What is NITA®?

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.

Why NITA?

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 to hone your trial techniques, presentation of evidence, and more.

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

Many NITA selections are ideal for classroom use.

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

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

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

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

Warm Regards,

Jennifer Schneider
Director of Publications

2014

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Alternative Dispute Resolution

The Art of Mediation
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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 for 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.

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

Advanced Negotiation and Mediation Theory and Practice: A Realistic Integrated Approach
Paul J. Zwier and Thomas F. Guernsey

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

Alternatives to Litigation
SECOND EDITION
Andrea Doneff and Abraham Ordower

Learning-by-doing and so much more!
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Hon. John W. Cooley and Steven Lubet
A sensible guide to the arbitration process, Arbitration Advocacy explains how to get the best results for clients in all types of arbitration settings, from commercial to labor. Steven Lubet, author of the NITA best-selling Modern Trial Advocacy, introduces students to every step of decision making, preparation, and advocacy in the hearing and prehearing stage of arbitrations. You will find specific, detailed advice on:
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• Delivering effective openings
• Argument strategy and closing


The Arbitrator’s Handbook
REVISED SECOND EDITION
Hon. John W. Cooley
The Arbitrator’s Handbook offers a full range of features geared to assist the arbitrator in performing his or her duties. This publication defines the role, authority, and ethics requirements of the arbitrator.


International Commercial Arbitration Advocacy
Hon. John W. Cooley, M. Rodney Head, and Susan L. Walker
Authored by H. Rodney Head, 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 treaties, 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.


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 client and case 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.


Problems and Cases in Interviewing, Counseling, and Negotiation
Anthony J. Bloxom, Thomas F. Garlington, Melissa Neiman, and Mark K. Schoenfield
SECOND EDITION


Appellate Advocacy
Winning on Appeal: Better Briefs and Oral Argument
SECOND EDITION
Hon. Ruggiero J. Aldisert
Winning on Appeal has been adopted by many top-flight law schools for appellate advocacy courses. It also has become a popular desk reference on how to write an effective brief and deliver a persuasive oral argument. Judge Aldisert has created a wonderfully instructive how-to manual for the appellate advocate. In the Second Edition, Judge Aldisert fundamentally reorganized and expanded the number of chapters from 17 to the current 25. Throughout Winning on Appeal, 15 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 an appeal.

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“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.”

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“Told from a judge’s viewpoint, the book is an expose 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 Kazinski, Judge, U.S. Court of Appeals for the Ninth Circuit
Statutory Interpretation: The Search for Legislative Intent
SECOND EDITION
Ronald Benson 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
- Reformatio in Gross
- Attorneys Fees
- Shall, Must, and May: Mandatory or Permissive
- Masculine and Feminine Terms
- “And” or “Or” Conjunctive or Disjunctive

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.

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Deposition and Pretrial

FIFTH EDITION
David M. Malone
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 update 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.

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Ch. 9 The Seven Ways to Use Depositions at Trial

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Administrative Agency Litigation
Christopher Mihm

Deposition Evidence: Objections, Instructions Not to Answer, and Responses Law and Tacts
Anthony J. Bocchino and David A. Sonenshein
Deposition Evidence explores an attorney’s role in dealing with evidentiary issues that arise when taking and defending depositions. It provides experienced insights into typical issues confronting attorneys during depositions, as well as guidance on tactical and professional responsibility issues. Deposition Evidence is designed to provide a ready reference regarding a variety of evidentiary and practice-related issues such as:
- The law and tactics of making and curing objections
- Preparation of witnesses regarding objections
- Instructions not to answer on privilege or trial preparation material grounds and how to respond to such instructions
- Rule-by-rule practice guide (Federal Rules of Evidence) on how to make, respond to, and cure objections at deposition.

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Fact Investigation: A Practical Guide to Interviewing, Counseling, and Case Theory Development
Paul J. Zwer 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 client. 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. Fane Electronics (business/contract case), Brown v. Byrd (auto accident and personal injury case), and State v. Lawrence (criminal robbery case).

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Criminal Practice

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

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Practical Criminal Procedure: A Constitutional Manual
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Drent 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 major topics in constitutional criminal procedure and including a reference to every significant decision of the United States Supreme Court.

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NEW EDITION
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"[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.”

—Deanna Siem, Wiley Co., LLP, Washington, DC.
The Effective Deposition: Techniques and Strategies That Work
FOURTH EDITION
David M. Malone, Peter T. Hoffman, and Anthony J. Bocchino

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

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

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30(b)(6) Rules: Talking to an Organization
David M. Malone
NEW IN 2013

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
FIRST EDITION
Eric Oliver

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

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
Deanna Serer

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

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

Legal Strategy
Paul J. Zwier

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

- Organizational tips
- Trial prep checklists
- Tips from experienced trial lawyers and others.


Winning at Deposition
Anthony J. Dochiana
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 Polito v. Clark and Clark v. Parker & Gould.


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 areas of electronically stored information—including issues of retaining and accessing electronic information, sequence 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.


Evidence in Context: A Trial Evidence Workbook
Fourth Edition
Robert F. Burns, Steven Lubet, and Richard Noberly
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. Learning evidence within the context of complex fact patterns illustrates the way in which the choices an attorney makes about theory of the case and theory of admissibility can critically affect the admissibility of evidence. Also includes over 250 problems. All problems are included on a CD-ROM.


100 Vignettes for Improving Trial Evidence Skills
David A. Schwartzman, Anthony J. Dochiana, and Jolene Erps
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.


Teaching materials available

Federal Rules of Evidence with Objections
ELEVENTH EDITION
Anthony J. Dochiana and David A. Schwartzman
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.

$120 | Spiral-bound, 784 pp., ISBN 9781422494165, © 2013

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| Article VIII | Hearsay |
| Article IX | Authentication and Identification |
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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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NARRATIVES

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- Privileges
- Refreshing
- Present Recollection
- Relevance
- Subsequent Remedial Measures
- Federal Rules of Evidence
Objections at Trial

**SIXTH EDITION**

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

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

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

**TENTH EDITION**

Anthony J. Bocchino and David A. Sonenshein

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

**SUMMARY CONTENTS**

Ch. 1 General Considerations
Ch. 2 Forms of Questions
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Ch. 5 Exhibits
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Federal Rules of Evidence
Quick Reference Guide
Problems and Materials in Evidence and Trial Advocacy

FIFTH EDITION
Robert Burme, Steven Lubet, and Richard Molley

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 to deal with. 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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Vol. II • Problems
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Teaching materials available

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David M. Malone and Paul J. Zwier

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Effective Expert Witness provides the tools and training necessary to make your expert credible, avoid pitfalls, and ensure effective expert witness testimony.

Expert Report Rules: What the Expert and the Lawyer Need to Know

SECOND EDITION
David M. Malone

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

THIRD EDITION
David M. Malone and Paul J. Zwier

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SECOND EDITION
Steven Lubet and Elizabeth Bock


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

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Softbound, 208 pp., ISBN 9781422458294, © 2009

Multimedia

Basic Concepts in the Law of Evidence

In his day, Irving Younger was a key lecturer at many NITA conference events. His legacy lives on through this foundational and indispensable coverage of the evidence issues critical to the career of every successful attorney. This DVD set includes:

• Introduction to Evidence (60:00)
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• Failure of Recollection, Best Evidence Rule, Perception (60:00)
• Expert Witnesses, Cross-Examination, Impeachment (52:00)
• Cross-Examination, Impeachment I, Rehabilitation (54:00)
• Rehabilitation I, Character as a Defense (23:00)
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Effective Advocate Training Program: Arbitration Advocacy

John D. Scunning

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Irving Younger

Each of the 11 programs in the series takes an in-depth look at how to conduct an effective cross-examination of a particular type of trial witness. Professor Younger begins each program by discussing the problems an attorney encounters with that type of witness. He explores the various cross-examination techniques available to overcome the problems and the potential pitfalls involved. Each program concludes with a demonstration cross-examination. Professor Younger follows each demonstration with probing interviews of those who conducted the demonstration. He questions them about the techniques they used, how the examination fits into their theory of the case, and how the cross-examination could be used in closing argument.

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

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Andrew Hartman
*$12.95  DVD (1:09:00), Pub. #28907, ISBN 9781556819919, © 2006

Preparing the Lay Witness for Deposition
David A. Sweeney and John Chesney
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David A. Sweeney, John Chesney, and Anthony J. Boschini
*$295  DVD (5:00:00), Pub. #28909, ISBN 9781422479230, © 2005

Technology in Litigation
Alvin F. Lindsay
*$195  DVD (1:20:00), Pub. #28790, ISBN 9781601560575, © 2009

The Six-Minute Marathon: A Guide to Life as a Lawyer
Andrew Hartman and Colen Ulrich Stacy

The Ten Commandments of Cross-Examination
Living Younger
*The Ten Commandments of Cross-Examination is a best-selling title in Irving Younger’s famous Basic Concepts in the Law of Evidence DVD series that was produced during the 1975 NITA national session in Boulder, Colorado. A supplemental text is included with this DVD.
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31 Ways to Winning Advocacy
Frank D. Rothschild
This DVD set uses recorded trial clips, live demonstrations, audience participation, and Frank Rothschild’s own remarkable lecture style to create a most enjoyable and memorable learning experience. This presentation is set in a real courtroom, before an audience of trial lawyers seated in the jury box.
*$295  DVD (3:00:00) and support materials, Pub. #28672, ISBN 9781422479223, © 1996

Professional Responsibility

Exercises and Problems in Professional Responsibility
SECOND EDITION
Robert Burns, Thomas F. Genegrate, and Steven Lubet
One of the first legal ethics courses to rely on the power of simulation to provide a contextual grasp of a lawyer’s obligations. The text gives students the ability to recognize and address professional responsibility problems in situations where they arise. The student exercises are usually the subject of disciplinary hearings in which other students, acting as prosecutors and defense counsel, argue the propriety of the actual decisions that the student lawyers make. The exercises and problems are taken from two case files, one civil and one criminal. These materials may be used independently or coordinated with Problems and Materials in Evidence and Trial Advocacy for a fully integrated program.

Professionalism in the Real World: Lessons for the Effective Advocate
Lisa Penland and Melissa H. Weresh

Practice of Law

Multimedia

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

Mock Trials: Preparing, Presenting, and Winning Your Case
Steven Lubet and Jill Trumbull-Harris

*BEST SELLER

SUMMARY CONTENTS
Ch. 1  Trial Basics
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“I owe a great debt to NITA, the originator of dynamic ‘learning by doing’ trial advocacy training. It changed my life as a young public defender, replacing the terror of the courtroom with persuasion and explaining legal issues in terms easily understood by pre-law students. It addresses the essentials of trial preparation and presents a mock trial case for competition. Mock Trials addresses the essentials of trial persuasion and explains legal issues in terms easily understood by pre-law students.”

— Bill Bailey, Fury Bailey, Seattle, WA
Modern Trial Advocacy: Analysis & Practice
FOURTH REVISED EDITION
Steven Lubet

One of the best-selling titles from NITA, Modern Trial Advocacy: Analysis & Practice, has set the standard for trial advocacy texts since 1993. It is widely used in prominent law schools throughout the U.S. and in many NITA trial advocacy programs. Steven Lubet guides the beginning advocate from developing a winning case theory through all phases of trial. He explains how to present a case as a story and how to tell the story to the jury powerfully and persuasively.

Modern Trial Advocacy presents a realistic and contemporary approach to learning and developing trial advocacy skills. The revised edition offers a sophisticated theory-driven approach to advocacy training that distinguishes it from other books in the field and includes:

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

BEST SELLER


Modern Trial Advocacy: Law School Edition
THIRD REVISED EDITION
Steven Lubet

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

Author Steven Lubet, a well-known scholar and author in the field, guides the beginning advocate from developing a winning case theory through all phases of trial. He explains how to present a case as a story and how to tell the story to the jury powerfully and persuasively. His textbook, Modern Trial Advocacy, is used by over ninety U.S. law schools and has been translated or adapted for use in six other countries.


The Power Trial Method
David F. Gross and Charles F. Webber

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.

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Ch. 1 Where’s the Power? Ch. 2 The PTM Approach to a Jury Trial Ch. 3 Understanding the Theme Thing Ch. 4 Mastering Trial Preparation and Set Up Ch. 5 What You Need to Know About Openings Ch. 6 The Genuine Way to Fake an Effective Examination Ch. 7 Some Ideas for Getting Documents Into Evidence

BEST SELLER


Cardinal Rules of Advocacy: Understanding and Mastering Fundamental Principles of Persuasion
Jon Douglas S. Levine

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

SUMMARY CONTENTS
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BEST SELLER


Children in the Courtroom: Challenges for Lawyers and Judges
SECOND EDITION
Sherri 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.


Compendium of Trial Advocacy Drills
Robert A. Stein and Ben Rubinowitz

BEST SELLER


“Modern Trial Advocacy: Analysis & Practice is the best book on trial advocacy ever written.”
—Zachary Weiss, Senior Investigative Counsel, New York County District Attorney’s Office

“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.”

—Jessie J. Jenner, Partner, Fish & Neave, New York
Daubert Rules: Modern Expert Practice under Daubert and Kumho
David M. Malone
NEW IN 2013
In this convenient handbook, author David Malone created a guide to the questions and answers on the game-changing Daubert decision and its important progeny, including, John 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 evidence, and for motions that inform the judge why unusual bases for objections are or are not permissible, Daubert: 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.


Effective Closing Argument
SECOND EDITION
Peter C. Lagarias

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 sidelights.

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.


Federal Rules of Civil Procedure
2013 EDITION
This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2013. The small-format packaging is designed so you can easily tuck the book into a pocket or brieﬁe. 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.


How to Try a Jury Case
John F. Anderson

Inside Jurors’ Minds: The Hierarchy of Juror Decision-Making
Carol R. 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. This makes it almost impossible for them to divorce instinct and emotion from decision-making.


Problems in Trial Advocacy
2013 EDITION
Anthony J. Bocchino and Donald H. Beskind
NEW EDITION
Problems in Trial Advocacy, 2013 Edition provides the subject matter for realistic courtroom simulations and, many of the problems are based on actual trials—both civil and criminal. Hands-on problems cover opening statements, direct and cross-examination of lay and expert witnesses, introduction of exhibits, witness impeachment, and closing arguments. Many popular problems and fact patterns by NITA are included and have been updated with current data 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.

$60 | Softbound, 400 pp., with CD-ROM, Pub #28773, ISBN 9781556817472, © 2013

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

Juror Speech Rules: The Art of Ethical Persuasion
SECOND EDITION
David M. Malone
NEW EDITION
Juror Speech Rules shows trial lawyers that persuasive jury opening statements and closing arguments require imagination, story-crafting 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.


Making Your Record
Leticia Arias Perez

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

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


Self Improvement
No Source

Looking for a different type of book? Many of our books are also available on CD-ROM. To order, call 800.533.1637 or visit www.lexisnexis.com/NITA

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B. Tangible Objects
C. Documents
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Section IV: Adverse Examination
Section V: Expert Witnesses
Trial Advocacy Basics

Deidre Grant and Molly Tomasz 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 conformance with topics covered in trial advocacy courses, each chapter covers a separate phase of the trial.


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

Marvin Ventrell

From case analysis and opening statement through closing argument, Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family is a concise and comprehensive treatment of the trial. It incorporates generations of trial advocacy wisdom into the context of juvenile and family court proceedings. A veteran instructor of the 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.

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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!”
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Ch. 9 Opening Statement: Imprinting the Story
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Trialbook

Third Edition

John O. Sosteng and Roger Haydock

"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. Renny, 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

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


Winning at Trial

D. Shane Read

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

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

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

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Winning Jury Trials: Trial Tactics and Sponsorship Strategy

Third Edition

Robert H. Atkinson and Paul L. Conley

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

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


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


Trials
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.

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

BMI v. Minicom, Inc.
Anthony J. Bocchino and Donald H. Beskind
This problem involves the presentation of expert accountant testimony on the amount owed to an electrical subcontractor (Jerry’s Wiring Inc.) as a result of cost overruns it incurred due to the delays in a construction project.

Construction Law
Jerry’s Wiring Inc. v. Smith Construction Co.
SECOND EDITION
Anthony J. Bocchino
This problem involves the presentation of expert accountant testimony on the amount owed to an electrical subcontractor (Jerry’s Wiring Inc.) as a result of cost overruns it incurred due to the delays in a construction project.
Cosmopolitan Life Insurance Co. v. Jordan and Moore

SECOND EDITION
Paul J. Zwer

In Li v. Ross and Ross Construction Co., Inc., a traditional contracts case file, the plaintiff's claim that 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.

MRS v. Riverboat Queen

FIRST EDITION
Cheryl Brown

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.

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

SECOND EDITION
William R. Hinchman

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.

The Riverboat Queen case file includes 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.

Quinan v. Kane

THIRD EDITION
Frank G. Roethchild, Deanne C. Siemer, and Anthony J. Bocchino

Quinan 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.

Corporate Governance

Bio-Solutions, Inc. v. O'Malley

William K. Amendola

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.

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

FOURTH EDITION
Thomas F. Gergory

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.

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

NEW IN 2013
Gary J. Glenn

Stucky was pulled over by two City of Nita police officers. Officers Conlee and Parsell, both Caucasian, alleged 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 court found Stucky not guilty of the charged traffic offense.

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

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

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.
Dissolution of Marriage

Allen v. Allen

EXPERT EDITION

Andrew G. Sheppard, Gregory Firestone, Louise P. Ortiz, Arline S. Rotman, and Philip Story

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


Teaching materials available


Faculty Edition *30 | 203 pp., ISBN 9781556819872, © 2004

Employment Discrimination

Polisi v. Clark and Parker & Gould

SECOND EDITION

Anthony J. Bercovitch, David A. Sonenshein, and Frank D. Rothschild

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


Teaching materials available


Green v. Hall and Rose

SIXTH EDITION

Kenneth S. Brown

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 troubles 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.


Teaching materials available


Jarvis v. Columbia Breweries, Inc.

Mark, Andrew P. Redlich


Teaching materials available

Jones v. Kids-R-Ours

Paul Chisholm and Horace R. Brooks


Teaching materials available

Rowe v. Pacific Quad, Inc.

FIFTH EDITION

David E. Oppenheimer and Fred C. Moss

Alice Rowe has brought an action for sexual harassment and wrongful discharge against her employer, Pacific Quad, Inc. She asserts that her supervisor, operations manager Stanley Schmit, continually leered at her, made offensive sexually suggestive comments to her, brushed her in order to sexually touch her, and finally, propositioned her during the two weeks she worked for Pacific Quad. She further alleges that the president of Pacific Quad, John Walsh, was informed of the harassment and ratified it. Pacific Quad denies that the harassment occurred. Walsh and Schmit claim that Rowe was a highly nervous, marginally productive administrative assistant who was likely to be dismissed the week after she walked off the job. They claim to be mystified as to why she quit but speculated that she was pregnant or was extremely oversensitive and misunderstood the friendly atmosphere of their small, family-like office. Rowe claims lost wages, medical expenses (psychotherapy), general damages for emotional distress, and punitive damages.


Teaching materials available

Taylor v. Pinnacle Packaging Products, Inc.

SECOND EDITION

Mark, Andrew P. Redlich 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.


Homicide

Criminal Law Collection: Condensed Case Files with CD-ROM

FIRST EDITION
Hon. Randy Rich

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

State v. Chapman
A police officer faces murder charges after an elderly woman is found dead in her home. 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.

SECOND EDITION

State v. Bloodworth

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.

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

State v. Duck
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 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 plaintiff and the defense.

State v. Sanchez
Emilio 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 plaintiff and the defense.

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


State v. Skywolf

Joseph P. Taylor


Teaching materials available

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 Look of Love” by using “The Look of Love” as its marketing slogan. Dr. Love is seeking injunctive relief and damages.


Intentional Torts/Damages

Fordyce v. Harris and Felson

SIXTH EDITION

Lawrence H. Rowe


Teaching materials available

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 provides a vehicle for teaching everything from jury selection, to the basics of trademark law, to the full range of other trial skills.


Juvenile

In Re Pena

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

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).


Landlord-Tenant

Nita City Housing Authority v. Johnson

Mark D. Cavitch

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


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 Acome 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.


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

“Love v. Regency is a wonderful common-law trademark case file that is an excellent vehicle for teaching 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. Zwie, Emory University School of Law, Atlanta, GA
Teaching materials available

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Dixon v. Providential Life Insurance Co.

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

Judge John Dixon's dead body was found with a gunshot wound in the head. His wife, the plaintiff, demands that Providential Life Insurance Company pay on Dixon's life insurance policy, but Providential refuses. The coroner, Dixon's personal physician, determined the death was accidental, but Providential claims the coroner's conclusion was tainted by his friendship with the judge and that Dixon's death was, in fact, a suicide. The student's skills will be tested with this well-balanced file bringing in equal number of verdicts that he was going too fast and not keeping a proper lookout. The case utilizes defendant's accident reconstruction experts. There are ten witnesses for the plaintiff and four for the defendant.

$35

Addison v. Peyton

Elisabeth I. Book

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 she was holding to spill over onto his hand, which resulted in severe burns. (See p. 40 for the civil case file, State v. Peyton.)

$35

Brown v. Byrd

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

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

$35

Addison v. Peyton

Elizabeth I. Book

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 for the defendant.

$35

Darngood v. Landers and PUDS

John D. Sontag, LindaThorstad, and Jennifer W. Miller

The plaintiff, Helen Darngood, was struck by a Picket Up Delivery Service 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

Fitzgerald v. Nita & Western Railroad

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

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

$35

Fulbright v. Americraft Industries and Parker

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 collided 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 Amercian Airlines 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.

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Respiratory Tumor

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 three witnesses for both the plaintiff and the defendant.
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.

Potter v. Shrackle and The Shrackle Construction Co.
SIXTH EDITION
Kenneth S. Brunn 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.

Reagan v. Jacobson
THIRD EDITION
John O. Sappington, Charles Thomsen, 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.

Scruggs v. Snyder
SECOND EDITION
William S. Bailey and Frederick C. Moss
Professor Ferguson: William 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.

Huntington v. Aster
Negligence
NEW IN 2013
Wrenn Axness and Joseph C. 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 alleged 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.

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 photographs of the accident scene and equipment, medical reports, and computer graphics is included.

Fisher v. Yankee Doodle Corp.
Vending Operator, Inc. v. Nita Department of Transportation
Premises Liability
REVISED FOURTH EDITION
C. Steven Fury
$28 150 pp., ISBN 9781601565898, © 1993

Lang v. Anderson
SECOND EDITION
Anthony J. Bocchino, Joseph J. Polito, and Rodney 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 the liquor 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.

Powell v. SuperPulper, Inc.
SECOND EDITION
Andrew J. Stern, Gwen Rosenblum Stern, and Samuel A. Haas
Robin Powell has filed a wrongful death suit against SuperPulper, Inc. after her husband, Steven Powell, died as a result of falling into a hydrapulper manufactured by SuperPulper. The complaint alleges that the hydrapulper was defective because there were no sufficient guards and warnings on and around the hydrapulper.

Teaching materials available

Premises Liability

Product Liability

To order, call 800.523.1637 or visit www.lexisnexis.com/NITA
Edward Johnson has been charged with the rape of Amanda Smith, a woman he met in a bar the night the alleged rape occurred. Smith, contrarily, claims that she gave consent to sexual intercourse, the relations were consensual. Johnson, the defendant, claimed to have met in a bar the night the alleged rape occurred. Smith, the plaintiff, 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 Johnson conspired with others to burn the plant in order to collect what was promised in the insurance policy. This breach-of-contract case file has four witnesses for both the plaintiff and the defendant. A CD with videos of the fire, deposition statements and PowerPoint presentation is included. A companion criminal case file, State v. Jackson, involves the defendant’s 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 Sportique’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.

**Trade Secrets**

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

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 Technologies™ (“St. Helens”) based in Bellingham, Washington State. NANO claims that St. Helens misappropriated its trade secrets in St. Helens’ design of a recently launched search feature called the Family Finder.

**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.

**State v. Lawrence**

SECOND EDITION

Frank G. Rothschild, Deanna C. Samet, and Anthony J. Bocchino

This 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.

**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 Sportique’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.
State v. Peyton

Elizabeth A. Beals

State v. Peyton is a criminal case involving driving under the influence and false arrest and 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. Addition v. Peyton is the civil version of this case file (see p. 35 for case file).

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

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2013 Tournament of Champions Results

CHAMPION
Washington University School of Law, St. Louis

2ND PLACE
Loyola Law School, Los Angeles

SEMIFINALIST
Duquesne University School of Law

SEMIFINALIST
Stetson University College of Law

BEST ADVOCATE, PRELIMINARY ROUNDS
Eric Bell
Loyola Law School, Los Angeles

BEST ADVOCATE, FINAL ROUNDS
Eric Bell
Loyola Law School, Los Angeles

2013 Tournament of Champions Participating Law Schools

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

Awards
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2002 Pepperdine University School of Law
2001 Loyola Law School, Los Angeles
2000 University of Texas School of Law
1999 Howard University School of Law
1998 Temple University School of Law
1997 Temple University School of Law
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