E. Newton



Practical Criminal Procedure, Second Edition 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.

■ \$45 | 376 PP. | 2011 | 978-1-60156-106-0

Deposition and Pretrial

Administrative Agency Litigation

Chris McNeil



Whenever the government tries to deny a benefit or take away a license, the parties affected by the action have the right to a fair hearing before an impartial adjudicator. This book offers practical suggestions about how to prepare for agency hearings. It’s a guide for lawyers, clinical assistants, law students, and laymen who want to gain an accurate understanding of what to expect in litigating

with a governmental agency. Written by an experienced administrative litigator and judge, the book explains why preparing for agency litigation is different from civil or criminal litigation. It provides a summary of the constitutional principles controlling agency action, a discussion about issues that are likely to arise in administrative hearings, and a review of the best practices for effective advocacy before governmental bodies. It explains how to avoid the trial-by-fire process that is common among agency hearings by giving specific suggestions on how to prepare your client, your judge, and yourself for agency adjudication.

■ \$65 | 200 PP. WITH CD-ROM | 2011 | 978-1-60156-144-2

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

■ \$45 | 192 PP. | 2005 | 978-1-55681-958-2

NITA PRACTICAL GUIDE SERIES

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 | 240 PP. | 2000 | 978-1-55681-532-4

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

Fourth Edition

David M. Malone



Who may be deposed? Why depose your own witnesses? How do you object to opposing counsel's behavior? This handy reference guide asks and answers ninety common questions lawyers face in preparing, conducting, and defending depositions.

■ \$35 | 206 PP. | 2005 | 978-1-55681-955-1

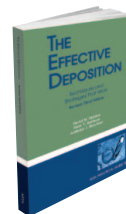
BEST SELLER

NITA PRACTICAL GUIDE SERIES

The Effective Deposition: Techniques and Strategies That Work

Revised Third Edition

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



NITA programs and law schools nationwide have used *The Effective Deposition* for years so that attorneys and soon-to-be attorneys have all the essential know-how in taking a deposition—the most critical step in discovery. The authors apply their expertise as attorneys and educators to bring the reader critical information on recent rules, information on the impact of technological

developments including e-discovery and digital transcription, along with 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 non-trial resolutions, depositions are used as much or more than in years past in the context of motions, negotiated settlements, mediations, arbitrations, and dismissals.

■ \$85 | 432 PP. | 2007 | 978-1-60156-047-6

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

Eric Oliver



Every decision maker is influenced by far more than his or her background and beliefs. Every decision maker has an imagination, and they use it to create many more than one version of your client's case story. Then, each judge, negotiator, mediator and juror settles on one private version of your story and decides your case from that version. *Facts Can't Speak for Themselves* offers trial

attorneys proven ways to uncover the full range of those "rewritten" stories in focus groups and how to take their best elements into court and other venues to deliver a story more likely to persuade than the one you thought you had. Highlights include:

- The importance of crafting and communicating a case to decision makers as a story and why it can be the most direct and influential way to address decision makers
- Which focus groups best reveal the range of story versions listeners can build from your case

Appendices include "function follows form," a glossary, sample opening statements, and small-group standards and guidelines.

■ **\$65** | 564 PP. | 2005 | 978-1-55681-790-8

How to Do Your Own Focus Groups: A Guide for Trial Attorneys

David Ball



This easy-to-follow book shows you how to organize and direct your own focus groups: deciding what kind of focus group best fits your case, selecting the focus jurors, and analyzing your conclusions. *How to Do Your Own Focus Groups* is designed so that attorneys can easily start conducting their own focus groups, and it also contains information about hiring trial consultants to run them

for you. The book includes a CD-ROM with sample schedules, letters, forms, and questionnaires that you can adapt to your focus group.

■ **\$55** | 184 PP. WITH CD-ROM | 2001 | 978-1-55681-695-6

Legal Strategy

Paul J. Zwier



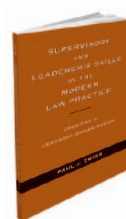
Legal Strategy describes pre-litigation, transactional, and negotiation processes in a way that brings together the basics of each discipline. It shows how to determine the end goal of your case, how to explore the facts, and procedural alternatives most likely to get you to your goal. By focusing lawyers in a continual exercise in deliberation on what matters most, Zwier sets forth three steps in

legal strategy: fact investigation, client counseling, and implementation of the client's decision.

■ **\$50** | 192 PP. | 2005 | 978-1-55681-923-0

Supervisory & Leadership Skills in the Modern Law Practice

Patricia Lucas and Paul J. Zwier



Are you looking for a fresh new take on law firm management and associate training? In this book, law firm management issues, often neglected in law school, are brought to the forefront. *Supervisory & Leadership Skills in the Modern Law Practice* shows you how to give your staff more effective feedback as well as teaches you the difficult delegation skills we all need to acquire. Paul Zwier and

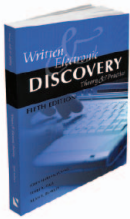
Patricia Lucas recognize the need for supervisory lawyers to improve staff morale, maintain effective firm organization, and ultimately increase firm profitability and give students the tools to do it.

■ **\$25** | 176 PP. | 2006 | 978-1-55681-991-9

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** | 460 PP. WITH CD-ROM | 2009 | 978-1-60156-056-8

Evidence

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 or trial advocacy class.

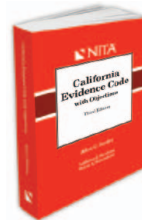
■ **\$55** | 270 PP. | 2005 | 978-1-55681-888-2

Teaching materials available

California Evidence Code with Objections

Third Edition

Anthony Bocchino, Allen Snyder, and David Sonenshein



At 4-by-6 inches, this complete guide to California evidence travels easily to the courtroom or classroom. This handy pocket-size book lets you:

- Quickly reference objections and responses during trial through the use of thumb tabs
- Instantly consult the relevant California rule
- Gain insight from crucial practice tips and legal interpretations
- Access the rules when you need them most—this pocket-size guide is always at hand

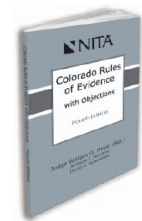
The new edition reflects the changes made to the evidence code by the California legislature through January 2009.

■ **\$35** | 448 PP. WITH MINI CD-ROM | 2009 | 978-1-60156-006-3

Colorado Rules of Evidence with Objections

Fourth Edition

Anthony J. Bocchino, Hon. William G. Meyer, and David A. Sonenshein



At 4-by-6 inches, this complete reference guide to Colorado evidence travels easily to the courtroom or classroom.

NITA's handy guide enables you to quickly reference objections and responses during trial. Objections, followed by the accurate responses, are listed alphabetically with thumb tabs so that you can go right to them. Instantly consult the relevant section of the *Colorado Rules of*

Evidence, reproduced in its entirety in the last section of the book. Gain insight from crucial practice tips and legal interpretations. Access the rules when you need them most—this pocket-size guide is always at hand.

■ **\$30** | 248 PP. | 2007 | 978-1-60156-042-1

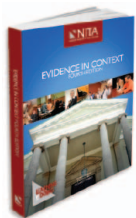
to order call 800.533.1637 or visit www.lexisnexis.com/nita

BEST SELLER

Evidence in Context: A Trial Evidence Workbook

Fourth Edition

Robert P. Burns, Steven Lubet, and James H. Seckinger



Evidence in Context 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. Learning evidence within the context of complex fact patterns illustrates the way in which the choices an attorney makes about theory of the case and theory of admissibility

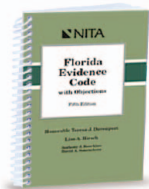
can critically affect the admissibility of evidence. The material contains two complex case files and over 290 problems. All exhibits are included on a CD-ROM.

■ **\$60** | 292 PP. WITH CD-ROM | 2010 | 978-1-42249-166-9

Teaching materials available

Florida Evidence Code with Objections

Anthony J. Bocchino, Teresa Davenport, and David Sonenshein



At 4-by-6 inches, this complete reference guide to Florida evidence travels easily to the courtroom or classroom. NITA's handy guide, compiled by David Sonenshein, Anthony Bocchino, Teresa Davenport, and Lisa Hirsch, enables you to quickly reference objections and responses during trial. Objections, followed by the accurate responses, are listed alphabetically with thumb tabs so that you can

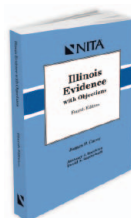
go right to the one you want. The Florida Evidence Code is reproduced in its entirety in the last section of the book. Gain insight from crucial practice tips and legal interpretations and access the rules when you need them most—this pocket-size guide is always at hand. Includes a mini CD-ROM with the entire book in PDF format hyperlinked and bookmarked for ease of use.

■ **\$35** | 256 PP. WITH MINI CD-ROM | 2008 | 978-1-60156-039-1

Illinois Evidence with Objections

Fourth Edition

Anthony J. Bocchino, James P. Carey, and David A. Sonenshein



At 4-by-6 inches, this complete guide to Illinois evidence travels easily to the courtroom or classroom. This handy pocket-size book lets you quickly reference objections, listed alphabetically with thumb tabs, and responses during trial. Instantly consult the relevant Illinois Rule and gain insight from crucial practice tips and legal interpretations.

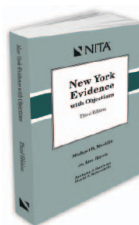
Access the rules when you need them most, this pocket-size guide is always at hand. Includes a mini CD-ROM with the entire book in PDF format hyperlinked and bookmarked for ease of use.

■ **\$35** | 280 PP. WITH MINI CD-ROM | 2008 | 978-1-60156-040-7

New York Evidence with Objections

Third Edition

Anthony J. Bocchino, Jo Ann Harris, Michael B. Mushlin,
and David A. Sonenshein



Great things come in small packages. At just 4-by-6 inches, the Third Edition of this useful book by Jo Ann Harris and Michael Mushlin is packed with the New York Rules of Evidence, objections, and special statutes. Use the thumb tabs to quickly locate the information you need. Each section provides the applicable New York case law and statutes (updated through 2008), an explanation giving the

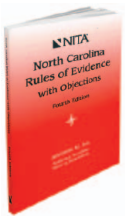
reason for the law, and the current understanding of it.

■ **\$35** | 256 PP. WITH MINI CD-ROM | 2008 | 978-1-60156-012-4

North Carolina Rules of Evidence with Objections

Fourth Edition

Anthony J. Bocchino, Adrienne M. Fox, and David A. Sonenshein



At 4-by-6 inches, this complete reference guide to North Carolina evidence rules travels easily to the courtroom or classroom. NITA's handy guide enables you to quickly reference objections and responses during trial, instantly consult the relevant section of the North Carolina Rules of Evidence reproduced in its entirety in the last section of the book, gain insight into crucial practice tips and legal

interpretations, and access to the rules when you need them most. This pocket-sized guide is always handy and includes a mini CD-ROM with the entire book hyperlinked and bookmarked for easy use.

■ **\$35** | 208 PP. WITH MINI CD-ROM | 2008 | 978-1-60156-041-4

BEST SELLER

NITA PRACTICAL GUIDE SERIES

A Practical Guide to Federal Evidence: Objections, Responses, Rules, and Practice Commentary

Tenth Edition

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

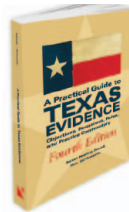
practice commentary that gives experienced insights into typical issues confronting the trial lawyer and presents the foundations necessary for admissibility of evidence. The Quick Reference Guide provides instant access to the accurate responses to ninety common objections.

■ **\$75** | 341 PP. | 2011 | 978-1-60156-197-8

A Practical Guide to Texas Evidence

Fourth Edition

Hon. Edward Kinkeade and Gerald Reading Powell



A Practical Guide to Texas Evidence: Objections, Responses, Rules, and Practice Commentary provides information on the appropriate way to offer and oppose evidence during pretrial and trial. This book is divided into easy-to-locate sections, discussing general considerations, privileges, forms of questions, relevance, authentication and original documents, exhibits, opinions, cross-examination and

impeachment, character evidence, and hearsay.

■ **\$45** | 440 PP. | 2009 | 978-1-60156-038-4

Problems and Materials in Evidence & Trial Advocacy

Fifth Edition

Robert Burns, Steven Lubet, and James H. Seckinger



The authors developed these materials to provide an integrated course in evidence and trial advocacy. The case book features the following: a civil and criminal case file, series of challenging decisions, including the choice of trial theory, organization, and presentation of evidence; and a CD-ROM containing exhibits. There are over 299 problems and exercises that cover both evidence and trial advocacy.

Vol. I Cases, Fifth Edition

■ **\$55** | 262 PP. WITH CD-ROM | 2010 | 978-1-42249-167-6

Vol. II Problems, Fifth Edition

■ **\$45** | 102 PP. | 2010 | 978-1-42249-169-0

Teaching materials available

Two-Volume Set

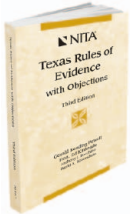
■ **\$100** | 2010 | 978-1-42249-168-3

to order call 800.533.1637 or visit www.lexisnexis.com/nita

Texas Rules of Evidence with Objections

Third Edition

Anthony J. Bocchino, Hon. Edward Kinkeade, Gerald Reading Powell,
and David A. Sonenshein



Small enough to carry to the courtroom or classroom, this handy 4-by-6 inch guide:

- Lists objections alphabetically, with thumb tabs for quick reference
- Follows each objection with accurate responses
- Cross-references the relevant Texas rules
- Offers practice tips crucial to understanding each objection
- Reproduces the entire Texas Rules of Civil Evidence

■ \$35 | 358 PP. | 2003 | 978-1-55681-811-0

Expert Witness

NITA PRACTICAL GUIDE SERIES

Effective Expert Testimony

Second Edition

David M. Malone and Paul J. Zwier



Trial lawyers must confront many issues when dealing with experts. Some of those issues include: skepticism from the court; high cost for the client; and resentful jurors—a result of arrogant-sounding experts. The trial lawyer must deal with these problems, resolve them, and encourage the court and jurors to welcome the experts as helpful, credible, admissible, and persuasive. *Effective Expert Testimony*

shows the student how to examine the rules of evidence and ethics that govern the relationship of experts to lawyers, juries, and courts. Appendices are included for selected Federal Rules of Evidence, Federal Rules of Civil Procedure, Supreme Court Cases, and Court of Appeals Cases.

■ \$65 | 512 PP. | 2006 | 978-1-55681-959-9

Expert Rules: 100 (and More) Points You Need to Know About Expert Witnesses

Second Edition

David M. Malone and Paul J. Zwier



In this pocket-size guide, Malone and Zwier answer the most commonly asked questions about experts, such as: how do you avoid fatal blunders when you prepare an expert? All of the principles involving expert witnesses are addressed and listed in an extensive, easy-to-use index for practitioners, students, and researchers. All rules are linked to the corresponding rule in the Federal Rules of Civil

Procedure and the Federal Rules of Evidence, including: finding an expert; feeding an expert; expert reports; non-deposition discovery about an expert; preparing an expert to be deposed; and admissibility of expert testimony.

■ \$30 | 190 PP. | 2001 | 978-1-55681-721-2

Expert Testimony: A Guide for Expert Witnesses and the Lawyers Who Examine Them

Second Edition

Steven Lubet and Elizabeth Boals



Expert Testimony gives experts the confidence they need to be comfortable in court, and it will give the aspiring attorney the skills necessary to emphasize an expert's credibility. Avoid pitfalls such as unintentional signals, inappropriate demeanor and appearance, and awkward body language by using *Expert Testimony* as your guide. With the addition of Elizabeth Boals as a co-author, the

Second Edition expands and amplifies the original book with:

- New guidance for experts and lawyers on the development and presentation of expert testimony in the digital age, including discussion of visual aids and electronic discovery
- Updated analysis of the Federal Rules of Evidence and Federal Rules of Civil Procedure
- Updated discussion of the ethical rules governing expert retention and testimony
- Additional checklists for quick reference

■ \$45 | 208 PP. | 2009 | 978-1-60156-096-4

Technology

Effective Use of Courtroom Technology: A Lawyer's Guide to Pretrial and Trial

Donald Beskind, Anthony Bocchino, Frank Rothschild, and Deanne Siemer



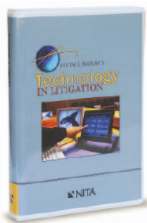
Stop fumbling around with your slides and videos and turn your court exhibits from dull and unruly to simple and effective. While technology is designed to make our lives easier, it can easily distract from your presentation if you are not in control of it. Authors Frank Rothschild, Donald Beskind, Anthony Bocchino, and Deanne Siemer have teamed up to help you overcome your handicaps

with electronic equipment. This jargon-free, how-to book explains real issues and describes the technology driving the issues. A CD-ROM is included with computer-generated exhibits and a copy of the Microsoft® Appeal e-brief, courtesy of RealLegal.com. The appendices include rules regarding use of technology in federal courts, ensuring that even experienced dogs can learn new tricks.

■ \$50 | 448 PP. WITH CD-ROM | 2002 | 978-1-55681-728-1

Technology in Litigation

Alvin F. Lindsay



Master the electronic courtroom and learn how to benefit from the wealth of productivity enhancements today's technology offers. Lindsay has simplified the learning curve by designing and presenting a powerful package of materials that provides practical, critical information for using technology in all phases of the litigation process. By viewing the five video segments and reading the accompanying

booklet, students will painlessly learn how to become proficient with today's most popular software applications and tools available in each phase of the case management process. The package includes 3 DVDs (180:00) and a 162-page booklet.

■ \$195 | 2008 | 978-1-60156-018-6

Trial Advocacy

Anderson on Advocacy

Carol Anderson



Successful trial lawyers are constantly working to improve their trial techniques and advocacy skills. *Anderson on Advocacy* presents effective approaches and advice on all aspects of trial practice. Carol Anderson, an award-winning clinical professor, illustrates her points with entertaining and educational examples from many of America's most successful trial lawyers, including: Michael Tigar, David

Berg, Howard Nations, and John Edwards. These outstanding trial lawyers will help your students master the tactics and strategy of trial advocacy.

■ \$75 | 768 PP. | 2003 | 978-1-60156-024-7

Cardinal Rules of Advocacy: Understanding and Mastering Fundamental Principles of Persuasion

Hon. Douglas S. Lavine



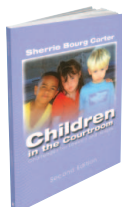
In this compelling book, Lavine outlines the recurring core principles of persuasion that, when mastered, can lead to successful advocacy. Lavine's interdisciplinary approach draws from history, literature, psychology, drama, religion, and the law to discuss the fundamental principles of effective persuasion.

■ \$50 | 288 PP. | 2002 | 978-1-55681-769-4

Children in the Courtroom: Challenges for Lawyers and Judges

Second Edition

Sherrie Bourg Carter



In *Children in the Courtroom*, the author provides law students with the critical information they need to properly review and handle cases involving child witnesses.

Through a detailed discussion of the complicated legal, investigative, and developmental problems that are commonly encountered when children are involved in the

legal system, Bourg Carter offers practical tips to help legal professionals maneuver through the often thorny landscape of child witness litigation.

■ **\$35** | 190 PP. | 2009 | 978-1-60156-071-1

Compendium of Trial Advocacy Drills

Robert A. Stein and Ben Rubinowitz



For every textbook that you adopt into your classroom, NITA will give you a complimentary copy of *Compendium of Trial Advocacy Drills*. The drills in this book are the same excellent drills that have been used to enhance skill training in NITA programs for years. The authors contacted NITA faculty and compiled their experiences

in this small manual that will give you the tools to isolate and form building blocks that improve trial skills.

■ **\$30** | 72 PP. | 2006 | 978-1-55681-961-2

BEST SELLER

David Ball on Damages 3: A Plaintiff's Attorney's Guide for Personal Injury and Wrongful Death Cases

Third Edition

David Ball



Attorneys nationwide depend on David Ball for step-by-step guidance to get top-dollar settlements and verdicts.

David Ball on Damages 3 provides major innovations, improvements, and refinements throughout, based on the last five years' cases across the country and hundreds of hours of intensive juror and case research. This new edition includes an enhanced guide for better opening statements,

powerful new jury voir dire methods, and pivotal new "invisible control" cross-examination techniques. For David Ball "newbies" as well as veterans, this is an essential new edition.

■ **\$105** | 540 PP. | 2010 | 978-1-60156-154-1

Effective Courtroom Advocacy

Hon. Joseph F. Anderson Jr.



Drawing from over twenty 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.

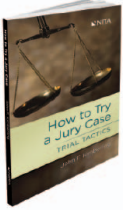
In addition, Judge Anderson presents invaluable feedback from jurors in trials over which he has presided, which was collected in informal interviews and questionnaires. Further, Judge Anderson includes the results of surveys that he has conducted with fellow judges on good and bad lawyering they have observed.

Finally, Judge Anderson illustrates his distilled wisdom in a mock transcript of a trial and offers transcripts of real-world examples of good advocacy.

■ **\$45** | 230 PP. | 2010 | 978-1-60156-124-4

How to Try a Jury Case

John F. Kimberling



Anyone who properly prepares for trial and follows common-sense rules of persuasion and advocacy can be a good advocate in the courtroom. *How to Try a Jury Case* is an essential text for training law school students as well as beginning litigators to communicate with jurors and achieve their clients' objectives at trial. *How to Try a Jury Case* tells how to prepare a case for trial and follows

the lawyer through the opening statement, presentation of evidence, cross-examination, and closing argument. By studying this text, the beginner will avoid common mistakes.

■ \$65 | 224 PP. | 2007 | 978-1-60156-019-3

Justice for All: The Challenges of Mental Illness in the Legal System

Sherrie Bourg Carter



Representing clients with mental illness is a challenging task that requires specialized skills and knowledge that few attorneys receive in law school. Yet such skills and knowledge are critical to competent and effective representation in all areas of legal practice. In *Justice for All*, Bourg Carter uses her eighteen years of experience working with mentally ill clients in the legal system to

provide attorneys and law students with: step-by-step guidelines for identifying diminished capacity in clients; easy-to-understand descriptions of diagnostic jargon, common diagnoses, and their legal relevance to criminal, civil, and family law cases; and practical strategies for dealing with agitated, paranoid or personality disordered clients. Appendices include an attorney checklist for possible mental health issues, a glossary of common mental health terms, and a list of commonly prescribed medications for mental illnesses.

■ \$25 | 104 PP. | 2009 | 978-1-60156-089-6

Logic for Lawyers: A Guide to Clear Legal Thinking

Third Edition

Hon. Ruggero J. Aldisert

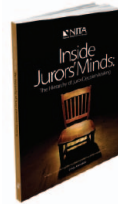


A thirty-year veteran of the bench, Aldisert helps law students understand and apply the elements of legal logic. Using these skills, you can argue more persuasively—both in briefs and before the court. Just as critically, you can also expose flaws in adversaries' arguments. The result? A competitive edge in the courtroom.

■ \$60 | 300 PP. | 1997 | 978-1-55681-538-6

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

Carol 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, which makes it almost impossible for them to divorce instinct and emotion from decision making. Their fight-or-flight reflexes are stimulated not only by predators

but by *information* that makes them fear for their personal safety—even if the threatening information is something they merely imagine.

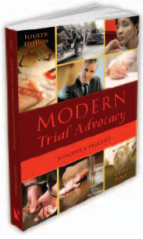
Because jurors unconsciously weigh information in a hierarchical fashion, the "hierarchy of juror decision making" can serve as a blueprint for creating strategies to counteract the most common thinking errors that can skew jurors' perceptions of the case. This is a valuable weapon that should be in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

■ \$45 | 180 PP. | 2012 | 978-1-60156-181-7

BEST SELLER**Modern Trial Advocacy:
Analysis and Practice**

Fourth Edition

Steven Lubet



NITA's best-selling text, *Modern Trial Advocacy: Analysis and Practice*, has set the standard for trial advocacy texts since 1993. All of NITA's renowned full trial programs use the text, as do prominent law schools nationwide. Steven Lubet guides the beginning advocate from developing a winning case theory through all phases of trial. He explains how to present a case as a story, and how to tell the story

to the jury powerfully and persuasively. The Fourth Edition includes:

- An expanded section on the uses of theory, theme, and story frame
- Expanded discussion of witness preparation
- Sections on developing "story arcs" in opening statements and final arguments
- A section on the persuasive value of inferences and cognitive theory
- Expanded discussion of witness "credibility variables," explaining how to bolster or undermine testimony

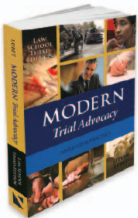
■ **\$85** | 536 PP. | 2009 | 978-1-60156-127-5

Law School and Canadian editions also available

BEST SELLER**Modern Trial Advocacy:
Law School Edition**

Third Edition

Steven Lubet



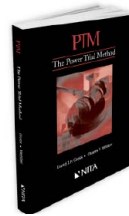
Modern Trial Advocacy: Law School Edition presents a realistic and contemporary approach to learning and developing trial advocacy skills. Dedicated to the law student, the book contains a "Trial Basics" chapter, which discusses what happens in a trial and the role the advocate plays. The law school edition has checklists that guide students in their performance.

■ **\$65** | 458 PP. | 2009 | 978-1-60156-141-1

General and Canadian editions also available

The Power Trial Method

David J.F. Gross and Charles F. Webber



An easy-to-read trial skills primer, *The Power Trial Method* begins with a simple question about jury trials: who has the power in the courtroom to decide whether you win or lose? Gross and Webber developed this material to introduce law students to the trial process and to reduce the anxiety associated with jury trials by emphasizing key methods of persuasion and presentation. *The Power Trial Method*

describes how to assess the trial judge's use of power and to persuade the jury to use its own power. The authors also examine the importance of a trial theme and how to create fairness points among many other relevant issues.

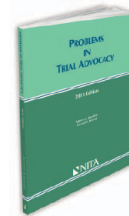
■ **\$75** | 356 PP. | 2003 | 978-1-55681-770-0

BEST SELLER**Problems in Trial Advocacy**

2011 Edition

Anthony J. Bocchino and Donald H. Beskind

Contributing authors include: Kenneth S. Broun, Steven Lubet, John M. Maciejczyk, Louis M. Natali, Frank D. Rothschild, James H. Seckinger, Deanne C. Siemer, Edward R. Stein, and Warren Wolfson.



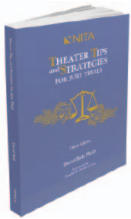
Problems in Trial Advocacy: 2011 Edition provides the subject matter for realistic courtroom simulations, and many of the problems are based on actual trials—both civil and criminal. Hands-on problems cover opening statements, direct and cross examination of lay and expert witnesses, introduction of exhibits, witness impeachment, and closing arguments. Many popular NITA problems and

fact patterns 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** | 500 PP. WITH CD-ROM | 2011 | 978-1-60156-160-2

Theater Tips and Strategies for Jury Trials

Third Edition
David Ball



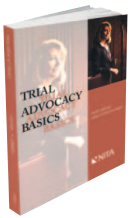
In *Theater Tips and Strategies for Jury Trials*, Ball helps one navigate the changes that occur in jury trials instead of being blindsided by them. Based on both research and the experiences of lawyers and trial consultants across the country, *Theater Tips and Strategies for Jury Trials* presents techniques of the stage and screen used to win in the courtroom. Ball discusses how to use theater concepts

to persuade and motivate jurors. He instructs attorneys how to look, talk, and act naturally, and to communicate the truth clearly and memorably in order to gain trust and credibility from judges and jurors.

■ **\$65** | 384 PP. | 2003 | 978-1-55681-779-3

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 process including:

- An introduction to the trial process and courtroom decorum
- Tips, strategies, and theory to help a lawyer understand how to prepare for trial
- Jury selection
- Opening statements and closing arguments
- Direct and cross examinations
- Impeachment
- Objections
- And more

■ **\$55** | 272 PP. | 2006 | 978-1-55681-965-0

Trial Advocacy for the Child Welfare Lawyer

Marvin Ventrell



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 teaching methodology of the National Institute for Trial Advocacy

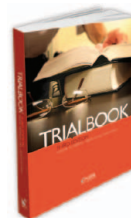
(NITA), Marvin Ventrell walks you through a “how-to method” of each stage of the case, using real-life examples of child welfare cases. These essential lessons extend beyond child welfare proceedings and provide insight and skills applicable to all family and domestic relations cases. Trials, effectively 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.

■ **\$45** | 156 PP. | 2011 | 978-1-60156-149-7

Trialbook

Third Edition

John Sonsteng and Roger Haydock



Trialbook provides a systematic approach to preparing and presenting a case. It's designed as a primer, an advocacy refresher, and resource manual, and can be used in all dispute resolution forums including courts, arbitrations, and administrative hearings. The materials apply to all types of cases—civil and criminal.

Advocates at all levels of experience will find *Trialbook* very useful. Novice lawyers will have, in one readily available source, an outline of the information they need to prepare and present a case. Experienced lawyers can use this book to refresh their abilities and to augment what they already know. The modular design allows users to revise, add, or delete sections to serve each individual's unique approach to the practice of advocacy. The forms are also provided in word-processor format on an included CD-ROM.

■ **\$65** | 410 PP. WITH CD-ROM | 2010 | 978-1-60156-104-6

to order call 800.533.1637 or visit www.lexisnexis.com/nita

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

■ **\$45** | 200 PP. | 2011 | 978-1-60156-130-5

Trial Technique & Evidence

Third Edition

Michael Fontham



This book is an invaluable resource and in-depth guide dedicated to assisting the trial attorney in every aspect of preparing for and conducting trials, including understanding and applying the rules of evidence in trial. The Third Edition, by Michael Fontham, adds material on electronic evidence, expert witness, examination of witnesses, jury studies and their implications for trial practice, and changes to the

Federal Rules of Evidence. *Trial Technique & Evidence* is an excellent reference for the new attorney preparing for that first case or the seasoned attorney looking for a new perspective. The following features are included:

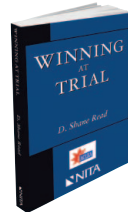
- Example outlines for arguments and examinations
- Example transcripts for examinations
- Use of a complete fact pattern to illustrate points throughout the text
- Instructions and advice on preparing for trial and selecting a jury
- In-depth analysis of evidence rules and their application in trial

■ **\$85** | 896 PP. | 2009 | 978-1-60156-072-8

BEST SELLER

Winning at Trial

D. Shane Read



Winning at Trial 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. 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. 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.

The Association for Continuing Legal Education (ACLEA) selected *Winning at Trial* to receive the Award for Professional Excellence in Publications in the 2008 "ACLEA's Best" international awards competition.

■ **\$75** | 440 PP. AND TWO DVDS | 2007 | 978-1-60156-001-8

Teaching materials available

Winning Jury Trials: Trial Tactics and Sponsorship Strategy

Third Edition

Robert H. Klonoff and Paul L. Colby



Winning Jury Trials covers a broad spectrum of issues likely to confront the advocate every day and provides a "default position" on how to resolve most tactical issues arising at trial. *Winning Jury Trials* covers such topics as (1) which witnesses to call; (2) whether to introduce negative evidence; (3) how to handle marginal evidence; and (4) how to tie everything else—exhibits, opening and closing statements, cross examination, etc.—into your evidence.

■ **\$75** | 272 PP. | 2007 | 978-1-60156-028-5

Multimedia

31 Ways to Winning Advocacy

Frank D. Rothschild



31 Ways to Winning Advocacy uses recorded trial clips, live demonstrations, audience participation, and Frank Rothschild's own remarkable lecture style to create a most enjoyable and memorable learning experience. This presentation is set in a real courtroom, before an audience of trial lawyers seated in the jury box.

■ **\$295** | FIVE DVDS (4:43:00) AND SUPPORT MATERIALS
| 1996 | 978-1-42247-909-4

Basic Concepts in the Law of Evidence

Irving Younger

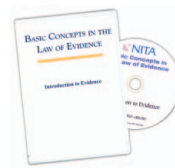


- Introduction to Evidence (60:00)
- Basic Concepts in Evidence (52:00)
- Failure of Recollection, Best Evidence Rule, Perception (60:00)
- Expert Witnesses, Cross-Examination, Impeachment I (52:00)
- Cross-Examination, Impeachment II, Rehabilitation I (54:00)
- Rehabilitation II, Character as a Defense (23:00)
- Hearsay (four DVDs: 30:00, 52:00, 58:00, 48:00)
- Burdens of Proof and Presumptions (60:00)
- Hearsay and the Right to Confrontation (two DVDs: 53:00, 54:00)
- The Ten Commandments of Cross-Examination (60:00)
- Hearsay Update (49:00)

■ **\$595** | FIFTEEN DVDS (12:08:00) AND SUPPORT MATERIALS
| 1975 | 978-1-42247-910-0

Basic Concepts in the Law of Evidence (Disk 2)

Irving Younger

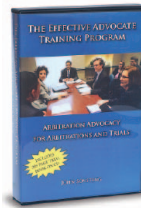


Basic Concepts in the Law of Evidence (Disk 2) is a best-selling title in Irving Younger's famous *Basic Concepts in the Law of Evidence* DVD series that was produced during NITA's 1975 National Session in Boulder, Colorado.

■ **\$125** | DISK 2, 52:00 | 1995 | 978-1-42246-905-7

Effective Advocate Training Program: Arbitration Advocacy

John O. Sonsteng



Utilizing 16 advocacy experts and the latest instructional technology, delivered in a reliable easy to use DVD format, *Arbitration Advocacy* brings the case of *Midstate v. Rogers* to life in a powerful self-directed learning environment that is as valuable for advocates as it is for instructors.

Carefully crafted lectures and performances critiqued by an expert panel turn the case into a learning experience as it unfolds. Mini-lectures on relevant topics such as case analysis, opening statements and witness examinations provide in-depth instruction that can augment classroom lectures and provide advocates the opportunity to explore topics more in-depth on their own. The realism of the case is enhanced by a complete set of exhibits that can be examined in real time as they are presented. The Federal Rules of Evidence can be seen when there are objections and rulings by the arbitrator during the case. A complete 295-page Trial Book is included in a digital format, complete with editable forms so that there is everything for advocates to prepare and present a case themselves. Bring the classroom into the 21st century with this powerful effective advocate training program.

■ **\$95** | 2010 | 978-0-97176-873-4

Mastering the Art of Cross-Examination

Irving Younger



- Cross-Examining the Well-Prepared Witness (59:20)
- Cross-Examining the Sympathetic Witness (47:38)
- Cross-Examining the Hostile Witness (51:36)
- Cross-Examining the Biased Witness (30:46)
- Cross-Examining the Eyewitness (52:19)
- Cross-Examining the Child Witness (39:12)
- Cross-Examining the Opposite-Sex Witness (45:44)
- Cross-Examining the Law-Enforcement Witness (41:29)
- Cross-Examining the Expert Medical Witness (35:08)
- Cross-Examining the Expert Accountant Witness (51:46)
- Cross-Examining the Expert Attorney Witness (54:50)

■ **\$995** | ELEVEN DVDS (8:45:00) AND SUPPORT MATERIALS
| 1987 | 978-1-42247-921-6

Opening Statements: A Modern Approach

Hon. Sanford M. Brook

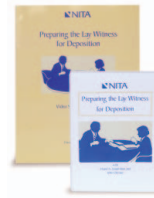


By the end of your opening statement, 80 percent of your jurors have made their decision. In this DVD, Hon. Sanford M. Brook will empower you to make effective and persuasive opening statements that will make a lasting impression on jurors. He also addresses common mistakes made during openings and how to remedy them. The days of rambling, fumbling, and argumentative openings are over.

■ **\$95** | ONE DVD (1:09:00) | 1993 | 978-1-42247-922-3

Preparing the Lay Witness for Deposition

David A. Sonenshein and John Chesney



Preparing a witness to meet the challenge of giving a deposition is an important part of a trial lawyer's function. This DVD provides brief vignettes in key areas which are immediately followed by an enlightening conversation between the presenters. This DVD also comes with Video Support Materials booklet.

■ **\$295** | ONE DVD (2:00:00) AND SUPPORT MATERIALS
| 2002 | 978-1-42247-914-8

Selecting and Preparing the Expert Witness

David A. Sonenshein, John Chesney, and Anthony J. Bocchino



Through a series of vignettes, this DVD offers critiques and practical instruction that cover all aspects of the pretrial "care and feeding" of expert witnesses. This interactive tool centers around a gender discrimination case (citing the Federal Rules of Civil Procedure), but its principles can be applied to any expert in any case and at any level.

■ **\$295** | ONE DVD (1:55:00) | 2005 | 978-1-42247-924-7

The Ten Commandments of Cross-Examination

Irving Younger



The Ten Commandments of Cross-Examination is a best selling title in Irving Younger's famous *Basic Concepts in the Law of Evidence* DVD series that was produced during NITA's 1975 National Session in Boulder, Colorado. A supplemental text is included with DVD.

■ **\$125** | ONE DVD (60:00) | 1995 | 978-1-55681-626-0

Child/Juvenile Advocacy

TERMINATION OF PARENTAL RIGHTS

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. | 2003 | 978-1-55681-805-9
Teaching materials available

TERMINATION OF PARENTAL RIGHTS

In the Interest of Grace Kyles, People v. Cynthia Kyles

Richard T. Cozzola, Timothy McDonald



Cynthia Kyles is the mother of five children, four of whom were taken into state custody before because of child neglect and substance abuse. The fifth child, Grace Kyles, was not taken into state custody because Nita Child Protection was not aware that Cynthia Kyles had given birth to Grace. Later Grace Kyles was taken into protective custody. A grand jury indicted Cynthia Kyles for aggravated battery and Grace

became a ward of the court. Because the foster parents wish to adopt Grace, the State is proceeding with an action for termination of parental rights on Grace only.

■ \$28 | 144 PP. | 2002 | 978-1-55681-668-0

DIVORCE

Slovin v. Slovin

Barbara S. Barron and Lawrence W. Kessler



Sasha and Loren Slovin, a six-year-old boy and a ten-year-old girl, are the center of their parents' custody battle. *Slovin v. Slovin* addresses not only this custody battle but also two other matters between Michael and Rita Slovin: divorce on the grounds of adultery and/or cruel and inhuman conduct and a domestic tort (battery). The divorce case includes three witnesses for the plaintiff

(Rita) and three witnesses for the defendant (Michael). The tort action includes two witnesses for the plaintiff (Michael) and two witnesses for the defendant (Rita). This case may be used as a bench or jury trial and contains materials for advanced negotiation and mediation.

■ \$28 | 144 PP. | 2002 | 978-1-55681-768-7

Negotiation and Mediation Materials, Rita Slovin

■ \$18 | 104 PP. | 2002 | 978-1-55681-788-5

Negotiation and Mediation Materials, Michael Slovin

■ \$18 | 100 PP. | 2002 | 978-1-55681-787-8

Civil Rights

EXCESSIVE USE OF FORCE

James v. Colt

Hon. Andrew P. Rodovich



After serving time in prison for selling cocaine, Bart James has several run-ins with his arresting officer, John Colt, who subsequently arrests him again. James is shot during the arrest. The plaintiff argues Colt sought him out to make another arrest and then used excessive force. The defendant claims that James made several threatening remarks to him justifying the arrest. This case file provides nine witnesses

and instructs the student to select three to develop his case.

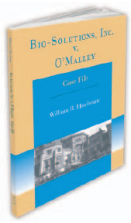
■ \$28 | 98 PP. | 2007 | 978-1-55681-996-4

Contracts

CORPORATE MISAPPROPRIATION

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. | 2007 | 978-1-60156-017-9

Teaching materials available

BEST SELLER

BREACH OF CONTRACT AND SALE OF GOODS

BMI v. Minicom, Inc.

Ninth Edition

Anthony J. Bocchino and Donald H. Beskind



This classic breach of contract case is available in three versions: deposition skills, expert, 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 cost. The file is well-

balanced and provides ample material for basic and advanced advocacy training.

■ **\$35** | 198 PP. WITH CD-ROM | 2009 | 978-1-60156-090-2

Plaintiff, Ninth Edition

■ **\$35** | 182 PP. WITH CD-ROM | 2009 | 978-1-60156-093-3

Defendant, Ninth Edition

■ **\$35** | 184 PP. WITH CD-ROM | 2009 | 978-1-60156-094-0

Faculty, Ninth Edition

■ **\$35** | 198 PP. WITH CD-ROM | 2009 | 978-1-60156-095-7

BREACH OF CONTRACT

Cosmopolitan Life Insurance Co. v. Jordan and Moore

Hon. Andrew P. Rodovich



Arthur Moore was found dead with a single bullet wound in his chest only minutes after visiting an ATM and speaking to his mistress, Amy Jordan, on the telephone. The case involves a dispute between the decedent's mistress and his wife over who deserves the funds from a life insurance policy. Cosmopolitan Life Insurance Company has filed an interpleader action and deposited the proceeds from the life insurance policy with the clerk. There are four witnesses for both Sandra Moore and Amy Jordan. The companion criminal case file, *State v. Jordan*, involves the alleged murder of Arthur Moore by Amy Jordan.

■ **\$28** | 60 PP. | 2005 | 978-1-55681-936-0

Teaching materials available

BEST SELLER**BREACH OF LICENSING AGREEMENT****Cranbrooke v. Intellex**

Second Edition

Robert P. Burns and Steven Lubet



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 | 2010 | 978-1-60156-115-2

Plaintiff, Second Edition

■ **\$35** | 226 PP. WITH CD-ROM | 2009 | 978-1-60156-110-7

Defendant, Second Edition

■ **\$35** | 226 PP. WITH CD-ROM | 2009 | 978-1-60156-111-4

Faculty, Second Edition

■ **\$35** | 238 PP. WITH CD-ROM | 2009 | 978-1-60156-112-1

BREACH OF CONTRACT/MISAPPROPRIATION OF TRADE SECRETS**Dependable Bank v. Aldrich**

Luisa Kaye Hagemeyer and Ira J. Lipton



Dependable Bank claims that one of its officers, Alice Aldrich, is guilty of misappropriation of trade secrets, breach of loyalty, and business disparagement. Allegedly, Aldrich misappropriated confidential client information when she became president of ABC Asset Management Co. There are four witnesses for the plaintiff and the defendant. There are two witnesses for ABC Asset Management.

Defendant

■ **\$28** | 108 PP. | 2004 | 978-1-55681-872-1

Plaintiff

■ **\$28** | 96 PP. | 2004 | 978-1-55681-689-5

Teaching Materials Available

BEST SELLER**BREACH OF CONTRACT
(COURTROOM TECHNOLOGY FOCUS)****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 | 2000 | 978-1-55681-719-9

Teaching materials available

BEST SELLER**BREACH OF CONTRACT AND ARSON****Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company**

Eighth Edition

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

(Based on the original case file by Abraham P. Ordover)



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 law suit 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. There are four witnesses for both the plaintiff and the defendant. A companion criminal case file, *State v. Jackson*, involves the charge of arson against Arthur Jackson.

■ **\$35** | 120 PP. WITH CD-ROM | 2009 | 978-1-60156-087-2

Teaching materials available

BREACH OF CONTRACT**Homestead Property v. Manhattan Fire & Casualty Co.**

Donald H. Beskind, Anthony J. Bocchino, Paul Marcus, Frank D. Rothschild, Deanne C. Siemer, Samuel H. Solomon, Edward R. Stein, and Paul Zwier



Termites destroyed the walls of many Homestead Properties homes during their construction phases. Homestead feels strongly enough about the damage done to its newly built homes that it demands its insurance company, Manhattan Fire and Casualty, pay for damages. Manhattan asserts that the policy does not cover this loss and denies the claim. This contract file is designed to teach students not only general advocacy skills but also effective use of focus groups and courtroom technology. There are three witnesses for both the plaintiff and the defendant. The case file includes a CD containing exhibits.

■ **\$40** | 248 PP. WITH CD-ROM | 2000 | 978-1-55681-706-9

Advocate's Edition

■ **\$35** | 186 PP. WITH CD-ROM | 2001 | 978-1-55681-731-1

Barrister's Edition

■ **\$35** | 186 PP. WITH CD-ROM | 2001 | 978-1-55681-732-8

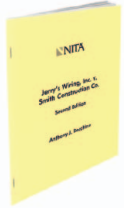
Faculty's Edition

■ **\$30** | 214 PP. WITH CD-ROM | 2001 | 978-1-42247-917-9

BREACH OF CONTRACT**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. | 2005 | 978-1-55681-963-6

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 | 2008 | 978-1-60156-050-6

TORTIOUS INTERFERENCE**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 | 2005 | 978-1-55681-941-4

Advocate's Edition

■ **\$35** | 156 PP. WITH CD-ROM | 2007 | 978-1-55681-945-2

Barrister's Edition

■ **\$35** | 162 PP. WITH CD-ROM | 2007 | 978-1-55681-946-9

Faculty, Second Edition

■ **\$25** | 197 PP. WITH CD-ROM | 2007 | 978-1-55681-947-6

BREACH OF CONTRACT/ARSON**Nita Fire & Casualty Company v. Rubino & Son**

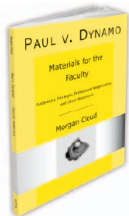
Anthony J. Bocchino and Louis M. Natali, Jr.



The plaintiff, Nita Fire and Casualty Company, brought this lawsuit to recover an amount paid to the defendant, Anthony J. Rubino, on a fire insurance policy on Rubino's business, Rubino and Son, Dry Cleaners. A fire at the defendant's plant resulted in a total loss. The fire marshal reported that the fire was caused by spontaneous combustion. Relying on the report, the plaintiff paid the

defendant's claim of \$300,000.00. After paying the claim, the plaintiff learned that the fire possibly was caused by arson. After it conducted an independent investigation, the plaintiff decided that the fire was set deliberately. Rubino has denied the allegation of arson.

■ **\$28** | 82 PP. | 2008 | 978-1-55681-065-7

**BREACH OF CONTRACT AND
FRAUDULENT INDUCEMENT****Paul v. Dynamo Sporting Goods,
Dillon, and Hanson**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■ **\$28** | 288 PP. | 2008 | 978-1-60156-003-2**Barrister's Edition**■ **\$28** | 288 PP. | 2008 | 978-1-60156-004-9**Faculty**■ **\$28** | 304 PP. | 2008 | 978-1-60156-002-5**BREACH OF CONTRACT****Rogers v. Midstate University**

John Sonsteng, Linda Thorstad, Jennifer Miller



This dispute centers around the discharge of an employee, Pat Rogers, by Midstate University. The University alleges Pat Rogers violated the Rules of Employment and Management of the Off Campus Liquor Store by knowingly selling alcohol to an intoxicated person and terminated Rogers. The employee's union (SPEU) filed a grievance on behalf of the

employee. The Union has requested an expedited arbitration hearing pursuant to Article 28 of the Collective Bargaining Agreement. The terms of the Collective Bargaining Agreement permit the employee to bypass arbitration and elect to have a trial before a judge or jury. This case file has both arbitration and trial versions.

■ **\$35** | 157 PP. | 2011 | ISBN: 978-1-60156-116-9**ARBITRATION****Midstate University and
Rogers and SPEU Arbitration File**

John Sonsteng, Linda Thorstad, Jennifer Miller

■ **\$35** | 140 PP. | 2011 | ISBN: 978-1-60156-189-3**BREACH OF CONTRACT (COURTROOM TECHNOLOGY FOCUS)****Quinlan v. Kane**

Second Edition

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



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 | 2004 | 978-1-55681-877-6

**BREACH OF CONTRACT
(NONCOMPETE EMPLOYMENT CLAUSE)**

Superior Speech and Hearing, Inc. v. Baines

John Sonsteng, Linda Thorstad, Jennifer Miller



Jillian Baines had an employment contract with Superior Speech and Hearing Center ("Superior") and worked for Superior for a year. Marty Allen is the owner and director of Superior. Jillian's contract included a noncompete clause. After her contract expired, she continued with Superior to train a replacement. Baines recently left Superior to work for her husband's company, River Island View

Audiologists, P.A. ("River Island"). River Island is Superior's biggest competitor. Superior had a renewable contract with Independent School District 100A ("School District"), which has expired. The school system decided not to renew the contract with Superior. River Island has just been awarded the contract. Superior filed a summons and complaint in state court, and the defendant, Jillian Baines, answered. In the complaint, the plaintiff is asking for a permanent injunction to enforce the noncompete clause of the employment contract and for other relief. The matter is now before the court in regard to a temporary injunction (restraining order) to prevent Jillian Baines from working with River Island until the permanent injunction matter can be heard.

■ **\$35** | 112 PP. | 2011 | 978-1-60156-190-9

BREACH OF CONTRACT

Vending Operator, Inc. v. Nita Department of Transportation

Third Edition/Advanced

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.

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Discrimination

SEXUAL HARASSMENT

Adams v. Corr-Train, Inc.

Andrea Curcio and Deborah Young



The plaintiff accused her former supervisor of sexual harassment and is now suing Corr-Train, Inc. for damages. There are three potential claims: hostile environment/sexual harassment, quid pro quo (her refusal to have sex resulted in a tangible job action), and unlawful retaliation for reporting sexual harassment. The case file was

designed for courses in pretrial litigation, trial advocacy, evidence, and employment discrimination. There are six witnesses for the plaintiff and five for the defendant.

■ **\$28** | 128 PP. | 2002 | 978-1-55681-817-2

Teaching materials available

RACIAL DISCRIMINATION AND BLOCK BUSTING

Green v. Hall and Rose

Sixth Edition (Advanced)

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. | 1997 | 978-1-55681-548-5

Teaching materials available

AGE DISCRIMINATION IN THE WORKPLACE

Jarvis v. Columbia Breweries, Inc.

Hon. Andrew P. Rodovich



Ted Jarvis, a loyal fifty-seven-year-old employee of Columbia Breweries, claims he was discharged from his position because of his age. The president of Columbia Breweries, a family-owned business, will testify that the termination was based on poor work performance. The case file presents students with the challenge of determining which witnesses best support their theory of the case. The

case file includes depositions from ten witnesses, but each side can call only four witnesses at trial.

■ **\$28** | 66 PP. | 2005 | 978-1-55681-968-1

Teaching materials available

ADA ACTION

Jones v. Kids-R-Ours, Inc.

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. | 1995 | 978-1-55681-458-7

Teaching materials available

BEST SELLER**SEXUAL HARASSMENT AND DEFAMATION****Polisi v. Clark and Parker & Gould**

Second Edition

Anthony J. Bocchino and David A. Sonenshein



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.

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Defendant's Edition

■ **\$28** | 202 PP. | 2001 | 978-1-55681-773-1

SEXUAL HARASSMENT**Taylor v. Pinnacle Packaging Products, Inc**

Second Edition

Hon. Andrew P. Rodovich



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.

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Plaintiff's Edition

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Faculty Materials

■ **\$35** | 28 PP. WITH CD-ROM | 2010 | 978-1-60156-134-3

SEXUAL HARASSMENT**Rowe v. Pacific Quad, Inc.**

Fourth Edition

David B. Oppenheimer and Fred C. Moss



"Looks like you're getting a little behind in your work," James Schmit, operations manager at Pacific Quad, said to the new hire, Alice Rowe. "I'd sure like to get a little behind in mine." Rowe sues Pacific Quad for sexual harassment, claiming this and other lewd behavior at Pacific Quad created a hostile work environment and forced her to quit. She previously filed a claim against a professor when she was in college. There are three witnesses for both the plaintiff and the defendant.

■ **\$28** | 116 PP. | 2008 | 978-1-60156-049-0
Teaching materials available

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SEXUAL HARASSMENT

Williams v. Simonson

Anthony J. Bocchino and David A. Sonenshein



Mary Anne Williams is suing the defendants, David A. Simonson, Christine Jefferson, Nita University, and The Patterson Institute, and is seeking to recover damages for gender discrimination and the tort of defamation. There are five potential claims: gender discrimination, quid pro quo sexual harassment, hostile work environment, intentional infliction of emotional distress, and wrongful termination.

Williams seeks back pay, lost pay, damages, and reinstatement. Designed for advanced advocacy training, this case file involves difficult legal and factual issues for jury resolution and requires the examination of expert witnesses. There is one witness for the plaintiff and four witnesses for the defendants.

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Faculty Edition

■ **\$30** | 176 PP. | 2004 | 978-1-55681-882-0

Elder Law

RESCISSION AND CONVERSION

Armistead v. Fortune Fidelity Bank

Donna S. Harkness



In this elder law case, Wendy Carmichael, the plaintiff, alleges that the defendant, Fortune Fidelity Bank, unlawfully converted funds belonging to her great-aunt, Abigail Armistead, for whom she was appointed conservator. The facts involve a simple joint bank account that Armistead opened with her realtor, Joe Wasterland, for the purpose of cashing and depositing a large check representing proceeds from the sale of a parcel of land. The plaintiff alleges that the great-aunt either lacked capacity or was the victim of exploitation by a much younger man at the time of this transaction. This case illustrates the litigation issues involved in attempting to achieve civil redress for victims of elder financial fraud and exploitation.

■ **\$28** | 108 PP. | 2005 | 978-1-55681-917-9

Teaching materials available

PERSONAL INJURY AND WRONGFUL DEATH

Estate of Bracher v. Tranquil Glen Assisted Living

Donna S. Harkness



Estate of Bracher v. Tranquil Glen Assisted Living is a case file describing the civil action brought by Mona Bracher Dietrich against Tranquil Glen Assisted Living, Inc., to recover damages for the personal injury and wrongful death of Edith Bracher, the plaintiff's mother. After participating in an experimental physical therapy program, Edith Bracher suffered a broken arm, which may have further caused the stroke that killed Ms. Bracher at the age of eighty-three. The defendant denies any liability and alternatively, if the employee did cause injury to Ms. Bracher, the defendant is relieved from any liability by virtue of consent. There are four witnesses for both the plaintiff and the defendant.

■ **\$28** | 98 PP. | 2004 | 978-1-55681-894-3

WILL CONTEST**Estate of Quanderry v. Davidson**

Donna S. Harkness



Dr. Cheryl Davidson, granddaughter of decedent Peter Quanderry, is contesting his will against her uncle, James Quanderry, alleging that the will submitted for probate is invalid. She alleges that her uncle and his wife unduly influenced her grandfather in the writing of his will resulting in their benefit and her detriment. A \$4.2 million estate is at stake. This case file was written to provide law

students and practitioners an opportunity to confront the proof problems inherent in litigating will contests. There are five witnesses for the plaintiff and six witnesses for the defendant.

■ **\$28** | 118 PP. | 2006 | 978-1-55681-938-4
Teaching materials available

ELDER ABUSE**State v. Cooper**

Donna S. Harkness



Ethan Eldermahn is a sixty-year-old man with Parkinson's disease who has been found unconscious in his backyard. He suffered heatstroke and severe sunburn and has suspicious bruises on his arms and legs. The defendant, Calvin Cooper, has been charged with two counts of elder abuse and neglect. Cooper denies ever physically abusing Eldermahn and asserts that he was in the care

of the housekeeper, Greta Mayerson, at the time the alleged neglect took place. The defendant claims he was the victim's friend and companion and was neither licensed nor employed as a caretaker. There are six witnesses for the plaintiff and four witnesses for the defendant.

■ **\$28** | 110 PP. | 2005 | 978-1-55681-930-8
Teaching materials available

Malpractice**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 | 2004 | 978-1-55681-896-7
Teaching materials available

Personal Injury/Negligence**CAR ACCIDENT****Brown v. Byrd**

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



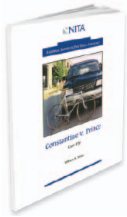
Kenneth Brown claims he can't engage in any strenuous exercise. He also claims that a muscle relaxant his doctor prescribes does not allow him to drink any alcohol. Both of these inconveniences, Brown is convinced, are results of being rear-ended by the defendant, Robert Byrd. However, Brown has been 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 | 2001 | 978-1-55681-744-1

WRONGFUL DEATH**Constantine v. Prince and Worldwide Footwear, Inc.**

William S. Bailey



This is a wrongful death case involving bicyclist George Constantine, who, while working for a bicycle messenger service, was hit 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. Plaintiff further claims co-defendant and Prince's employer, Worldwide Footwear, Inc., failed

to properly train, supervise, or discipline Prince who had received a number of speeding tickets without consequence prior to the fatal collision. The case utilizes computer animations in support of the testimony of both the plaintiff's and defendants' accident reconstruction experts. There are ten witnesses for the plaintiff and seven witnesses for the defendants.

■ **\$35** | 114 PP. WITH CD-ROM | 2003 | 978-1-55681-842-4

PERSONAL INJURY/NEGLIGENCE**Darngood v. Landers and PUDS**

John Sonsteng, Linda Thorstad, Jennifer 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.

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— **Michael R. Feagley**
Mayer Brown Rowe & Maw, Chicago, IL

SLIP-AND-FALL**Fisher v. Yankee Doodle Corp.**

Revised Fourth Edition

C. Steven Fury



This is a negligence action involving a slip-and-fall injury at a fast-food restaurant. Problems simulate realistic courtroom situations. The case file contains depositions, doctors' reports, medical records, and other materials for use in a full trial exercise. There are three witnesses for both the plaintiff and the defendant.

■ **\$28** | 124 PP. | 1993 | 978-1-55681-381-8

WRONGFUL DEATH (RAILROAD ACCIDENT)**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 judge's instructions to the jury. There are five witnesses for the plaintiff and four for the defendant including use of experts.

■ **\$35** | 206 PP. WITH CD-ROM | 2009 | 978-1-60156-076-6

ASSAULT (DAMAGES)**Fordyce v. Harris and Felson**

Sixth Edition

Abraham P. Ordovery



After a violent beating, Henry Fordyce was hospitalized with a fractured skull, but has now completely recovered. He is suing for his medical expenses and lost wages. The criminal case has already been tried in *State v. Harris*, but now the plaintiff is suing the defendants for damages.

Updated to reflect current monetary amounts, cultural references, and changes in case strategies, this case file is designed to be used in a trial advocacy program, either as skill exercises or a final trial, or both. In addition, along with its companion file, *State v. Harris*, it can be effectively used to highlight the differences between civil and criminal advocacy techniques.

■ **\$35** | 90 PP. WITH CD-ROM | 2011 | 978-1-60156-170-1

BEST SELLER**TRAFFIC ACCIDENT****Fulbright v. Americraft Industries and Parker**

Third Edition

Edward R. Stein and Anthony J. Bocchino



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 not a helmet law in the State of Nita. There are four witnesses for both the plaintiff and the defendants.

■ **\$35** | 128 PP. WITH CD-ROM | 2008 | 978-1-60156-054-4

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WRONGFUL ACT (DAMAGES)**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. | 2001 | 978-1-55681-741-0

BEST SELLER**WRONGFUL DEATH (TRAFFIC ACCIDENT)****Potter v. Shrackle and The Shrackle Construction Co.**

Fifth 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** | 240 PP. WITH CD-ROM | 2004 | 978-1-55681-801-1
Teaching materials available

TRAFFIC ACCIDENT**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. | 1997 | 978-1-55681-540-9

DUTY OF CARE IN EMERGENCY (TRAFFIC ACCIDENT)

Scruggs v. Snyder

Second Edition

William S. Bailey and Frederick C. Moss



A six-year-old child ran across a busy highway. Lynn Snyder was driving along that highway and struck the child, possibly causing him to suffer a severe closed-head injury. Moments prior to the accident, a number of motorists including Snyder noticed the boy fidgeting by the fog line of the road.

The defendant denies negligence on his part, and the state patrol officer who investigated the accident determined that there was not enough time for Snyder to stop before making contact with the child. The plaintiffs, supported by a number of eyewitnesses, claim that there was more than enough time for the defendant to avoid hitting the child. Both the plaintiffs and the defendant rely heavily on demonstrative evidence in this case. *Scruggs v. Snyder* includes a DVD containing expert witness reconstruction of the accident for both sides and a video walk-through of the accident site. There are four witnesses for both the plaintiffs and the defendant.

■ \$35 | 216 PP. WITH DVD | 2008 | 978-1-60156-044-5

BATTERY AND NEGLIGENCE (GUNSHOT WOUND)

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 in developing 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. | 2008 | 978-1-60156-083-4

Teaching materials available

TRAFFIC ACCIDENT

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 courts, 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. | 1999 | 978-1-55681-680-2

Products/Liability

NEGLIGENCE, MEDICAL MALPRACTICE, PRODUCTS LIABILITY, AND 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. | 1994 | 978-1-55681-419-8

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PRODUCTS LIABILITY/NEGLIGENCE**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. Defendant also disputes 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 | 2011 | 978-1-60156-107-7

INDEMNITY AND CONTRIBUTION**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 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. | 1996 | 978-1-55681-526-3

Teaching materials available

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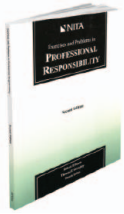
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One of the first legal ethics courses to rely on the power of simulation to provide a contextual grasp of a lawyer's obligations. The text gives students the ability to recognize and address professional responsibility problems in situations where they arise. The student exercises are usually the subject of disciplinary hearings in which other

students, acting as prosecutors and defense counsel, argue the propriety of the actual decisions that the student lawyers make. The exercises and problems are taken from two case files, one civil and one criminal. These materials may be used independently or coordinated with *Problems and Materials in Evidence and Trial Advocacy* for a fully integrated program.

■ **\$45** | 130 PP. | 2001 | 978-1-55681-644-4

Teaching materials available

Professionalism in the Real World: Lessons for the Effective Advocate

Lisa Penland and Melissa H. Weresh



Relevant and practical, *Professionalism in the Real World* walks the reader through the application of the Model Rules of Professional Conduct in everyday situations. The authors provide countless humorous and heartening real-life examples of the ethical missteps of the unwary attorney. Useful advice and checklists throughout the book will point the lawyer in the right ethical direction from the early stages of client engagement to appeals. Students and new practitioners alike will greatly benefit from this essential guide.

■ **\$25** | 192 PP. | 2009 | 978-1-60156-057-5

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. | 2005 | 978-1-55681-957-5

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MURDER/SUICIDE**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 | 2011 | 978-1-60156-150-3

BEST SELLER**FIRST-DEGREE MURDER (SELF-DEFENSE)****State v. Baker**

Second 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 | 2007 | 978-1-55681-995-7

Teaching materials available

BEST SELLER**FELONY MURDER AND ARMED ROBBERY****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 the bullet tragically 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, rehabilitation issues, and gives the students the opportunity to try their skills with adverse examination. There are three witnesses

for both the plaintiff and the defendant.

■ **\$28** | 144 PP. | 1992 | 978-1-55681-297-2

Teaching materials available

FIRST-DEGREE MURDER (TWO COUNTS)**State v. Casey**

Joseph E. Taylor



The defendant has been charged with first-degree murder in the deaths of his stepfather Bill Melton and his half-brother Stephen Melton. Michael Casey confessed to Detective Stevens but later contends that it was his mother who shot them to collect \$500,000 in insurance money. Both the defense and the prosecution agree that Bill and Stephen Melton were murdered in their home with Bill's

own shotgun. The defense and prosecution do not agree on who pulled the trigger. The prosecution stands by their case that Michael killed both victims and would have killed his own mother if he hadn't run out of bullets. There are four witnesses for both the plaintiff and the defendant including a forensic scientist and coroner.

■ **\$35** | 242 PP. WITH CD-ROM | 2003 | 978-1-55681-818-9

BATTERY OF A POLICE OFFICER**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. | 1999 | 978-1-55681-565-2

Teaching materials available

FIRST-DEGREE MURDER (SELF-DEFENSE)**State v. Cole**

Second Edition

Michael S. Sands



Walter "Wally" Cole shoots and kills Donald Abbott, the husband of Cole's former lover. Is it murder, a lesser offense, or a justifiable killing in self-defense? This case file presents expert testimony, photographs, diagrams, items of physical evidence, and many interesting tactical questions and evidentiary issues. There are four witnesses for both the

plaintiff and the defendant including a pathologist and criminologist.

■ **\$35** | 77 PP. WITH CD-ROM | 2009 | 978-1-60156-102-2

Teaching materials available

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.

■ **\$35** | 104 PP. WITH CD-ROM | 2008 | 978-1-60156-048-3

Teaching materials available

BEST SELLER**FIRST-DEGREE MURDER****State v. Diamond**

Fifth Edition

James H. Seckinger



Officer Diamond finished his last shift at the Nita City Police Department and headed over to the Truck Stop Café to visit his girlfriend. A grand jury has charged Diamond with first-degree murder in the death of his girlfriend, Trudi Doyle, even though Diamond maintains the shooting was accidental. Despite Diamond's pleas and the unusable fingerprints on the gun, the remaining evidence points

to Diamond. There are four witnesses for the plaintiff and three witnesses for the defendant, including an expert, who are available to testify.

■ **\$35** | 54 PP. WITH CD-ROM | 2010 | 978-1-60156-053-7

SECOND-DEGREE MURDER

State v. Donaldson

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.

■ \$28 | 116 PP. | 1996 | 978-1-55681-505-8

Teaching materials available

FIRST-DEGREE ASSAULT

State v. Harris

Second Edition

Laurence M. Rose



In this adaptation of NITA's civil case file, *Fordyce v. Harris and Felson*, defendant Gerald Harris is charged with first-degree assault with a deadly weapon. On the night of March 2, Henry Fordyce and his friend Eva Long were having drinks at Gus' Bar & Grill in Nita City. Fordyce claims Gerald Harris and Edward Felson were also at the bar and spent much of their time harassing Fordyce and Long while

they drank at the bar and then later beat him outside the bar—Felson with his boots and Harris with both a broom and his boots. There are five witnesses for the plaintiff and four witnesses for the defendant.

■ \$35 | 76 PP. | 1997 | 978-1-60156-169-5

ARSON

State v. Jackson

Third Edition

Laurence M. Rose, Rebecca Sitterly, and Frank Rothschild



On November 16, Flinders Aluminum Fabrication Corporation burned to the ground, killing George Avery, an employee trapped inside. Arthur Jackson, the owner of Flinders, and Sonia Peterson, Jackson's former employee, have both been charged with commercial arson. The case went to trial but remained undecided because of a mistrial and a hung jury. In the post-trial proceedings, Sonia

Peterson pled guilty to conspiracy to commit felony and agreed to testify against Arthur Jackson. The State and the defendant each have four witnesses. The civil action version of this case file is titled *Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company*.

■ \$35 | 132 PP. WITH CD-ROM | 2009 | 978-1-60156-088-9

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.

■ \$28 | 84 PP. | 2000 | 978-1-55681-676-5

Teaching materials available

FIRST-DEGREE MURDER**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 p.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. | 2005 | 978-1-55681-934-6
Teaching materials available

ROBBERY**State v. Kartal**

John Sonsteng, Linda Thorstad, Jennifer Millers



John Paul Kartal has been charged by criminal complaint with a number of crimes, including burglary, robbery, and assault, that arose from an incident the home of Sarah Ramsey. On the evening of the incident, Ramsey arrived home and encountered a person inside her house. At a lineup that was held later at the police station, Sarah Ramsey identified John Paul Kartal as a person who "looked

like" the burglar she saw running from her home.

■ **\$35** | 147 PP. WITH CD-ROM | 2011 | ISBN: 978-1-60156-140-4

**ROBBERY/PURSE SNATCHING
(COURTROOM TECHNOLOGY FOCUS)****State v. Lawrence**

Second Edition

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



As Gale Fitzgerald walked toward her house from the bus stop, she felt a sharp tug on her purse, and after a short struggle, she was thrown to the ground while her attacker ran off with her purse. On July 15, the defendant, James Lawrence, was arrested while attempting to snatch the purse of off-duty officer Sonia Henderson. The defendant has now been charged with theft and robbery for Gale

Fitzgerald's mugging. Lawrence waived his Miranda rights, and gave a statement saying he was on a date the night of the incident, a story which Chelsea Williams corroborated. He still stands trial for theft, which is a felony punishable by up to ten years in jail. This is a good file for the basic trial advocacy classroom. There are two witnesses for both the plaintiff and the defendant.

■ **\$35** | 104 PP. WITH CD-ROM | 2002 | 978-1-55681-880-6

FIRST-DEGREE MURDER**State v. O'Neill**

Revised Fifth Edition

James H. Seckinger



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.

■ **\$28** | 144 PP. | 1992 | 978-1-55681-305-4
Teaching materials available

ATTEMPTED MURDER (DOMESTIC VIOLENCE)**State v. Patterson**

Hon. Andrew P. Rodovich



On April 16, the defendant, Allen Patterson, shot and killed his wife, Molly Patterson, in their family-owned liquor store, Al's Ales. Patterson is charged with murder in the first degree. He told the police, however, that he shot at an armed robber and instead accidentally shot and killed his wife. The crime remained unsolved for over one year until someone else was arrested on unrelated charges

and implicated Patterson in the shooting. The case file addresses potential voir dire problems for the State and the defense. There are four witnesses for the plaintiff and three witnesses for the defendant.

■ **\$28** | 56 PP. | 2004 | 978-1-55681-903-2

Teaching materials available

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.

■ **\$35** | 101 PP. WITH CD-ROM | 2010 | 978-1-60156-125-1

FIRST-DEGREE MURDER (GANGS)**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 non-traditional experts with specialized knowledge of gang

behavior. There are five witnesses for both the state and the defense.

■ **\$35** | 123 PP. WITH CD-ROM | 2009 | 978-1-60156-146-6

Teaching materials available

State v. Skywolf

Joseph E. Taylor



Andrew "Eagle" Skywolf has been charged with first-degree murder in the death of Officer Dan Lockman. This is the first NITA case file to incorporate Native American culture and its unique historical background in a significant way in a case file. There are four witnesses for the prosecution and four for the defense. Expert testimony is presented on both sides. The prosecution relies on expert

witnesses and incorporates DNA evidence as important proof of guilt in this case. The defense calls on experts that question the professionalism of the investigating team and the interpretation of the evidence. Expert testimony is also given by a Native American Studies expert. Includes a CD-ROM containing exhibits, sample PowerPoint presentation, and suggested PowerPoint slides for impeachment.

■ **\$35** | 138 PP. WITH CD-ROM | 2008 | 978-1-60156-065-0

AGGRAVATED ROBBERY AND POSSESSION OF A CONTROLLED SUBSTANCE

State v. Southley

Second Edition

Barbara S. Barron and Lawrence W. Kessler



Perfect for a pretrial course, *State v. Southley* involves charges against Harvey Southley. The State alleges that Southley lured Carl Krause into an alley, hit him over the head, and stole \$400. Hours after the incident, police arrested Southley and found \$400 and cocaine in his possession. There are four witnesses for the prosecution and three witnesses for the defense. Additionally, *State v.*

Southley contains witness examination problems centered on criminal procedure motion practice, as well as on the criminal trial.

■ **\$35** | 158 PP. WITH CD-ROM | 2009 | 978-1-60156-075-9

RAPE

State v. Stone

Revised Fourth Edition

James H. Seckinger



The State has alleged that the victim, Marilyn Miller, was awakened from a nap by a noise in her apartment and saw a man standing in her bedroom. She screamed, and the man leaped on her and threatened her with a knife. He turned her over on her stomach, covered his face with a bandanna, and then removed her clothing. He then raped her. The defendant, James Stone, has been charged with

offenses arising from that alleged incident.

■ **\$28** | 160 PP. | 1992 | 978-1-55681-311-5

Teaching materials available

BURGLARY (PRETRIAL)

State v. Tyler

John J. Francis



Designed to guide the law school student through the life of a case, *State v. Tyler* focuses on an attempted burglary case where two young men are accused of breaking into an RV. This case file will teach advocacy skills essential for the pretrial stages of defending or prosecuting criminal law cases. A series of problems and exercises will lead students

through the life of a criminal case, starting with intake interviews, proceeding through the filing of charges and probable cause review, continuing through discovery and motion practice, and wrapping up with plea negotiations. There are three witnesses for the plaintiff and one witness for the defendant.

Defense

■ **\$28** | 72 PP. | 2008 | 978-1-60156-914-1

Prosecution

■ **\$28** | 88 PP. | 2008 | 978-1-60156-000-1

Teaching materials available

HIT-AND-RUN AND RECKLESS DRIVING

State v. Wyatt

David S. Rudolf and Thomas K. Maher



The University of Nita City won the NCAA championship on this rainy, foggy night. UNC students are notorious for partying in the streets after such an event and this night was no exception; just ask Gary Gilbert. Gilbert remembers the game and the party, but he doesn't remember being hit by a white Miata and immediately suffering a closed head injury. After Gilbert woke from his coma days later, he

learned that James Wyatt, the manager of Pizza Pub, had been arrested and charged with reckless driving and felony hit-and-run. There are three witnesses for both the plaintiff and the defendant, none of whom are experts, making this an excellent case file for a basic course.

■ **\$28** | 108 PP. | 1995 | 978-1-55681-476-1

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**FEDERAL PROPERTY CRIME
INVOLVING DNA EVIDENCE****United States v. Clark**

Donald Q. Cochran



United States v. Andre Clark involves Andre Clark, one of three defendants charged with bank robbery. The State's main witness is a co-defendant who will testify to Clark's involvement in addition to circumstantial evidence. The defendant has an alibi witness and the lack of DNA evidence in support of his innocence. The case file contains several photographs, diagrams, and an expert report for use

at trial. A CD-ROM contains bank surveillance photographs and aerial photos from the robbery. The case file provides a balance of three potential witnesses for both the plaintiff and the defendant, including a DNA expert.

■ **\$35** | 102 PP. WITH CD-ROM | 2006 | 978-1-55681-997-1

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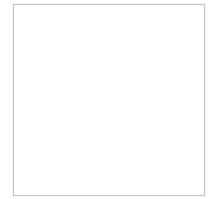
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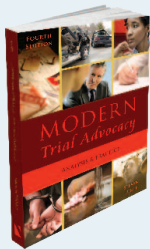


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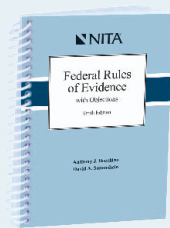
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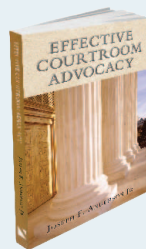
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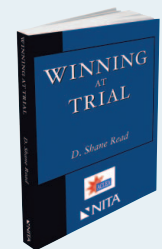
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