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

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. Our comprehensive portfolio of titles covers discovery, e-discovery, deposition, and trial prep. Once your case goes to trial, you’ll have the guidance you need every step of the way, from jury selection, through how to hone your trial techniques, presentation of evidence, and more.

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**2015 NITA® Publication Catalog**

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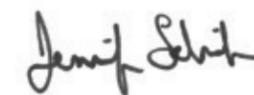
This year, NITA is pleased to offer our renowned textbooks in eBook format, including an upcoming new edition of our bestselling *Modern Trial Advocacy* enhanced with video demonstrations.

Advocacy skills are important at every step in the lifespan of a case, whether a case goes to trial, settles, or is referred for alternate dispute resolution. NITA is pleased to support all steps with new editions of *Alternatives to Litigation*, *Evidence Problems*, *Fact Investigation*, and *Criminal Litigation & Legal Issues in Criminal Procedure*. The best advocates are also strong and clear communicators; to support these skills, NITA presents *Foolproof: An Attorney’s Guide to Oral Communications*.

NITA continues to develop new and engaging case files with cyberbullying in *Evans v. Washington State University*, breach of contract in *Yount v. Molitor*, and legal malpractice in *Point v. Dunstable*, as well as new editions for the classic *Dixon v. Providential Life Insurance* and the acclaimed *BMI v. Minicom*.

Year after year, NITA seeks to provide the best resources to advance advocacy skills for all legal professionals, from law students to experienced practitioners. NITA’s passion is learning-by-doing—and that goal extends to our extensive library of reference materials in print or on your laptop, tablet, or smartphone, as well as online training courses. With NITA, you always know you will find the most consistent and trusted training publications available.

Warm Regards,



Jennifer Schneider

Director of Publications

**COMMERCIAL TITLES**

Alternative Dispute Resolution	3
Appellate Advocacy	5
Criminal Practice	6
Deposition and Pretrial	7
Evidence	11
Expert Witness	15
Multimedia	16
Practice of Law	17
Professional Responsibility	18
Trial Advocacy	18

**CASE FILES**

Arson	25
Assault	25
Contracts	26
Corporate Governance	27
Contribution and Indemnity	28
Discrimination	28
Dissolution of Marriage	28
Employment Discrimination	29
Homicide	30
Intellectual Property	33
International Torts/Damages	33
Juvenile	33
Landlord-Tenant	34
Legal Ethics	34
Legal Malpractice	34
Licensing Agreements	35
Life Insurance	35
Medical Malpractice	35
Motor Vehicle Accident	36
Negligence	37
Premises Liability	38
Property Insurance	39
Public Service	39
Sexual Assault	39
Theft/Robbery	40
Trade Secrets	40
Vehicle Violations	41
Wrongful Death	41
Wrongful Discharge	41

<b>INDEX</b>	<b>42</b>
--------------	-----------



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### Alternative Dispute Resolution



#### The Art of Mediation

SECOND EDITION

Scott Hughes, Mark Bennett, and Michele Hermann

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

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

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

Paul J. Zwier and Thomas F. Guernsey

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

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

#### Alternatives to Litigation

THIRD EDITION

Andrea Doneff and Abraham Ordover

**NEW EDITION** *Alternatives to Litigation* was first published in 1993 when alternate dispute resolution practice was in its infancy. Now in its Third 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 | Softbound, 272 pp., Pub. #28705, ISBN 9781601563378, © 2014



## Arbitration Advocacy

SECOND EDITION

Hon. John W. Cooley and Steven Lubet

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

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

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

## The Arbitrator’s Handbook

REVISED SECOND EDITION

Hon. John W. Cooley

\$85 | Softbound, 469 pp., Pub. #28751, ISBN 9781601561053, © 2009

## International Commercial Arbitration Advocacy: A Practitioner’s Guide for American Lawyers

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

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

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

## Mediation Advocacy

SECOND EDITION

Hon. John W. Cooley

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

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

## The Mediator’s Handbook

SECOND EDITION

Hon. John W. Cooley

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

## Problems and Cases in Interviewing, Counseling, and Negotiation

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

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# Appellate Advocacy

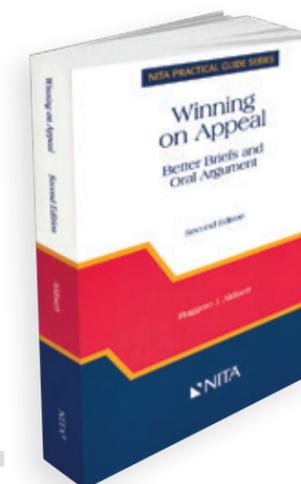
## Winning on Appeal: Better Briefs and Oral Argument

SECOND EDITION

Hon. Ruggero J. Aldisert

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

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



### SUMMARY CONTENTS

<b>PART ONE: THE THEORY AND CRITICISMS OF WRITTEN AND ORAL ADVOCACY</b>		
Ch. 1 Appellate Review: A Panorama	Ch. 15 The Brief: Identify the Flashpoint of Controversy	
Ch. 2 The Purpose of Brief Writing	Ch. 16 The Brief: The Required Logical Form for Each Issue	
Ch. 3 The Purpose of Oral Argument	Ch. 17 The Brief: Shortening the Argument	
<b>PART TWO: TECHNICAL REQUIREMENTS FOR BRIEFS</b>		
Ch. 4 Jurisdiction	Ch. 18 The Brief: Write to Persuade	
Ch. 5 Issue Preservation and Standards of Review	Ch. 19 The Brief: Perfecting the Argument	
<b>PART THREE: THE NUTS AND BOLTS OF BRIEF WRITING</b>		
Ch. 6 Getting Started: Requirements for Briefs, Records and Appendices	Ch. 20 The Brief: Formal and Informal Fallacies	
Ch. 7 Research and Use of Authorities	Ch. 21 The Brief: A Compendium of Advice	
Ch. 8 Finding the Argument that Will Win	<b>PART FOUR: THE NUTS AND BOLTS OF PREPARING AND DELIVERING ORAL ARGUMENT</b>	
Ch. 9 The Brief: How Many Issues?	Ch. 22 Preparing for Oral Argument	
Ch. 10 The Brief: Stating the Issue(s)	Ch. 23 How Top-Flight Appellate Lawyers Prepare	
Ch. 11 The Brief: Statements of the Case	Ch. 24 Delivering the Argument	
Ch. 12 The Brief: Statement of Facts	<b>PART FIVE: CHECKLISTS</b>	
Ch. 13 The Brief: Summary of the Argument	Ch. 25 Two Important Checklists: Brief Writing and Oral Argument Preparation	
Ch. 14 The Brief: State Your Theme	<b>APPENDICES</b>	
	Table of Authorities	
	Index	

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

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

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

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

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



## Statutory Interpretation: The Search for Legislative Intent

SECOND EDITION

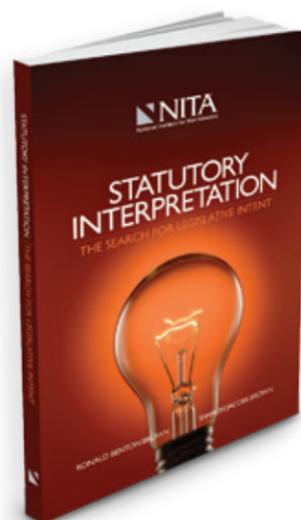
Ronald Benton Brown and Sharon Jacobs Brown

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

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

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

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



## Practical Criminal Procedure: A Constitutional Manual

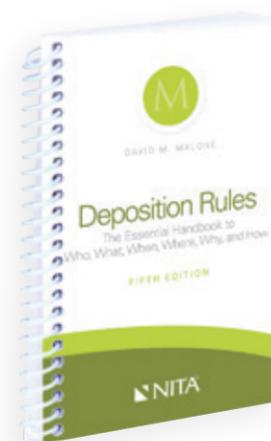
SECOND EDITION

Brent E. Newton

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

\$45 | Softbound, 376 pp., Pub. #28720, ISBN 9781601561060, © 2011

## Deposition and Pretrial



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

FIFTH EDITION

David M. Malone

**BEST SELLER**

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

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

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

#### SUMMARY CONTENTS

- Introduction
- Ch. 1 Who
- Ch. 2 What
- Ch. 3 When
- Ch. 4 Where
- Ch. 5 Why
- Ch. 6 How
- Ch. 7 Expert Depositions
- Ch. 8 Video Depositions
- Ch. 9 The Seven Ways to Use Deposition at Trial

## Criminal Practice

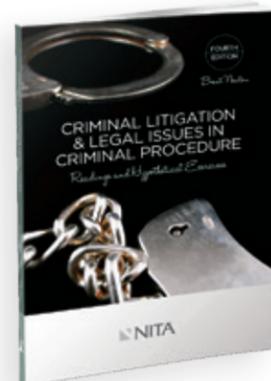
### Criminal Litigation & Legal Issues in Criminal Procedure: Readings and Hypothetical Exercises

FOURTH EDITION

Brent E. Newton

**NEW EDITION** *Criminal Litigation and 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. In *Criminal Litigation and Legal Issues in Criminal Procedure*, author Brent Newton merges elements from these two types of courses into one and seeks to bridge the gap between them.

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### Administrative Agency Litigation

Christopher McNeil

\$65 | Softbound, 200 pp. with CD-ROM, Pub. #28483, ISBN 9781601561442, © 2011

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

Paul J. Zwier and Anthony J. Bocchino

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

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

### Federal Rules of Criminal Procedure

AS AMENDED TO DECEMBER 1, 2014

This edition of NITA's convenient pocket-size book incorporates the amendments to the Federal Rules of Criminal Procedure that went into effect December 2014.

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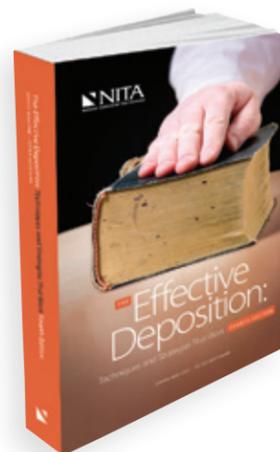
## The Effective Deposition: Techniques and Strategies That Work

FOURTH EDITION

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

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

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



### SUMMARY CONTENTS

#### PART ONE: THE LAW

Ch. 1 The Mechanics of Taking and Defending Depositions

#### PART TWO: TAKING DEPOSITIONS

- Ch. 2 Purposes of Taking Depositions
- Ch. 3 Advantages and Disadvantages of Depositions
- Ch. 4 Planning and Scheduling Depositions
- Ch. 5 Preparing to Take the Deposition
- Ch. 6 Beginning the Deposition
- Ch. 7 Style, Organization, and Other Matters

Ch. 8 Questioning Techniques

Ch. 9 Using Documents

Ch. 10 Foundations

Ch. 11 Obnoxious or Obstructionist Opposing Counsel

Ch. 12 Protective Orders and Applications to the Court

#### PART THREE: DEFENDING DEPOSITIONS

Ch. 13 Preparing the Witness to Be Deposed

Ch. 14 Defending the Deposition

Ch. 15 Reviewing, Correcting, Editing, and Supplementing the Transcript

#### PART FOUR: USING DEPOSITIONS

Ch. 16 Using Depositions in Motions and Trial

#### PART FIVE: SPECIAL TYPES OF DEPOSITIONS

Ch. 17 Taking and Using Preservation Depositions

Ch. 18 Video Depositions

Ch. 19 Rule 30(b)(6) Depositions

Ch. 20 Expert Depositions

Ch. 21 Concluding the Deposition

Appendices

Index

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## Effective Deposition Defense Rules

SECOND EDITION

David M. Malone

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

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

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

David M. Malone

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

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### SUMMARY CONTENTS

- Ch. 1 An Overview of Rule 30(b)(6) Depositions
- Ch. 2 When and Why to Take a Rule 30(b)(6) Deposition
- Ch. 3 How to Take a Rule 30(b)(6) Deposition
- Ch. 4 The Specifications
- Ch. 5 Finding, Preparing, and Defending the Rule 30(b)(6) Designee
- Ch. 6 How to Ask Questions
- Ch. 7 Questioning within the Specifications
- Ch. 8 Questioning “Beyond the Specifications”
- Ch. 9 How Nonparty Organizations Respond

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

SECOND EDITION

David M. Malone and Paul J. Zwier

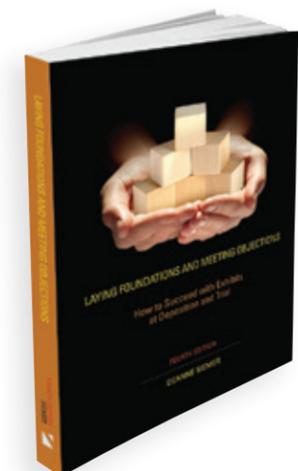
In this compact and easy-to-use handbook, David Malone and Paul Zwier provide practical advice on every aspect of creating, discovering, using, offering, and opposing exhibits in litigation.

\$35 | Spiral bound, 140 pp., Pub. #28442, ISBN 9781601561961, © 2013

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

Eric Oliver

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

FOURTH EDITION

Deanne Siemer

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

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

\$65 | Softbound, 550 pp., Pub. #28451, ISBN 9781601562661, © 2013



## Legal Strategy

Paul J. Zwier

\$50 | Softbound, 192 pp., Pub. #28721, ISBN 9781556819230, © 2005

## Trial Prep for the New Advocate

Michael Coyne and Ursula Furi-Perry

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

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

\$45 | Softbound, 200 pp., Pub. #28481, ISBN 9781601561305, © 2011

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

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

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

Michael L. Coyne and Ursula Furi-Perry

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## Winning at Deposition

Anthony J. Bocchino

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

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

## Written and Electronic Discovery: Theory and Practice

FIFTH EDITION

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

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

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# Evidence

## Evidence in Context: A Trial Evidence Workbook

FOURTH EDITION

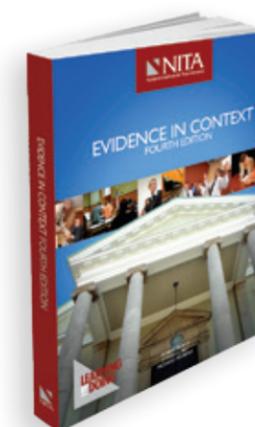
Robert P. Burns, Steven Lubet, and Richard Moberly

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

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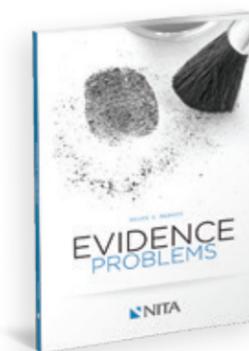
## Evidence Problems

Bruce G. Berner

**NEW IN 2014** Judicial opinions are wonderful tools to introduce students to certain principles embedded in the evidence rules, but the problem method of learning is a more efficient way for student to not only comprehend the purposes of the rule, but also to gain confidence in working with those rules.

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- Section B(1) Hearsay Review Problems
- Section B(2) Multiple Choice Questions
- Section B(3) Trial Scenario Problems

### SUMMARY CONTENTS

#### SECTION I. CASES

- State v. Mitchell*
- MacIntyre v. Easterfield*

#### SECTION II. PROBLEMS

- Relevance
- Impeachment and Rehabilitation
- Burden of Proof and Presumptions
- Witness Examination and Rulings on Evidence
- Authentication and Best Evidence Rule
- Hearsay
- Opinion and Testimony (Lay and Expert)
- Privileges
- Judicial Notice
- Concluding Questions

## 100 Vignettes for Improving Trial Evidence Skills

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

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

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## Federal Rules of Evidence

AS AMENDED TO DECEMBER 1, 2014

**BEST SELLER** This handy guide compiles the Federal Rules of Evidence for U.S. Courts and Magistrates, as amended through December 1, 2014. The small-format packaging is designed so you can easily tuck the book into a pocket or briefcase. The spiral binding allows you to place the book flat on a desk or table, so you can quickly reference pages without damaging the spine.

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

## Federal Rules of Evidence with Objections

ELEVENTH EDITION

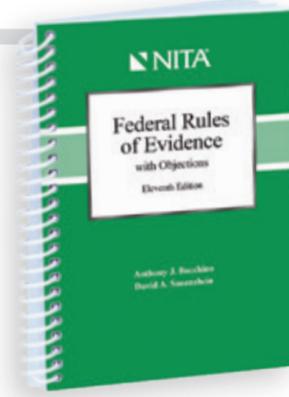
Anthony J. Bocchino and David A. Sonenshein

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

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

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- |   |                             |  |
|---|-----------------------------|--|
| Preface   | Expert Opinion              | Narratives                                 |
| Ambiguous Questions                                 | Firsthand Knowledge         | Nonresponsive Answers                      |
| Argumentative Questions                             | Guilty Pleas                | Objections                                 |
| Asked and Answered Questions                        | Habit and Routine Practice  | Offers of Proof                            |
| Authentication of Instruments                       | Hearsay                     | Original Document Rule                     |
| Authentication of Telephone Conversation and Voices | Hearsay within Hearsay      | Offers to Pay Medical and Similar Expenses |
| Character Evidence                                  | Hearsay Exception           | Presumptions                               |
| Competence to Testify                               | Impeachment                 | Privileges                                 |
| Compound Questions                                  | Insurance Against Liability | Refreshing Present Recollection            |
| Compromise Offers and Negotiations                  | Judicial Notice             | Relevance                                  |
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| Exhibits  | Leading Questions           | Federal Rules of Evidence                  |
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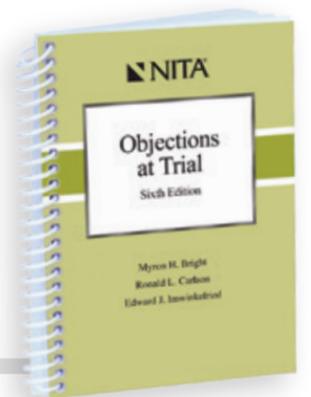
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## Objections at Trial

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### SUMMARY CONTENTS

- |   |   |  |
|---|---|--|
| Preface to Sixth Edition                      | Harassment  | Privileged   |
| Introduction                                  | Hearsay   | Qualifications   |
| Addressing Juror by Name                      | Hearsay Exceptions: Declarant's Availability Immaterial | Rape Cases, Prior Conduct  |
| Ambiguous                                     | Hearsay Exceptions: Declarant Unavailable               | Refreshing Recollection  |
| Argumentative                                 | Hypothetical Question Improper                          | Rehabilitation Improper  |
| Assuming Facts Not in Evidence                | Immaterial/Irrelevant                                   | Relevancy Lacking  |
| Authentication or Identification Lacking      | Impeachment Improper                                    | Religion   |
| Bad Acts Inadmissible                         | Judicial Notice Improper                                | Remedial Measures  |
| Best Evidence Rule Violated                   | Judicial Questioning Improper                           | Repetitive   |
| Bolstering Before Impeachment                 | Leading   | Reputation Evidence Improper   |
| Business Record Not Established               | Liability Insurance Improper                            | Safety Measures  |
| Character Inadmissible                        | Limited Admissibility                                   | Scientific Evidence and the <i>Daubert</i> and <i>Kumho Tire</i> Cases |
| Coconspirator Statement Inadmissible          | Misconduct of Counsel                                   | Scope of Examination   |
| Collateral Matter                             | Misleadingly Dissimilar                                 | Self-Serving   |
| Competency Not Established                    | Multiple or Compound Question                           | Sequestration Rule Violated  |
| Computer Graphics Evidence Inadmissible       | Narrative   | Settlement Negotiations  |
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| Expert Testimony Improper                     | Parol Evidence Rule Violated                            | Vague  |
| Foundation Lacking: Personal Knowledge        | Polygraph Inadmissible                                  | Witness Lying  |
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### SUMMARY CONTENTS

- Ch. 1 General Considerations
- Ch. 2 Forms of Questions
- Ch. 3 Relevance
- Ch. 4 Authentication and Original Documents
- Ch. 5 Exhibits
- Ch. 6 Opinions
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## Problems and Materials in Evidence and Trial Advocacy

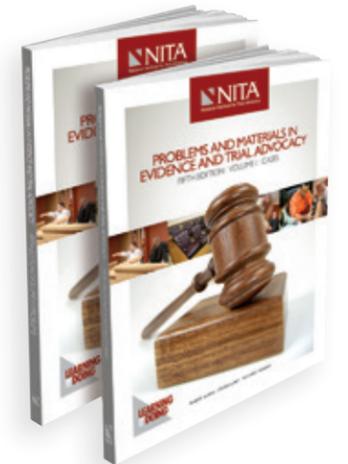
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Robert Burns, Steven Lubet, and Richard Moberly

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

Volume I contains two relatively detailed case files, quite similar to the material a trial lawyer may have as he or she approaches trial. The first file is a murder case, where the issue is the identity of the killer and the defendant is the estranged husband of the victim. The second file is a civil action for defamation brought by a former employee against her very wealthy employer. The cases are designed to raise realistic and challenging issues in trial theory and practice and in the law of evidence.

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# Expert Witness

## Effective Expert Testimony

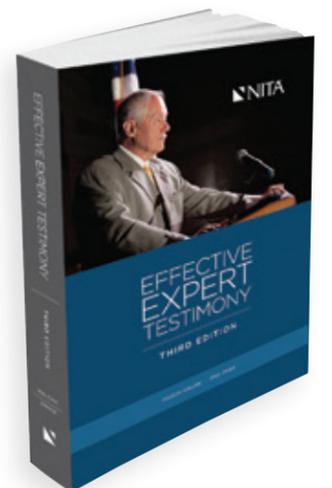
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- Expanded text and demonstratives illustrating effective techniques for presenting digital evidence and using visual aids
- Updated analysis of the Federal Rules of Evidence and Federal Rules of Civil Procedure
- Examples of expert witness examinations and detailed discussion of techniques for coping with lawyer questioning
- Checklists for quick reference

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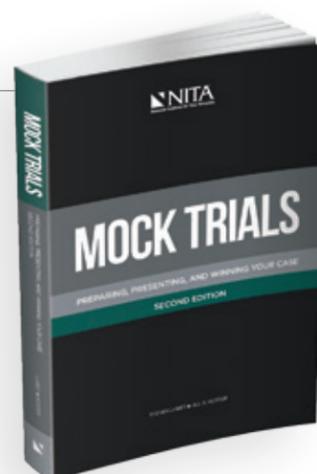
- Understanding the law and how trials work
- Organizing your trial binder
- Discerning the material admissible facts and outlining your case
- Devising a compelling theme and theory and telling a memorable story
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### SUMMARY CONTENTS

- Ch. 1 Trial Basics
- Ch. 2 Case Preparation
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- Ch. 6 Direct Examination
- Ch. 7 Foundations and Exhibits
- Ch. 8 Cross-Examination
- Ch. 9 Impeachment
- Ch. 10 Redirect & Recross Examinations
- Ch. 11 Expert Testimony
- Ch. 12 Objections
- Ch. 13 Opening Statement
- Ch. 14 Closing Argument
- Appendix
- Index

## Modern Trial Advocacy: Analysis & Practice

FOURTH REVISED EDITION

Steven Lubet

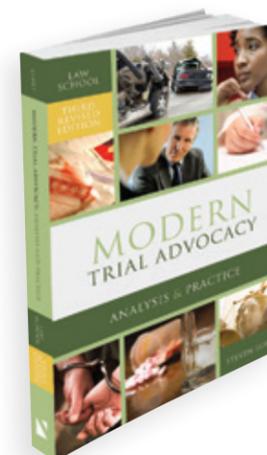
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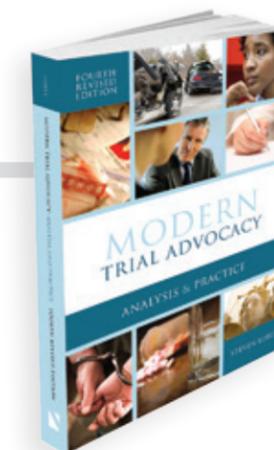
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### SUMMARY CONTENTS

- Ch. 1 Case Analysis and Storytelling
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- Ch. 5 Cross-Examination
- Ch. 6 Impeachment
- Ch. 7 Redirect Examination and Rehabilitation
- Ch. 8 Expert Testimony
- Ch. 9 Objections
- Ch. 10 Foundations and Exhibits
- Ch. 11 Electronic Visuals
- Ch. 12 Opening Statements
- Ch. 13 Final Argument
- Ch. 14 Jury Selection
- Index



"When I throw the book at a criminal, this is the book I throw. Quite simply, it's the best book on trial advocacy ever written."

—Zachary Weiss, Senior Investigative Counsel, New York County District Attorney's Office



## The Power Trial Method

SECOND EDITION

David J.F. Gross and Charles F. Webber

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Most of the anxiety about trials, according to authors David Gross and Charles Webber, is caused by the fear of forgetting something. The authors outline the basic tasks involved in trial preparation, what written materials are needed, how to set up a courtroom for trial, and what to include in your trial notebooks and trial box. The book also describes how to assess the trial judge's use of power and how to persuade the jury to use its power. The authors examine the importance of a trial theme and how to create fairness points.

### SUMMARY CONTENTS

Ch. 1 Where's the Power?	Ch. 8 The Best Demonstrative Exhibits
Ch. 2 The PTM Approach to a Jury Trial	Ch. 9 Six Objections You Should Know Something About
Ch. 3 Understanding the Theme Thing	Ch. 10 Dealing With Expert Witnesses
Ch. 4 Mastering Trial Preparation and Set Up	Ch. 11 Understanding the Jury Instruction Process
Ch. 5 What You Need to Know About Openings	Ch. 12 Closing Arguments That Work
Ch. 6 The Genuine Way to Fake an Effective Examination	Ch. 13 The End Is Near
Ch. 7 Some Ideas for Getting Documents Into Evidence	Ch. 14 Are You Mocking My Jury Trial?
	Appendices

\$75 | Softbound, 356 pp., Pub. #28707, ISBN 9781601563279, © 2014

## Anderson on Advocacy

Carol B. Anderson

\$75 | Softbound, 768 pp., Pub. #28375, ISBN 9781601560247, © 2003

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

Hon. Douglas S. Lavine

\$50 | Softbound, 288 pp., Pub. #28706, ISBN 9781556817694, © 2002

## Children in the Courtroom: Challenges for Lawyers and Judges

SECOND EDITION

Sherrie Bourg Carter

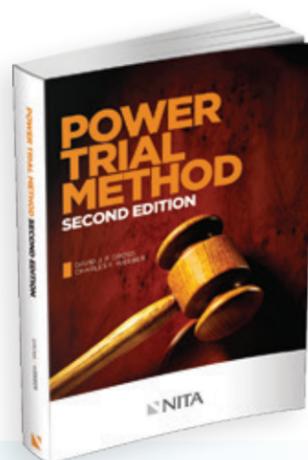
In *Children in the Courtroom*, the author provides law students with the critical information they need to properly review and handle cases involving child witnesses. Through a detailed discussion of the complicated legal, investigative, and developmental problems that are commonly encountered when 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 | Softbound, 190 pp., Pub. #28742, ISBN 9781601560711, © 2009

## Compendium of Trial Advocacy Drills

Robert A. Stein and Ben Rubinowitz

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



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

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

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

David M. Malone

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

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

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

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



## Effective Courtroom Advocacy

Hon. Joseph F. Anderson Jr.

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

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

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

## Federal Trial Objections Quick Reference Card

SECOND EDITION

Sydney A. Beckman

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

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

Prepack of 25 cards is also available:

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

## Federal Rules of Civil Procedure

AS AMENDED TO DECEMBER 1, 2014

This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2014. 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.

\$35 | Spiral bound, 268 pp., Pub. #28686, ISBN 9781601564436, © 2014

## Foolproof: An Attorney's Guide to Communication

Rebecca Diaz-Bonilla

**NEW IN 2014** The author taps on more than a decade of experience coaching lawyers domestically and internationally to bring together this highly practical guide. It will prove useful to both the litigator and non-litigator alike. The book is virtually a “personal” laboratory for improving your preparation for any oral communication, achieving vocal success, enhancing body language techniques, and expressing the right emotion.

With the tools *Foolproof* provides, you will hone your speaking skills and compel any audience. It also shares:

- Practical tips and exercises
- Self-assessment and goal-setting guidelines
- Advice on preparation techniques
- Ways to improve voice and speech pattern

\$45 | Softbound, 144 pp., Pub. #29833, ISBN 9781601563446, © 2014



## How to Try a Jury Case

John F. Kimberling

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

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

Carol B. Anderson

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

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

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

### Problems in Trial Advocacy

2013 EDITION

Anthony J. Bocchino and Donald H. Beskind

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

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

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

Steven Wisotsky

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

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

\$30 | Softbound, 110 pp., Pub. #28454, ISBN 9781601561596, © 2013

### Jury Speech Rules: The Art of Ethical Persuasion

SECOND EDITION

David M. Malone

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

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

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

Sherrie Bourg Carter

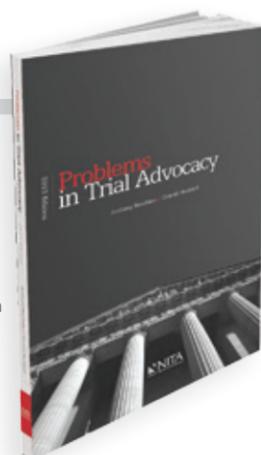
\$25 | Softbound, 104 pp., Pub. #28747, ISBN 9781601560896, © 2009

### Logic for Lawyers: A Guide to Clear Legal Thinking

THIRD EDITION

Hon. Ruggero J. Aldisert

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



#### SUMMARY CONTENTS

- Section I: Direct and Cross-Examination
- Section II: Exhibits
  - A. Demonstrative Exhibits
  - B. Tangible Objects
  - C. Documents
- Section III: Impeachment and Rehabilitation
- Section IV: Adverse Examination
- Section V: Expert Witnesses



#### SUMMARY CONTENTS

- Introduction
- A Note on Sources
- Ch. 1 Planning Your Presentation
- Ch. 2 Choosing Your Words
- Ch. 3 Sounds of Persuasion
- Ch. 4 Looks of Persuasion
- Ch. 5 Self Improvement
- Bibliography
- Index

### Trial Advocacy Basics

Dent Gitchel and Molly Townes O'Brien

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

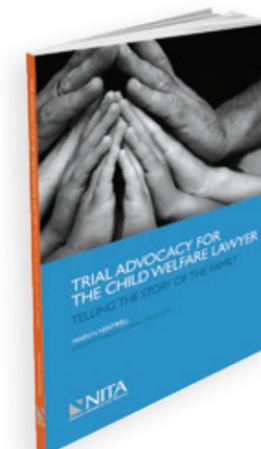
\$55 | Softbound, 272 pp., Pub. #28729, ISBN 9781556819650, © 2006

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

Marvin Ventrell

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

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



#### SUMMARY CONTENTS

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

\$45 | Softbound, 156 pp., Pub. #28520, ISBN 9781601561497, © 2011

### Trialbook

THIRD EDITION

John O. Sonsteng and Roger Haydock

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

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

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



## Trial Technique & Evidence

FOURTH EDITION

Michael Fontham

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

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

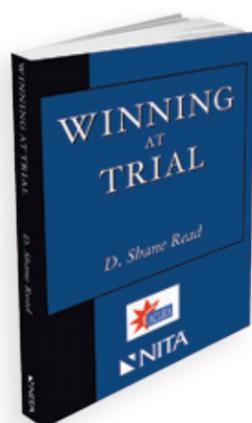
## Winning at Trial

D. Shane Read

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

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

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



### SUMMARY CONTENTS

Preface	Ch. 5 Cross-Examination
Acknowledgements	Ch. 6 Closing Argument
Ch. 1 Trial Strategies and Basics	Ch. 7 Exhibits and Objections
Ch. 2 Voir Dire	Ch. 8 Conclusion
Ch. 3 Opening Statement	Index
Ch. 4 Direct Examination	

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

Teaching materials available

## Winning Jury Trials: Trial Tactics and Sponsorship Strategy

THIRD EDITION

Robert H. Klonoff and Paul L. Colby

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

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

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



# CASE FILES

## Arson

### State v. Jackson

FOURTH EDITION

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

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

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

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

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



## Assault

### State v. Anderson

SECOND EDITION

Joseph E. Taylor

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

\$35 | 140 pp. with CD-ROM, Pub. #28777, ISBN 9781601563705, © 2013

Teaching materials available



### State v. Chambers

Joseph E. Taylor and Lincoln N. Mintz

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

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

Teaching materials available

### State v. Harris

SECOND EDITION

Laurence M. Rose

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

### State v. Southley

SECOND EDITION

Barbara S. Barron and Lawrence W. Kessler

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

### MRS v. Riverboat Queen

Cheryl Brown Wattley

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



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

\$35 | 192 pp. with CD-ROM, Pub. #28461, ISBN 9781601563361, © 2013

### Quinlan v. Kane

THIRD 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 | 86 pp. with CD-ROM, Pub. #28611, ISBN 9781601562166, © 2013

### Vending Operator, Inc. v. Nita Department of Transportation

THIRD EDITION

Steven Lubet

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

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

Teaching materials available

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

### Yount v. Molitor

Paul J. Zwier and William J. Hunt

**NEW IN 2014** *Yount v. Molitor* tests the student's advocacy and non-medical expert witness examination skills through this full trial, which includes two fact witnesses per side, expert witnesses in stock valuation, and electronic evidence in the form of email, texts, and Facebook® posts on online "microsites." The plaintiff and defendant versions of this case file are self-contained and can be used independently of one another to teach deposition skills.

Plaintiff's Edition	Defendant's Edition	Faculty Edition
\$35   93 pp. with CD-ROM, Pub. #28310, ISBN 9781601564566, © 2014	\$35   99 pp., with CD-ROM, Pub. #28311, ISBN 9781601564573, © 2014	\$35   107 pp., with CD-ROM, Pub. #28248, ISBN 9781601564252, © 2014

## Contracts

### BMI v. Minicom, Inc.

TENTH EDITION

Anthony J. Bocchino and Donald H. Beskind

**NEW EDITION**

This classic breach of contract case is available in two versions: deposition skills and trial skills.

A shipment of computer chips is lost in transit. The supplier, BMI, claims the purchaser, Minicom, bore the risk of loss and is seeking to recover for breach of contract. Minicom claims that BMI's failure to insure the shipment breached the contract causing the loss of past and future profits. The well-balanced file provides ample material for basic and advanced advocacy training, with three witnesses for both plaintiff and defendant, including one economics expert for each side.

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

Plaintiff's Edition

\$35 | 182 pp. with CD-ROM, ISBN 9781601563958, © 2009

Defendant's Edition

\$35 | 184 pp. with CD-ROM, ISBN 9781601563965, © 2009

Faculty Edition

\$35 | 198 pp. with CD-ROM, ISBN 9781601563941, © 2009



### Cosmopolitan Life Insurance Co. v. Jordan and Moore

Hon. Andrew P. Rodovich

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

Teaching materials available

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

THIRD EDITION

Paul J. Zwier

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

\$35 | 184 pp. with CD-ROM, Pub. #28622, ISBN 9781601564306, © 2014

Plaintiff's Edition

\$35 | 156 pp. with CD-ROM, ISBN 9781601564313, © 2014

Defendant's Edition

\$35 | 162 pp. with CD-ROM, ISBN 9781601564320, © 2014

Faculty Edition

\$25 | 197 pp. with CD-ROM, ISBN 9781601564337, © 2014

## Corporate Governance

### Bio-Solutions, Inc. v. O'Malley

William R. Hinchman

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

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

Teaching materials available

## Contribution and Indemnity

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

FOURTH EDITION

Thomas F. Geraghty

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

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

Teaching materials available

## Discrimination

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

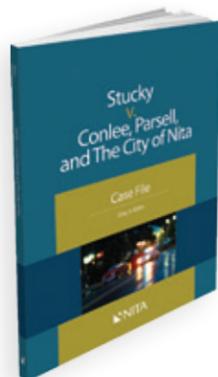
Gary S. Gildin

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

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

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

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



## Dissolution of Marriage

### Allen v. Allen

EXPERT EDITION

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

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

Petitioner's Edition

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

Respondent's Edition

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

Faculty Edition

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

## Employment Discrimination

### Polisi v. Clark and Parker & Gould

SECOND EDITION

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

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

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

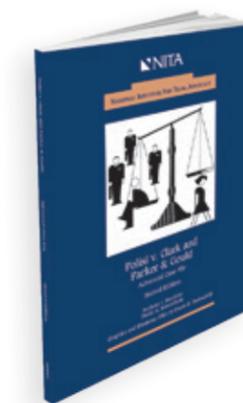
Teaching materials available

Plaintiff's Edition

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

Defendant's Edition

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



### Green v. Hall and Rose

SIXTH EDITION

Kenneth S. Broun

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

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

Teaching materials available

### Jones v. Kids-R-Ours

Paul Chill and Hollace P. Brooks

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

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

Teaching materials available

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

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

## Rowe v. Pacific Quad, Inc.

FIFTH EDITION

David B. Oppenheimer and Fred C. Moss

In this deposition skills file, Alice Rowe has brought an action under Title VII of the 1964 Civil Rights Act and the Nita Fair Employment Act (which is identical to the California Fair Employment & Housing Act) for sexual harassment and wrongful discharge against her employer, Pacific Quad, Inc. She asserts that her supervisor, operations manager Stanley Schmit, continually leered at her, made offensive sexually suggestive comments to her, brushed by her in order to sexually touch her, and, finally, propositioned her during the two weeks she worked for Pacific Quad. She further alleges that the president of Pacific Quad, John Walsh, was informed of the harassment and ratified it.

Rowe claims lost wages, medical expenses (psychotherapy), general damages for emotional distress, and punitive damages.

Witnesses may be deposed on the issue of liability only or liability and damages. There are three witnesses for the plaintiff and three for the defendant.

The plaintiff and defendant versions are self-contained and can be used independently of each other to teach deposition skills.

A trial version of *Rowe v. Pacific Quad, Inc.* is also available. The deposition and trial files are fully integrated, so that students may use the deposition materials to study deposition practice, using the NITA method, and then go on to study trial practice using the trial materials.

**\$35** | 116 pp. with CD-ROM, Pub. #28639, ISBN 9781601563453, © 2013

Teaching materials available

### Plaintiff's Edition

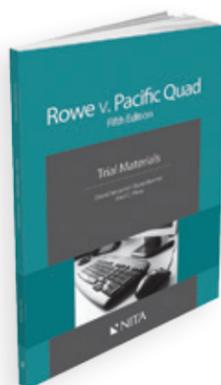
**\$35** | 126 pp. with CD-ROM, Pub. #28776, ISBN 9781601563477, © 2013

### Defendant's Edition

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

### Faculty Edition

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



## Taylor v. Pinnacle Packaging Products, Inc.

SECOND EDITION

Hon. Andrew P. Rodovich and Thomas J. Leach

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

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

### Plaintiff's Edition

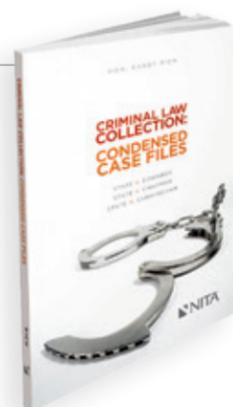
**\$35** | 62 pp. with CD-ROM, ISBN 9781601561350, © 2010

### Defendant's Edition

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

### Faculty Materials

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



## State v. Bloodworth

Sharon Cammisia and Joseph E. Taylor

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

**\$35** | 120 pp. with CD-ROM, Pub. #28432, ISBN 9781601562128, © 2012



## State v. Baker

THIRD EDITION

Joseph E. Taylor

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

**\$35** | 112 pp. with CD-ROM, Pub. #28629, ISBN 9781601562944, © 2013

Teaching materials available

## State v. Burns

SIXTH EDITION

Anthony J. Bocchino and Donald H. Beskind

**NEW EDITION** Lauren Jones was attempting to rob the Aboud grocery store when the owner, Ali Aboud, pulled a gun from under the counter and fired at Mr. Jones. The bullet missed Jones and struck and killed Aboud's wife, Rachel. Jones was arrested at the scene of the robbery and has pleaded guilty to robbery. No murder charges are pending against him.

The State alleges that the defendant, John Burns, planned the robbery of the grocery store and waited outside in the getaway car while Jones went inside to rob the store. The defendant has been charged with armed robbery for his alleged participation in the holdup and with felony-murder for the death of Mrs. Aboud. This basic file offers impeachment, rehabilitation issues, and adverse examination. There are three witnesses for both the plaintiff and the defendant.

**\$35** | 105 pp., with CD-ROM, Pub. #28570, ISBN 9781601563972, © 2014

Teaching materials available

## State v. Cole

SECOND EDITION

Michael S. Sands

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

Teaching materials available

## State v. Casey

SECOND EDITION

Joseph E. Taylor

**NEW EDITION** In *State v. Casey*, the defense and the prosecution agree that Bill Melton and his eleven-year-old son Stephen were murdered in their home with Bill's own shotgun. What they don't agree on, however, is who pulled the trigger.

Michael Casey, the 18-year-old defendant, has been charged with first-degree murder in the deaths of his stepfather and half-brother. Michael confesses to Detective Stevens but later recants, contending that it was his mother, Dianna Melton, who actually murdered Bill and Stephen to collect \$500,000 in insurance money. The prosecution stands by its case that Michael, allegedly inspired by a made-for-television movie about a teenager who murders his family under similar circumstances, killed both victims—and would have killed his own mother, too, if he hadn't run out of shotgun shells.

This second edition of *State v. Casey* tests the student's advocacy and medical expert witness skills through this full trial, which includes four witnesses per side, including the coroner and forensic experts in fingerprint and blood spatter analysis, and electronic evidence in the form of Facebook posts on an online "microsite." The case file also includes a CD-ROM containing the exhibits.

**\$35** | 197 pp. with CD-ROM, Pub. #28607, ISBN 9781601564511, © 2014

Teaching materials available



# Homicide

## Criminal Law Collection: Condensed Case Files with CD-ROM

Hon. Randy Rich

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

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

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

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

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

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

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

**State v. Diamond**

FIFTH EDITION

*James H. Seckinger*

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

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

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

**State v. Donaldson**

SECOND EDITION

*Joseph E. Taylor and Michael S. Sands*

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

**\$35** | 116 pp. with CD-ROM, Pub. #28780, ISBN 9781601563712, © 2013

*Teaching materials available*

**State v. Jordan***Hon. Andrew P. Rodovich*

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

*Teaching materials available*

**State v. O'Neill**

SIXTH EDITION

*James H. Seckinger and Maureen A. Howard*

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

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

*Teaching materials available*

**State v. Sanchez**

REVISED EDITION

*Elizabeth I. Boals*

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

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

*Teaching materials available*

**State v. Skywolf***Joseph E. Taylor*

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

*Teaching materials available*

**State v. Travers**

FIFTH EDITION

*James H. Seckinger*

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

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

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

**Intellectual Property****Love v. Regency***Jonathan Rest and Edward R. Stein*

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

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



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

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

**Intentional Torts/Damages****Fordyce v. Harris and Felson**

SIXTH EDITION

*Laurence M. Rose*

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

*Teaching materials available*

**Strange v. Wrigley**

SECOND EDITION

*Hon. Andrew P. Rodovich*

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

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

*Teaching materials available*

**Juvenile****In Re Pena***Diane Geraghty, Thomas F. Geraghty, and Angela C. Vigil*

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

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

*Teaching materials available*

## Landlord-Tenant

### Nita City Housing Authority v. Johnson

SECOND EDITION

Mark S. Caldwell

*Nita City Housing Authority v. Johnson* is an action for eviction. Ladonna Johnson, her two grandchildren, and her 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.

There are three witnesses for each side, including expert witnesses that will testify regarding graffiti and tagging. A CD-ROM is included, which contains full-color exhibits and a sample PowerPoint presentation of the exhibits.

\$35 | 114 pp. with CD-ROM, Pub. #28640, ISBN 9781601562142, © 2013

## Legal Ethics

### In Re Cooperman

SECOND EDITION

Anthony J. Bocchino

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

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

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

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

## Legal Malpractice

### Point v. Dunstable

Thomas J. Leach

**NEW IN 2014** Having a film short accepted at the prestigious Sundance Film Festival is a dream come true for many indie filmmakers—especially if early buzz suggests it could take the top prize. Such was the case for French filmmaker Joséphine Point and *What Red Balloon?*, Point's incisive, 20-minute social critique of globalization. But when her distributor colorized portions of the film without her express consent, Point was outraged and embarrassed, but hardly surprised, when her film was the flop of Sundance. Colorization had changed her film's theme to such a degree that it no longer made the strong social statement that the plaintiff intended, and her repeated invocation of *droit moral*—the European legal concept of artists' "moral right" to have their artistic works remain as they created them—fell on the deaf ears of counsel and the arbitration board assembled to settle the dispute.

*Point v. Dunstable* is a legal malpractice case involving artists, arbitrators, film experts, questions of professional liability, and the nexus—if any—of American and European intellectual property law. With exhibits and two witnesses (including experts) per side, *Dunstable* sharpens a student's trial skills and knowledge of ethics and professional conduct. Substantive knowledge of intellectual property law is neither tested nor required. It is suitable as a half-day bench trial or full-day full trial.

\$35 | 119 pp. with CD-ROM, Pub.#29904, ISBN 9781601564009



## Licensing Agreements

### Cranbrooke v. Intellex

SECOND EDITION

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

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

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

Plaintiff's Edition

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

Defendant's Edition

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

Faculty Edition

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



## Life Insurance

### Dixon v. Providential Life Insurance Co.

SIXTH EDITION

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

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

\$35 | 168 pp. with CD-ROM, Pub. #28591, ISBN 9781601564344, © 2014

Teaching materials available

## Medical Malpractice

### Steele v. Kitchener

Dennis Turner

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

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

Teaching materials available

# Motor Vehicle Accident

## Addison v. Peyton

Elizabeth I. Boals

In this civil case version of *State v. Peyton*, Taylor Addison has filed a complaint against Jordan Peyton alleging negligence and negligence per se. Addison further alleges that Peyton operated her car in an unsafe manner while under the influence of alcohol and struck Addison's car causing the coffee he was holding to spill over onto his hand, which resulted in severe burns. (See p. 41 for the civil case file, *State v. Peyton*.)

**\$35** | 120 pp with CD-ROM, Pub. #28434, ISBN 9781601561268, © 2012

## Brown v. Byrd

SECOND EDITION

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

**NEW EDITION** Kenneth Brown claims he can't engage in any strenuous exercise and 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** | 75 pp. with CD-ROM, Pub. #28597, ISBN 9781601562203, © 2014

## Constantine v. Prince

SECOND EDITION

William S. Bailey

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

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

## Darngood v. Landers and PUDS

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

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

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

### Defendant's Edition

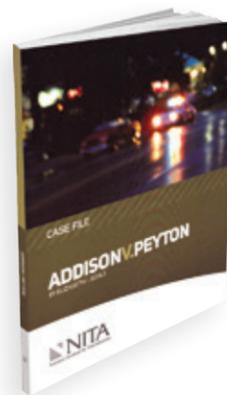
**\$35** | 193 pp. with CD-ROM, Pub. #28661, ISBN 9781601561831, © 2011

### Plaintiff's Edition

**\$35** | 193 pp. with CD-ROM, Pub. #28661, ISBN 9781601561824, © 2011

### Faculty Edition

**\$35** | 195 pp. with CD-ROM, Pub. #28661, ISBN 9781601560971, © 2011



## Fitzgerald v. Nita & Western Railroad

FOURTH EDITION

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

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

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

## Fulbright v. Americraft Industries and Parker

THIRD EDITION

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

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

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

## McLain v. Barber

THIRD EDITION

Anthony J. Bocchino and Ronald L. Beal

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

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

## Potter v. Shrackle and The Shrackle Construction Co.

SIXTH EDITION

Kenneth S. Broun and Frank D. Rothschild

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

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

Teaching materials available



## Reagan v. Jacobson

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

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

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

## Scruggs v. Snyder

SECOND EDITION

William S. Bailey and Frederick C. Moss

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

## Williamson v. Shrackle

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

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

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

# Negligence

## Evans v. Washingtonia State University

Elizabeth L. Lippy

**NEW IN 2014** Riley Evans, a student at Washingtonia State College, became the target of attacks on FaceBook, while running for "president" in a mock election. The simulated campaign took an ugly personal turn when Evans's opponent used social media to attack Evans the college student rather than Evans the mock candidate, and posted inflammatory allegations that Evans was a cheat, a bigot and a boozier. Evans filed a civil lawsuit alleging that the University failed to provide a safe learning environment and did not prevent hostile cyber bullying that substantially interfered with Evans's education.

*Evans* refines the student's advocacy and examination skills through this full trial, which includes depositions and electronic evidence in the form of emails, text messages, a video clip, and online posts on interactive microsites—and focuses on storytelling as it relates to presenting factual information to judges and juries.

**\$35** | 88 pp. with CD-ROM, Pub. #29903, ISBN 9781601563989, © 2014

Teaching materials available



## Huntington v. Aster

Warren Jones and Joseph E. Taylor

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

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

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

•\$35 | 124 pp. with CD-ROM, Pub. #28458, ISBN 9781601563347, © 2013



## Garcia v. Vertex Manufacturing Company

SECOND EDITION

William S. Bailey and Frederick C. Moss

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

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

## Premises Liability

### Fisher v. Yankee Doodle Corp.

REVISED FOURTH EDITION

C. Steven Fury

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

## Lang v. Anderson

SECOND EDITION

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

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

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

## Powell v. SuperPulper, Inc.

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

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

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

Teaching materials available

## Property Insurance

### Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company

NINTH EDITION

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

Flinders Aluminum Fabrication Corporation burned to the ground on the night of November 16. George Avery, an employee of the plant, died inside. Plaintiff Arthur Jackson, the sole stockholder of the company, has filed a civil action lawsuit to recover the \$1,667,000 in damages owed from the policy issued by defendant Mismo Fire Insurance Company. The defendant has refused to pay, claiming that the fire was the work of an arsonist, thus indicating deliberate fraud. Mismo asserts that Jackson conspired with others to burn the plant in order to collect what was promised in the insurance policy. This breach-of-contract case file has four witnesses for both the plaintiff and the defendant. A CD-ROM with videos of the fire, deposition statements and PowerPoint presentation is included. A companion criminal case file, *State v. Jackson*, involves the charge of arson against Arthur Jackson. (See p. 25 for companion file.)

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

Teaching materials available



## Public Service

### Public Service Case File Packet

Mark S. Caldwell

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

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

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

•\$35 | 200 pp. with CD-ROM, Pub. #28457, ISBN 9781601563231, © 2013



## 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., Pub. #28782, ISBN 9781556816765, © 2002

Teaching materials available

### State v. Stone

REVISED FOURTH EDITION

James H. Seckinger

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

Teaching materials available

## Theft/Robbery

### State v. Delaney

SECOND EDITION

Joseph E. Taylor

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

\$35 | 104 pp. with CD-ROM, Pub. #28638, ISBN 9781601560483, © 2008

Teaching materials available

### State v. Lawrence

SECOND EDITION

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

\$35 | 104 pp. with CD-ROM, Pub. #28612, ISBN 9781556818806, © 2004

### United States v. Clark

SECOND EDITION

Donald Q. Cochran

**NEW EDITION** In *United States v. Clark*, Andre Clark has been charged with bank robbery after the Main Street Bank in Nita City was robbed by three unknown individuals. An unidentified caller reported to 911 that he saw the three individuals run from the bank and followed them. He reported that they switched cars and then stopped at a house. Based on this call, Nita Bureau of Investigation agents went to the house, searched it, and found a handgun, \$12,000, and a mask. The three men at the residence, including Andre Clark, William Cole, and Jason Fleming were arrested and indicted. Cole has pled guilty and Fleming will be tried at a later time.

There are three witnesses for the State and two for the defendant. There is a DNA expert that may be called by either party.

\$35 | 104 pp. with CD-ROM, Pub. #28631, ISBN 9781601564276, © 2014

Teaching materials available

## Trade Secrets

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

John O. Sonsteng

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

\$35 | 149 pp. with CD-ROM, Pub. #28440, ISBN 9781601561015, © 2012

### Paul v. Dynamo

SECOND EDITION

Morgan Cloud

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

#### Advocate's Edition

\$28 | 288 pp., Pub. #28633, ISBN 9781601560032, © 2008

#### Barrister's Edition

\$28 | 288 pp., Pub. #28633, ISBN 9781601560049, © 2008

#### Faculty Edition

\$28 | 304 pp., Pub. #28633, ISBN 9781601560025, © 2008



## Vehicle Violations

### State v. Peyton

Elizabeth I. Boals

*State v. Peyton* is a criminal case involving driving under the influence and felonious hit-and-run charges. Users of the case file consider criminal trial issues including criminal conviction impeachment, bias impeachment, prior sworn testimony, business records, computer-generated documents, and optional medical expert testimony on blood-alcohol content and metabolism. The case file also features a recorded 911 call from the accident scene that may be used in either the audio or transcribed version. All case file exhibits and a comprehensive teacher's manual are available in digital format. *Addision v. Peyton* is the civil version of this case file (see p. 36 for case file).

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

### State v. James

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

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

## Wrongful Death

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

REVISED SECOND EDITION

Thomas F. Geraghty

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

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

Teaching materials available

### Gilbert v. O'Neil

Joseph E. Taylor

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

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

## Wrongful Discharge

### PUDS v. Brezenski

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

This dispute centers around the discharge of Karol Brezenski by Picket Up Delivery Services (PUDS). Karol Brezenski, an employee of PUDS, is a member of the International Association of Transport Workers (IATW). Under the terms of the collective bargaining agreement between PUDS and the IATW, the company instituted an attendance and tardiness policy. PUDS alleges Karol Brezenski violated the attendance and tardiness policy four times in six months, and after a series of progressive disciplines, PUDS terminated Karol Brezenski.

#### Arbitration File

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#### Trial File

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

# Index

<b>100 Vignettes for Improving Trial Evidence Skills</b> <i>David A. Sonenshein, Anthony J. Bocchino, and JoAnne Epps</i> .....	<b>Cardinal Rules of Advocacy: Understanding and Mastering Fundamental Principles of Persuasion</b> <i>Hon. Douglas S. Lavine</i> .....	<b>Effective Deposition Defense Rules</b> <i>David M. Malone</i> .....	<b>Fisher v. Yankee Doodle Corp.</b> <i>C. Steven Fury</i> .....	<b>Justice for All: The Challenges of the Mentally Ill in the Legal System</b> <i>Sherrie Bourg Carter</i> .....	<b>Objections at Trial</b> <i>Myron H. Bright, Ronald L. Carlson, and Edward J. Imwinkelried</i> .....
11	20	8	38	22	13
<b>30(b)(6) Rules: Talking to an Organization</b> <i>David M. Malone</i> .....	<b>Children in the Courtroom: Challenges for Lawyers and Judges</b> <i>Sherrie Bourg Carter</i> .....	<b>The Effective Deposition: Techniques and Strategies That Work</b> <i>David M. Malone, Peter T. Hoffman, and Anthony J. Bocchino</i> .....	<b>Fitzgerald v. Nita &amp; Western Railroad</b> <i>Text by Laurence M. Rose, Graphics and Electronic Files by Frank D. Rothschild</i> .....	<b>Lang v. Anderson</b> <i>Anthony J. Bocchino, Joseph J. Kalo, and Kelly S. Thomas</i> .....	<b>Opening Statements: A Modern Approach</b> <i>Hon. Sanford M. Brook</i> .....
9	20	8	36	38	17
<b>31 Ways to Winning Advocacy</b> <i>Frank D. Rothschild</i> .....	<b>Colorado Rules of Evidence with Objections</b> <i>Hon. William G. Meyer, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Effective Expert Testimony</b> <i>David M. Malone and Paul J. Zwier</i> .....	<b>Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company</b> <i>Hon. Rebecca Sitterly, Laurence M. Rose, and Frank D. Rothschild (Based on the original case file by Abraham P. Ordover)</i> .....	<b>Laying Foundations and Meeting Objections: How to Succeed with Exhibits at Deposition and Trial</b> <i>Deanne Siemer</i> .....	<b>Paul v. Dynamo</b> <i>Morgan Cloud</i> .....
17	14	15	39	9	40
<b>Addison v. Peyton</b> <i>Elizabeth I. Boals</i> .....	<b>Compendium of Trial Advocacy Drills</b> <i>Robert A. Stein and Ben Rubinowitz</i> .....	<b>Evans v. Washington State University</b> <i>Elizabeth L. Lippy</i> .....	<b>Florida Evidence Code with Objections</b> <i>Hon. Teresa J. Davenport, Lisa A. Hirsch, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Legal Strategy</b> <i>Paul J. Zwier</i> .....	<b>Point v. Dunstable</b> <i>Thomas J. Leach</i> .....
36	20	37	14	10	34
<b>Administrative Agency Litigation</b> <i>Christopher McNeil</i> .....	<b>Constantine v. Prince</b> <i>William S. Bailey</i> .....	<b>Evidence in Context: A Trial Evidence Workbook</b> <i>Robert P. Burns, Steven Lubet, and Richard Moberly</i> .....	<b>Foolproof: An Attorney's Guide to Communication</b> <i>Rebecca Diaz-Bonilla</i> .....	<b>Li v. Ross and Ross Construction Co., Inc.</b> <i>Paul J. Zwier</i> .....	<b>Polisi v. Clark and Parker &amp; Gould</b> <i>Anthony J. Bocchino, David A. Sonenshein, and Frank D. Rothschild; Graphics and Electronic Files by Frank D. Rothschild</i> .....
7	36	11	21	26	29
<b>Advanced Negotiation and Mediation Theory and Practice: A Realistic Integrated Approach</b> <i>Paul J. Zwier and Thomas F. Guernsey</i> .....	<b>Cosmopolitan Life Insurance Co. v. Jordan and Moore</b> <i>Hon. Andrew P. Rodovich</i> .....	<b>Evidence Problems</b> <i>Bruce G. Berner</i> .....	<b>Fordyce v. Harris and Felson</b> <i>Laurence M. Rose</i> .....	<b>Logic for Lawyers: A Guide to Clear Legal Thinking</b> <i>Hon. Ruggero J. Aldisert</i> .....	<b>Potter v. Shrackle and The Shrackle Construction Co.</b> <i>Kenneth S. Broun and Frank D. Rothschild</i> .....
3	26	11	33	22	37
<b>Allen v. Allen</b> <i>Andrew I. Shephard, Gregory Firestone, Louis P. Ortiz, Arline S. Rotman, and Philip Stahl</i> .....	<b>Cranbrooke v. Intellex</b> <i>Robert P. Burns, Steven Lubet, Terre Rushton, John T. Baker, and James H. Seckinger</i> .....	<b>Exercises and Problems in Professional Responsibility</b> <i>Robert Burns, Thomas F. Geraghty, and Steven Lubet</i> .....	<b>Fulbright v. Americraft Industries and Parker</b> <i>Edward R. Stein and Anthony J. Bocchino; Graphics and Electronic Files by Frank D. Rothschild</i> .....	<b>Love v. Regency</b> <i>Jonathan Rest and Edward R. Stein</i> .....	<b>Powell v. SuperPulper, Inc.</b> <i>Andrew J. Stern, Gwen Roseman Stern, and Samuel A. Haaz</i> .....
28	35	18	36	33	38
<b>Alternatives to Litigation</b> <i>Andrea Doneff and Abraham Ordover</i> .....	<b>Criminal Law Collection: Condensed Case Files with CD-ROM</b> <i>Hon. Randy Rich</i> .....	<b>Exhibit Rules: Tips, Rules, and Tactics for Preparing, Offering, and Opposing Exhibits</b> <i>David M. Malone and Paul J. Zwier</i> .....	<b>Garcia v. Vertex Manufacturing Company</b> <i>William S. Bailey and Frederick C. Moss</i> .....	<b>Mastering the Art of Cross-Examination</b> <i>Irving Younger</i> .....	<b>The Power Trial Method</b> <i>David J.F. Gross and Charles F. Webber</i> .....
3	30	9	38	17	20
<b>Anderson on Advocacy</b> <i>Carol B. Anderson</i> .....	<b>Criminal Litigation &amp; Legal Issues in Criminal Procedure: Readings and Hypothetical Exercises</b> <i>Brent E. Newton</i> .....	<b>Expert Report Rules: What the Expert and the Lawyer Need to Know</b> <i>David M. Malone</i> .....	<b>Gilbert v. O'Neil</b> <i>Joseph E. Taylor</i> .....	<b>McLain v. Barber</b> <i>Anthony J. Bocchino and Ronald L. Beal</i> .....	<b>Practical Criminal Procedure: A Constitutional Manual</b> <i>Brent E. Newton</i> .....
20	6	15	41	37	7
<b>Arbitration Advocacy</b> <i>Hon. John W. Cooley and Steven Lubet</i> .....	<b>Darngood v. Landers and PUDS</b> <i>John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller</i> .....	<b>Expert Rules: 100 (and More) Points You Need to Know About Expert Witnesses</b> <i>David M. Malone and Paul J. Zwier</i> .....	<b>Green v. Hall and Rose</b> <i>Kenneth S. Broun</i> .....	<b>Mediation Advocacy</b> <i>Hon. John W. Cooley</i> .....	<b>A Practical Guide to Federal Evidence: Objections, Responses, Rules, and Practice Commentary</b> <i>Anthony J. Bocchino and David A. Sonenshein</i> .....
4	36	15	29	4	14
<b>The Arbitrator's Handbook</b> <i>Hon. John W. Cooley</i> .....	<b>Daubert Rules: Modern Expert Practice under Daubert and Kumho</b> <i>David M. Malone</i> .....	<b>Expert Testimony: A Guide for Expert Witnesses and the Lawyers Who Examine Them</b> <i>Steven Lubet and Elizabeth Boals</i> .....	<b>How to Try a Jury Case</b> <i>John F. Kimberling</i> .....	<b>The Mediator's Handbook</b> <i>Hon. John W. Cooley</i> .....	<b>A Practical Guide to Texas Evidence</b> <i>Hon. Edward Kinkeade, Gerald Reading Powell, and Anthony J. Bocchino</i> .....
4	21	16	21	4	14
<b>The Art of Mediation</b> <i>Scott Hughes, Mark Bennett, and Michele Hermann</i> .....	<b>Deposition Rules: The Essential Handbook to Who, What, When, Where, Why, and How</b> <i>David M. Malone</i> .....	<b>Fact Investigation: A Practical Guide to Interviewing, Counseling, and Case Theory Development</b> <i>Paul J. Zwier and Anthony J. Bocchino</i> .....	<b>Huntington v. Aster</b> <i>Warren Jones and Joseph E. Taylor</i> .....	<b>Mock Trials: Preparing, Presenting, and Winning Your Case</b> <i>Steven Lubet and Jill Trumbull-Harris</i> .....	<b>Preparing the Lay Witness for Deposition</b> <i>David A. Sonenshein and John Chesney</i> .....
3	7	7	38	18	17
<b>Basic Concepts in the Law of Evidence</b> <i>Irving Younger</i> .....	<b>Dixon v. Providential Life Insurance Co.</b> <i>Original case file by James H. Seckinger; Adapted by Edward R. Stein and Frank D. Rothschild</i> .....	<b>Facts Can't Speak for Themselves: Reveal the Stories That Give Facts Their Meaning</b> <i>Eric Oliver</i> .....	<b>Illinois Evidence with Objections</b> <i>James P. Carey, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Modern Trial Advocacy: Analysis &amp; Practice</b> <i>Steven Lubet</i> .....	<b>Problems and Cases in Interviewing, Counseling, and Negotiation</b> <i>Anthony J. Bocchino, Thomas F. Geraghty, Melissa Nelkin, and Mark K. Schoenfeld</i> .....
16	35	9	14	19	4
<b>Basic Concepts in the Law of Evidence (Disk 2)</b> <i>Irving Younger</i> .....	<b>Effective Advocate Training Program: Arbitration Advocacy</b> <i>John O. Sonsteng</i> .....	<b>Farrell et al. v. Strong Line, Inc. et al.</b> <i>Thomas F. Geraghty</i> .....	<b>In Re Cooperman</b> <i>Anthony J. Bocchino</i> .....	<b>Modern Trial Advocacy: Law School Edition</b> <i>Steven Lubet</i> .....	<b>Problems and Materials in Evidence and Trial Advocacy</b> <i>Robert Burns, Steven Lubet, and Richard Moberly</i> .....
16	16	41	34	19	15
<b>Bio-Solutions, Inc. v. O'Malley</b> <i>William R. Hinchman</i> .....	<b>Effective Courtroom Advocacy</b> <i>Hon. Joseph F. Anderson Jr.</i> .....	<b>Federal Rules of Civil Procedure</b> .....	<b>In Re Pena</b> <i>Diane Geraghty, Thomas F. Geraghty, and Angela C. Vigil</i> .....	<b>MRS v. Riverboat Queen</b> <i>Cheryl Brown Wattlely</i> .....	<b>Problems in Trial Advocacy</b> <i>Anthony J. Bocchino and Donald H. Beskind</i> .....
27	21	21	33	27	22
<b>BMI v. Minicom, Inc.</b> <i>Anthony J. Bocchino and Donald H. Beskind</i> .....	<b>Federal Rules of Criminal Procedure</b> .....	<b>Federal Rules of Evidence</b> .....	<b>Inside Jurors' Minds: The Hierarchy of Juror Decision-Making</b> <i>Carol B. Anderson</i> .....	<b>NANO Search, Inc.™ v. St. Helens Worldwide Technologies™</b> <i>John O. Sonsteng</i> .....	<b>Professionalism in the Real World: Lessons for the Effective Advocate</b> <i>Lisa Penland and Melissa H. Weresh</i> .....
26	6	12	22	40	18
<b>Brown v. Byrd</b> <i>Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino</i> .....	<b>Federal Rules of Evidence with Objections</b> <i>Anthony J. Bocchino and David A. Sonenshein</i> .....	<b>Federal Trial Objections Quick Reference Card</b> <i>Sydney A. Beckman</i> .....	<b>International Commercial Arbitration Advocacy</b> <i>Hon. John W. Cooley, H. Roderic Heard, and Susan L. Walker</i> .....	<b>New York Evidence with Objections</b> <i>Michael B. Mushlin, Jo Ann Harris, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Public Service Case File Packet</b> <i>Mark S. Caldwell</i> .....
36	12	21	4	14	39
<b>California Evidence Code with Objections</b> <i>Allen Snyder, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Federal Rules of Evidence with Objections</b> <i>Anthony J. Bocchino and David A. Sonenshein</i> .....	<b>Jones v. Kids-R-Ours</b> <i>Paul Chill and Hollace P. Brooks</i> .....	<b>In Re Cooperman</b> <i>Anthony J. Bocchino</i> .....	<b>Nita City Housing Authority v. Johnson</b> <i>Mark S. Caldwell</i> .....	<b>PUDS v. Brezenski</b> <i>John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller</i> .....
14	12	29	34	34	41
<b>Prices do not reflect sales tax, shipping, and handling where applicable. Prices subject to change without notice.</b>	<b>Federal Rules of Evidence</b> .....	<b>Jury Speech Rules: The Art of Ethical Persuasion</b> <i>David M. Malone</i> .....	<b>North Carolina Rules of Evidence with Objections</b> <i>Adrienne M. Fox, Anthony J. Bocchino, and David A. Sonenshein</i> .....	<b>Quinlan v. Kane</b> <i>Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino</i> .....	<b>27</b>
	6	22	14	27	

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titles publishing soon.



<b>Reagan v. Jacobson</b> <i>John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller</i> .....	37
<b>Rowe v. Pacific Quad, Inc.</b> <i>David B. Oppenheimer and Fred C. Moss</i> .....	30
<b>Scruggs v. Snyder</b> <i>William S. Bailey and Frederick C. Moss</i> .....	37
<b>Selecting and Preparing the Expert Witness</b> <i>David A. Sonenshein, John Chesney, and Anthony J. Bocchino</i> .....	17
<b>The Six-Minute Marathon: A Guide to Life as a Lawyer</b> <i>Andrew Hartman and Caren Ulrich Stacy</i> .....	17
<b>Speaking with Power and Style: A Guide for Lawyers and Law Students</b> <i>Steven Wisotsky</i> .....	22
<b>State v. Anderson</b> <i>Joseph E. Taylor</i> .....	25
<b>State v. Baker</b> <i>Joseph E. Taylor</i> .....	31
<b>State v. Bloodworth</b> <i>Sharon Cammisa and Joseph E. Taylor</i> .....	31
<b>State v. Burns</b> <i>Anthony J. Bocchino and Donald H. Beskind</i> .....	31
<b>State v. Casey</b> <i>Joseph E. Taylor</i> .....	31
<b>State v. Chambers</b> <i>Joseph E. Taylor and Lincoln N. Mintz</i> .....	26
<b>State v. Cole</b> <i>Michael S. Sands</i> .....	31

<b>State v. Delaney</b> <i>Joseph E. Taylor</i> .....	40
<b>State v. Diamond</b> <i>James H. Seckinger</i> .....	32
<b>State v. Donaldson</b> <i>Joseph E. Taylor and Michael S. Sands</i> .....	32
<b>State v. Harris</b> <i>Laurence M. Rose</i> .....	26
<b>State v. Jackson</b> <i>Laurence M. Rose, Frank D. Rothschild, and Hon. Rebecca Sitterly</i> .....	25
<b>State v. James</b> <i>John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller</i> .....	41
<b>State v. Johnson</b> <i>Jean Montoya</i> .....	39
<b>State v. Jordan</b> <i>Hon. Andrew P. Rodovich</i> .....	32
<b>State v. Lawrence</b> <i>Frank D. Rothschild, Deanne C. Siemer, and Anthony J. Bocchino</i> .....	40
<b>State v. O'Neill</b> <i>James H. Seckinger and Maureen A. Howard</i> .....	32
<b>State v. Peyton</b> <i>Elizabeth I. Boals</i> .....	41
<b>State v. Sanchez</b> <i>Elizabeth I. Boals</i> .....	32
<b>State v. Skywolf</b> <i>Joseph E. Taylor</i> .....	32
<b>State v. Southley</b> <i>Barbara S. Barron and Lawrence W. Kessler</i> .....	26
<b>State v. Stone</b> <i>James H. Seckinger</i> .....	39
<b>State v. Travers</b> <i>James H. Seckinger</i> .....	32
<b>Statutory Interpretation: The Search for Legislative Intent</b> <i>Ronald Benton Brown and Sharon Jacobs Brown</i> .....	6
<b>Steele v. Kitchener</b> <i>Dennis Turner</i> .....	35
<b>Strange v. Wrigley</b> <i>Hon. Andrew P. Rodovich</i> .....	33
<b>Stucky v. Conlee, Parsell, and the City of Nita</b> <i>Gary S. Gildin</i> .....	28
<b>Supervisory and Leadership Skills in the Modern Law Practice</b> <i>Paul J. Zwier</i> .....	17
<b>Taylor v. Pinnacle Packaging Products, Inc.</b> <i>Hon. Andrew P. Rodovich and Thomas J. Leach</i> .....	30

<b>Technology in Litigation</b> <i>Alvin F. Lindsay</i> .....	17
<b>The Ten Commandments of Cross-Examination</b> <i>Irving Younger</i> .....	17
<b>Texas Rules of Evidence with Objections</b> <i>Hon. Edward Kinkeade, Gerald Reading Powell, Anthony J. Bocchino, and David A. Sonenshein</i> .....	14
<b>Trial Advocacy Basics</b> <i>Dent Gitchel and Molly Townes O'Brien</i> .....	23
<b>Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family</b> <i>Marvin Ventrell</i> .....	23
<b>Trial Prep for Paralegals: Effective Case Management and Support to Attorneys in Preparation for Trial</b> <i>Michael L. Coyne and Ursula Furi-Perry</i> .....	10
<b>Trial Prep for the New Advocate</b> <i>Michael Coyne and Ursula Furi-Perry</i> .....	10
<b>Trial Technique &amp; Evidence</b> <i>Michael Fontham</i> .....	24
<b>Trialbook</b> <i>John O. Sonsteng and Roger Haydock</i> .....	23
<b>United States v. Clark</b> <i>Donald Q. Cochran</i> .....	40
<b>Vending Operator, Inc. v. Nita Department of Transportation</b> <i>Steven Lubet</i> .....	27
<b>Williamson v. Shrackle</b> <i>Molly Townes O'Brien, Steven Friedman, and Kevin L. Prins</i> .....	37
<b>Winning at Deposition</b> <i>Anthony J. Bocchino</i> .....	10
<b>Winning at Trial</b> <i>D. Shane Read</i> .....	24
<b>Winning Jury Trials: Trial Tactics and Sponsorship Strategy</b> <i>Robert H. Klonoff and Paul L. Colby</i> .....	24
<b>Winning on Appeal: Better Briefs and Oral Argument</b> <i>Hon. Ruggero J. Aldisert</i> .....	5
<b>World Oil Co. v. Northeast Shipbuilding, Inc. and Toiler Salvage Co.</b> <i>Thomas F. Geraghty</i> .....	28
<b>Written and Electronic Discovery: Theory and Practice</b> <i>John Hardin Young, Terri A. Zall, and Alan F. Blakley</i> .....	10
<b>Yount v. Molitor</b> <i>Paul J. Zwier and William J. Hunt</i> .....	27

# Tournament of Champions | 2014



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

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

## 2014 Tournament of Champions Results

### CHAMPIONS

*University of California, Berkeley School of Law*

- Janice Lu
- Roxana Guidero  
*(best speaker in final round)*
- Jason Wu
- Jordan Kahler

### FINALISTS

*Campbell University School of Law*

- Kaitlin Rothecker
- Terry Brown, Jr.
- Zoe Hansen
- Lauren Fussell

### SEMIFINALISTS AND WINNER OF PROFESSIONALISM AWARD

*University of Denver, Sturm College of Law*

- Casey Brown
- Casey Krizman
- Madalia Maaliki
- Adrienne Jones

*Yale Law School*

- Ben Graham
- Ben Wallace  
*(best speaker in the preliminary rounds)*
- Julia Shu
- Rebecca Counts



Above: 2014 Champions from University of California, Berkeley School of Law



Left: 2014 Finalists from Campbell University School of Law



Right: Roxana Guidero, best speaker in the final round



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