NITA® Publication Catalog

National Institute for Trial Advocacy
2017 NITA® Publication Catalog

About 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.

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, ediscovery, 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.

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.

NITA titles are available in eBook format and on the LexisNexis® Digital Library. Enjoy the same valuable content with added flexibility and portability. Access your titles on your mobile device or through a lending library solution—ideal for law school use. Inquire for details.

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Dear NITA® Advocate:

Year after year, NITA seeks to provide the best resources to advance advocacy skills for all legal professionals, from law students to experienced practitioners.

For 2017 we are continuing our transition away from CD-ROMs. New case files and eBook case files will have access to exhibits, video, and audio via a download link. If you have a CD-ROM, but would like download access, please contact NITA to request access. We’re also focusing on updating our jurisdictional rules books to ensure you are using the most current versions for your practice. We want you to know you can trust us to support you as you strive to be the best advocate for your client.

We have also launched the LexisNexis Digital Library—NITA Prepare-for-Practice package for law schools. LexisNexis® and NITA® continue a long-standing partnership with the creation of this package that allows professors to bring practical skills into their courses for the price of less than one book per student. The package includes the top NITA publications like Modern Trial Advocacy, The Effective Deposition, and NITA case files like Cranbrook v. Intellitec and Dixon v. Providential Life Insurance Company. Please contact your LexisNexis® sales representative to get more information on obtaining this package for your law school.

To advance NITA’s passion for learning-by-doing, we’ve continued to produce new editions of Trial Advocacy Basics, Problems and Materials in Evidence and Trial Advocacy, and the law school edition of Modern Trial Advocacy, as well as new title Winning with Social Media and an upcoming new book on motions practice. These publications add to our extensive catalog 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

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Alternative Dispute Resolution

Advanced Negotiation and Mediation Theory and Practice: A Realistic Integrated Approach
SECOND EDITION
Paul J. Zwer and Thomas F. Guernsey
In this new, updated edition of Advanced Negotiation and Mediation Theory and Practice, Paul Zwer and Thomas Guernsey present a strategic planning and integrated systematic approach to negotiation, which recognizes that both adversarial and problem-solving strategies have distinct advantages and that lawyers need to combine styles and strategies to achieve the best results for their clients.

Alternatives to Litigation
THIRD EDITION
Andrea Doneff and Abraham Ordover
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.

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.

At NITA we combine the best faculty with a “learning-by-doing” model proven to increase success for every skill level. NITA programs end with you in a courtroom applying new skills in a real life situation. And we offer programs in all areas of advocacy, from jury selection to witness examination.

In addition to class instruction, NITA offers:
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• Online Programs
• Public Programs
• Public Service Programs
• eBooks
• studio71 Productions
• Webcasts
• NITA Foundation

Learn more at nita.org

The Perfect Place to Perfect Your Craft.
Continuing Legal Education Done Right.
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

The Arbitrator’s Handbook
REVISED SECOND EDITION
Hon. John W. Cooley

Hon. John W. Cooley, M. Rodgers Heard, and Susan L. Walker

Authored by Hon. M. Rodgers 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 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: hearing 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 appendices contain sample mediation forms and rules, lists of ADR providers, and a list of nonprofit organizations that study, promote, and practice ADR.

THE MEDIATOR’S HANDBOOK
SECOND EDITION
Hon. John W. Cooley

Problems and Cases in Interviewing, Counseling, and Negotiation
Anthony J. Bischoff, Thomas K. Gehaghty, Melissa Neill, and Mark K. Schoenfield

[...]

Appellate Advocacy

Winning on Appeal: Better Briefs and Oral Argument
SECOND EDITION
Hon. Ruggero J. Aldisert

Winning on Appeal has been adopted by many top-flight law schools for appellate advocacy courses. It also has become a popular desk reference on how to write an effective brief and deliver a persuasive oral argument. Judge Aldisert has created a wonderfully instructive how-to manual for the appellate advocate. In the Second Edition, Judge Aldisert fundamentally reorganized and expanded the number of chapters from 17 to the current 25. Throughout Winning on Appeal, 19 current chief justices of state courts, nine chief judges of U.S. courts of appeals, more than 20 U.S. circuit judges, and many state appellate judges contribute their thoughts on how to write a brief and how to argue a case—information that is not available in any other publication or resource. Judge Aldisert draws the perfect road map for the attorney who wants to win on appeal.

[...]

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

[...]
Statutory Interpretation: The Search for Legislative Intent
SECOND EDITION
Ronald Benton Brown and Sharon Jacobs Brown

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

- Statutory Construction: Construing the Statutes
- Reductio Ad Absurdum
- Statutory Terms: 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.


Criminal Practice

Criminal Litigation & Legal Issues in Criminal Procedure: Readings and Hypothetical Exercises
FOURTH EDITION
Brent E. Newton

Criminal Litigation & Legal Issues in Criminal Procedure is designed to incorporate the substantive law of criminal procedure into a trial advocacy course. The traditional trial advocacy course is concerned almost exclusively with "skills training" (i.e., 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 & 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.


Federal Rules of Criminal Procedure
AS AMENDED TO DECEMBER 1, 2016
This edition of NITA’s convenient pocket-size book incorporates the amendments to the Federal Rules of Criminal Procedure that went into effect December 2016.


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.


Deposition and Pretrial

Deposition and Pretrial

Administrative Agency Litigation
Christopher McNay


SIXTH EDITION
David W. Malzone and Ryan M. Malzone

In its Sixth 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 2014 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.


Fact Investigation: A Practical Guide to Interviewing, Counseling, and Case Theory Development
SECOND EDITION
Paul J. Zwier and Anthony J. Bocchino

In a successful litigation, it isn’t enough to know the facts. You must also know how to interpret and use those facts and thoughtfully delve into the stories behind them in a crucial task if you hope to prevail for your client. Fact Investigation, by longtime NITA authors Paul Zwier and Anthony Bocchino, will change the way you approach cases for the rest of your career.

The Second Edition is fully revised, with special emphasis on the impact of the proposed Federal Rules of Civil Procedure changes, and features an important new chapter on e-discovery. Rare is the case that doesn’t involve some form of electronic evidence, and every litigator must know the ever-expanding issues surrounding it. Find out how e-discovery strategies differ from plaintiffs and defendants and how to manage your client’s competing rights to both speech and privacy in our highly discoverable online world. From explaining how to use your opposing party’s social media indiscretions against it to helping you make sense of new federal rules that limit the use of electronic evidence, Zwier and Bocchino tell you everything you must know about the impact of e-discovery on the modern litigation practice.

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 motions practice and trial, and taking and using preservation depositions are also included, as well as access to deposition simulation videos.

To order, call 800.533.1637 or visit lexisnexis.com/NITA

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

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

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

SECOND EDITION

David M. Malone and Paul J. Zwier

Eric Oliver offers trial attorneys proven ways to uncover the full range of those “rewritten” stories in focus groups, and how to take their best elements into court to deliver a story more likely to persuade than the one you thought you had.

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

FOURTH EDITION

Osborne Simon

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.

Evolve Strategy

Paul J. Zwier

This creative handbook, as well as The Effective Deposition, were written by acclaimed trial lawyer David M. Malone. His son, Ryan M. Malone, continues to update his father’s work, providing quick and practical answers for busy trial lawyers.

Point Well Made: Oral Advocacy in Motion Practice

Nancy Harvey-Vick and Rebecca Diaz-Bonilla

Eric Oliver offers trial attorneys proven ways to uncover the full range of those “rewritten” stories in focus groups, and how to take their best elements into court to deliver a story more likely to persuade than the one you thought you had.

“Point Well Made is a remarkable resource for every courtroom advocate presenting arguments to the bench. It offers tremendous practical advice, addressing challenges lawyers frequently encounter and offering specific tips and language choices. How I wish every attorney would study this volume before entering my courtroom.”

—Patricia M. Lucas

Presiding Judge of California Superior Court, Santa Clara County

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Trial Prep for the New Advocate: Effective Case Preparation for Trial
Michael L. 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 initial 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
- Case study scenarios

Written and Electronic Discovery: Theory and Practice
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, interrogatories, production, 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 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.

100 Vignettes for Improving Trial Evidence Skills
David A. Sweeney, Anthony J. Bocchino, and JoAnne Nippe

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.

Evidence

Demonstratives: Making Effective Graphics for Trial
John Cleaves

What is it about PowerPoint® that inspires such loathing in people? In a word: bulletins. For many users and their bored-stiff audiences, bulleted lists are the bête-noire of PowerPoint presentations. But according to legal technologist and author John Cleaves, if making a slideshow of bulleted lists is all you ever do with PowerPoint, then you’re missing out on the software’s incredible capacity to create dramatic courtroom demonstratives that not only illustrate your point, but create memorable images and animations that will stay in the minds of jurors in the deliberation room and beyond.

Whether you are an attorney, a paralegal, a law professor, or a student, we envision you using this eBook alongside your computer, open on either an iPad® or a secondary monitor while you create your demonstrative exhibits in PowerPoint.

Evidence Problems
Bruce G. Berner

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.

Evidence Problems presents a set of problems designed primarily as supplementary material for an introductory course in Evidence. These problems allow the first-time evidence student to gain a working knowledge of how the rules work in connection with a set of recurring trial situations. Some problems are designed to be used after a lecture or a discussion of casebook, rulebook, or textbook material. Other problems are designed to cement a student’s understanding of the purpose and operation of a given rule of evidence. Evidence Problems also presents review problems for students to work through on their own. The publication can also be used to help trial advocacy or trial practice students review the rules.

Federal Rules of Evidence

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.
Federal Rules of Evidence with Objections

Twelfth Edition

Anthony J. Bocchino and David A. Sonenshein

Federal Rules of Evidence with Objections contains the complete text of the Federal Rules of Evidence as amended to December 1, 2014. This useful guide is organized for quick reference, with an alphabetical section of major objections, and includes practical tips and legal interrelationships 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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Objections to Presumptions
Objections to Closing Arguments, Summation

Georgia Objections at Trial

D. Victor Reynolds, Hon. Myron B. Bright, Ronald L. Carlson, and Edward J. Imwinkelried

Based on and including sections of Objections or Trials, this handy and invaluable guide will help judges, lawyers, and law students navigate and understand the transition of Georgia evidence from the common law to the new Georgia Evidence Code. Additionally, this ground-breaking handbook provides a judicial reference to objections based on the new Georgia evidence statutes.

D. Victor Reynolds joins the Hon. Myron Bright, Ronald Carlson, and Edward Imwinkelried in giving lawyers in a rapid, successful way to bridge the gap between knowing the Rules of Evidence and applying them in a judicial setting. Arranged alphabetically for quick location, objections are available in a handy at-a-glance format, ready for your next trial.


Georgia Trial Objections Quick Reference Card

Sydney A. Beckman and Ronald Carlson

This four-panel reference card contains an extensive list of objections, categorized into sections for easy subject reference. Each objection is paired with the supporting Georgia rule of evidence or procedure. This card is an invaluable in-court reference, study guide, and trial preparation tool.


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

ELEVENTH EDITION

Anthony J. Bocchino and David A. Sonenshein

Now in its Eleventh 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, 2014, 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 90 common objections.


California Evidence Code with Objections

Third Edition

Allen Snyder, Anthony J. Bocchino, and David A. Sonenshein


Colorado Rules of Evidence with Objections

Fourth Edition

Hiro, William G. Mayo, Anthony J. Bocchino, and David A. Sonenshein


Florida Evidence Code with Objections

Sixth Edition

Hiro, Teresa J. Donvanport, Lisa A. Hirsch, Anthony J. Bocchino, and David A. Sonenshein


Illinois Evidence with Objections

Fourth Edition

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


New York Evidence with Objections

Fourth Edition

Michael D. Melsch, Jo Ann Nye, Anthony J. Bocchino, and David A. Sonenshein


North Carolina Rules of Evidence with Objections

Fourth Edition

Adrianne K. Fox, Anthony J. Bocchino, and David A. Sonenshein


Texas Rules of Evidence with Objections

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**Effective Expert Testimony**

Third Edition

David M. Malone and Paul J. Zwier

Trial lawyers confront many issues when dealing with experts. Some of those issues include skepticism from the court, high cost for the client, and resentful jurors—a result of arrogant-sounding experts.

The trial lawyer must deal with and resolve these problems, and encourage the court and jurors to welcome the experts as helpful, credible, and persuasive. *Effective Expert Testimony* shows the student how to examine the rules of evidence and ethics that govern the relationship of experts to lawyers, juries, and courts. Appendices are included for selected Federal Rules of Evidence, Federal Rules of Civil Procedure, Supreme Court cases, and courts of appeals cases.


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

Second Edition

David M. Malone


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

Third Edition

David M. Malone and Paul J. Zwier


Third Edition

Steven Lubet and Elizabeth Boals

Order two copies of this book: one for yourself and one for your expert witness. It will give experts the confidence they need to be comfortable in court, and give you the skills necessary to emphasize the credibility of your experts. You can avoid pitfalls such as unintentional signals, inappropriate demeanor and appearance, and awkward body language by using Expert Testimony as your guide.

Elizabeth Boals and Steve Lubet have co-authored the Third Edition, expanding and amending the original book with:

- Expanded text and demonstrations illustrating effective techniques for presenting digital evidence and using visual aids
- Checklists for quick reference
- Examples of expert witness examinations and detailed discussion of techniques for coping with lawyer questioning

The collaborative effort of Professors Lubet and Boals has resulted in a Third Edition that is worthwhile to both the expert witnesses and the lawyers who examine them.


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*“In internet years, Michelle Sherman is a veteran user of social tools and platforms—and, in her capacity as an attorney, she has always understood that these are indeed tools, a means to an end, to be applied in the service of the job at hand. And so, a combination of deep research and in-the-tranches experience, here is Michelle’s definitive guide to the role social media plays for attorneys in litigation and trial. It’s a must-read from one who knows.”*

—Adrian Lürssen

co-founder, V.P. Strategic Development, JD Supra

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**Problems and Materials in Evidence and Trial Advocacy**

Sixth Edition

Robert Burns, Steven Lubet, and Richard McNally

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.

Volume II is designed as the workbook for coordinated courses in Evidence and Trial Advocacy. It contains over three hundred problems in evidence law and over sixty exercises in trial advocacy.


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**Winning with Social Media: A Desktop Guide for Lawyers Using Social Media in Litigation and Trial**

Michelle Sherman

NEW IN 2016

Litigation is about winning. Placing second is not something that gets and keeps clients. Now, flash forward to the social media era of Facebook®, Twitter®, Instagram®, Snapchat®—social media—once the stomping grounds of a youthful, tech-savvy generation—is a phenomenon with an incredible impact in the legal arena. The overwhelming amount of information that happens on social networking sites can make or break a case—that’s where Winning with Social Media comes in.

In this new book by attorney Michelle Sherman, you’ll discover how this modern form of evidence plays a key role in cases and learn how you can use it at trial and beyond. In the twenty-first century, dealing with social media evidence is a crucial part of any lawyer’s discovery plan and trial preparation.


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**Expert Witness**
### Practice of Law

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

*The Six-Minute Marathon* is a survival guide for thriving in law practice. Andrew Hartman advises the up-and-coming generation of attorneys with humor and practicality. Stories of failed associates and redeeming moments from his twenty-plus years of practice will enlighten you as you venture into the world of law and learn to record your marathon of success in six-minute increments. As a bonus, Carrin Ulrich Stacy provides insights from her own nearly 20-year career in professional development. From the initial interview to dressing to impress to networking your way to the top, *The Six-Minute Marathon* will guide you around the pitfalls that ensnare so many of your unruly colleagues and help you realize your professional goals.

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**Supervisory and Leadership Skills in the Modern Law Practice**  
Paul C. Zeisel  


The first legal ethics course to rely on the power of simulation to provide a contextual way to the top, *The Six-Minute Marathon* will guide you around the pitfalls that ensnare so many of your unruly colleagues and help you realize your professional goals.

### Professional Responsibility

**Exercises and Problems in Professional Responsibility**  
SECOND EDITION  
Robert Burns, Thomas F. Garganly, and Steven Lubet  

One of the first legal ethics courses to rely on the power of simulation to provide a contextual way to the top, *The Six-Minute Marathon* will guide you around the pitfalls that ensnare so many of your unruly colleagues and help you realize your professional goals.

| Teaching materials available |

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


Modern Trial Advocacy: Analysis & Practice  
**FIFTH EDITION**  
Steven Lubet and J.C. Core

*The Six-Minute Marathon* is a survival guide for thriving in law practice. Andrew Hartman advises the up-and-coming generation of attorneys with humor and practicality. Stories of failed associates and redeeming moments from his twenty-plus years of practice will enlighten you as you venture into the world of law and learn to record your marathon of success in six-minute increments. As a bonus, Carrin Ulrich Stacy provides insights from her own nearly 20-year career in professional development. From the initial interview to dressing to impress to networking your way to the top, *The Six-Minute Marathon* will guide you around the pitfalls that ensnare so many of your unruly colleagues and help you realize your professional goals.

| Teaching materials available |

**Modern Trial Advocacy: Analysis & Practice**  
STEVEN LUBET AND JILL TRUMBULL-HARRIS  

SECOND EDITION

First published in 2000, *Mock Trials: Preparing, Presenting, and Winning Your Case* 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 book offers a sophisticated theory-driven approach to advocacy training that distinguishes it from other books in the field. In addition to the valuable sections on uses of theory, theme, and story frame, the persuasive value of inferences and cognitive theory, and discussion of witness “credibility variables,” explaining how to bolster or undermine testimony, this edition includes:

- A brand-new chapter on using electronic visuals and technology in the courtroom
- New enhanced video content—top NITA faculty demonstrate the core techniques discussed in the book so you can observe and learn these skills in a new way
- Tailoring your presentation to bench trials versus jury trials
- Discerning the material admissible facts and outlining your case
- Understanding the rules of evidence and procedure
- Planning out your direct and cross-examinations
- Laying foundations to admit all types of evidence
- Making and responding to evidentiary objections
- Drawing the sting and impeaching witnesses on bad facts
- Examining and challenging experts effectively
- Giving compelling opening statements and closing arguments

“*Mock Trials: Preparing, Presenting, and Winning Your Case*” is the best book on trial advocacy ever written.”  
— Zachary S Weiss, Administrative Law Judge of New York City
Modern Trial Advocacy: Law School Edition

FOURTH EDITION
Steven Lubet and J.C. Lore

The Fourth Edition of 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. This edition also includes:

- A new chapter on using electronic visuals and technology in the courtroom
- New enhanced video content—top NITA faculty demonstrate the core techniques discussed in the book so you can observe and learn these skills in a new way
- Teaching materials available
- General and Canadian editions also available

Modern Trial Advocacy: Canada

THIRD EDITION
Steven Lubet

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

Marc Douglas S. Levine

“`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, Ropes & Gray LLP, New York

Effective Courtroom Advocacy

Marc Douglas S. Levine

“`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 sidebar.

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.

Compendium of Trial Advocacy Drills

Robert A. Stein and Ben Rubenstein

Children in the Courtroom: Challenges for Lawyers and Judges

SECOND EDITION
Shernie 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 oftentimes treacherous land of child witness litigation.

— Jesse J. Jenner, Partner, Ropes & Gray LLP, 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.

Federal Trial Objections Quick Reference Card

THIRD EDITION
Sydney A. Beckman

“The 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.

Federal Rules of Civil Procedure

AS AMENDED TO DECEMBER 1, 2016

This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2016. 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.

To order, call 800.533.1637 or visit lexisnexis.com/NITA
Foolproof: An Attorney’s Guide to Communication
Rebecca Diaz-Bonilla
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


How to Try a Jury Case
John W. Hartmann
How to Try a Jury Case 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

Jury Trials Outside In: Leveraging Psychology from Discovery to Decision
Melissa M. Gomez, PhD.
Jury Trials Outside In is a practical, educational, and enjoyable collection of trial stories, knowledge, and advice from nationally renowned jury consultant Melissa M. Gomez, PhD. This guide goes beyond the topic of jury psychology. Instead, it speaks to the psychology of all of the people involved in a case and how that psychology affects the manner in which we make decisions and communicate at trial. Specifically, Dr. Gomez examines key aspects of the psychology of jurors, attorneys, judges, and witnesses and analyzes how each person influences the way a case is presented to and received by jurors. She takes real-life stories and ties them to theory and research from disciplines such as psychology, advertising, marketing, politics, homeland security, and sociology. The goal is to understand human nature as it applies across multiple contexts so you can learn a practical lesson as it applies to the courtroom.

Dr. Gomez helps attorneys take a step back to address the big picture of a case, to step outside of their own viewpoint, and to turn their perspective of their case outside in. She has made this guide a conduit that connects psychological principles applicable to civil and criminal cases; to plaintiffs and defendants; to medical malpractice, product liability, intellectual property, contract, aviation, and all other cases that involve human beings.


Logic for Lawyers: A Guide to Clear Legal Thinking
Merit R. Rappaport
Logic for Lawyers is a courtroom primer that helps both the novice advocate prepare for his first day in court and the practicing lawyer bring her practice up to date with the most recent developments in trial advocacy. In the Second Edition of this law school classic, Holly Towne O’Brian and Gary Gildin provide the modern perspective on both the style and substance of case analysis, case theory, cross-examination, impeachment, closing arguments, and presenting information using technologies.


Problems in Trial Advocacy
Anthony J. Boschitsch and Donald H. Beskind
Problems in Trial Advocacy, 2015 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.


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Summary: Problems in Trial Advocacy, 2015 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.
Trial Advocacy in Action: 20 Exercises to Sharpen Your Criminal Case Skills
Michael Fontham

Trial Advocacy in Action: 20 Exercises to Sharpen Your Criminal Case Skills merges a realistic complex federal prosecution with real high-court decisions in a hypothetical, fact-intensive mock trial case file. Defendant Reginald McKay, a mentally disturbed American who became a “home-grown” Islamic terrorist, poisoned members of a Jewish temple during Passover Seder. After one of the poisoned congregants died, the Feds got a lucky break thanks to an eyewitness and modern computer forensics and quickly built a death penalty case against McKay.

United States v. McKay is built around the tragic story of McKay and his victims and includes 20 advocacy exercises from all major stages of a criminal case. Each exercise introduces a wrinkle involving a constitutional challenge to procedures or evidence that students then analyze through the lens of the Supreme Court’s decisions in landmark criminal procedure cases. This fusion of factually compelling scenarios and intellectually challenging legal doctrines creates a robust learning experience that will hone the students’ skills regarding legal analysis and legal advocacy concerning constitutional issues that arise throughout the course of a criminal case.


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.


Trialbook

Third Edition
John G. Samsen and Roger Haydock


Trial Technique & Evidence: Trial Tactics and Sponsorship Strategies
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.


Winning at Trial

By 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 them 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.


Teaching materials available

Winning Jury Trials: Trial Tactics and Sponsorship Strategy
THIRD EDITION
Robert H. Alfrey* and Paul L. Cafry


“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

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* Winner of the 2008 Award for Professional Excellence, Winning at Trial

— Jennifer L. Renn, Esq., Director, Capital Building Center for Courts, American Bar Association Center on Children and the Law, Washington, D.C.
Commercial Titles

DVD Products

Basic Concepts in the Law of Evidence

Irving Younger

In his day, Irving Younger was a key lecturer at many NITA conference events. His legacy lives on through the 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)
- Basic Concepts in Evidence (52:00)
- Failure of Recollection, Best Evidence Rules, Perception (60:00)
- Expert Witnesses, Cross-Examination, Impediment (52:00)
- Cross-Examination, Impediment II, Rehabilitation I (54:00)
- Rehabilitation II, Character as a Defense (23:00)
- Hearsay (Tour DVs: 30:00, 52:00, 58:00, 48:00)
- Burdens of Proof and Presumptions (60:00)
- Hearsay and the Right to Confrontation (Two DVDs: 53:00, 54:00)
- The Ten Commandments of Cross-Examination (60:00)
- Hearsay Update (49:00)

ISBN 9781422479247 © 2005
DVD (1:55:00), Pub. #28669, Anthony J. Bocchino

- Selecting and Preparing the Lay Witness for Deposition
- Opening Statements: A Modern Approach

ISBN 9781422479216 © 1996
DVD (2:00:00) and support materials, Pub. #28673, Anthony J. Bocchino

- Cross-Examining the Classroom Witness (10:46)
- Cross-Examining the Eyewitness (52:19)
- Cross-Examining the Expert Medical Witness (38:08)

DVD, Pub. #28906, ISBN 9781422469057 © 1975

- Cross-Examining the Expert Witness (51:46)
- Cross-Examining the Expert Accountant Witness (51:46)

CD-ROM (52:00), Pub. #28674, ISBN 9781422479100 © 1975

- Cross-Examining the Eyewitness (47:38)
- Cross-Examining the Opposite-Sex Witness (43:00)
- Cross-Examining the Expert Accountant Witness (54:50)
- Cross-Examining the Expert Medical Witness (38:08)
- Cross-Examining the Expert Witness (51:46)

Case Files

State v. Jackson

Fourth Edition

Laurence H. Rose, Frank D. Rothschild, and Hon. Rebecca Siletty

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 Findlers Aluminum Fabrication Corporation plant. The plant is burned 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, Findlers v. Miamo, involves Jackson suing to recover from the company that insured the plant.


Assault

State v. Anderson

Second Edition

Joseph E. Taylor

When defendant Raymond Anderson resolves a fender bender by throwing Wayne Herkeli 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 refiles 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.


Teaching materials available.
Contracts

BMI v. Minicom, Inc.
TENTH EDITION
Anthony J. Bocchino and Donald F. Deskmad

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.


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.


Teaching materials available

Quinlan v. Kane
THIRD EDITION
Paul J. Zwier, William J. Hunt

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.


Teaching materials available
### Contribution and Indemnity

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

**FORTH 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.


*Teaching materials available*

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**Stucky v. Conlee, Parsell, and Nita City**

**SECOND EDITION**

*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, who then sought consent to search the car.

The author has also created an extensive teaching manual to not only help the professor with testimony but to provide skill exercises in appellate writing and advocacy.

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**Discrimination**

**Stucky v. Conlee, Parsell, and Nita City**

**NEW EDITION**

*Gary S. Edie*

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

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**DUI**

**State v. Peyton**

**SECOND EDITION**

*Elizabeth I. Boals* [NEW EDITION]

State v. Peyton combines the most basic scenario that a new attorney will experience—the DUI case file—with a charge of felonious hit and run. Taylor Addison suffered first- and second-degree burns when her parked vehicle was sideswiped, spilling hot coffee over her left hand. No vehicle stopped after the accident, but Addison claims she saw a car, identifiable as Jordan Peyton’s, driving away from the scene. Peyton has pled not guilty to all charges and claims that she did not collide with Addison’s car.

With materials included for the trial of the defendant on these charges, the Second Edition of State v. Peyton adds social media evidence to a case that also provides student opportunities to consider the following criminal trial issues:

- Medical expert testimony
- Character evidence
- Criminal conviction impeachment
- Bias impeachment
- Prior recorded testimony
- Evidence from a 911 call
- Breath test computer printout
- Witness statements on Twitter
- Testimony from a witness with bias
- Expert voir dire
- If you provide the environment, NITA will provide the setting for a most interesting experiential training opportunity.

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**State v. James**

*John G. Sandling, Linda Thorstad, and Jennifer W. Miller* [NEW EDITION]

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To order, call 800.533.1637 or visit lexisnexis.com/NITA
Polisi v. Clark and Parker & Gould

SECOND EDITION
Anthony J. Bocchino, David A. Sonenshein, and Frank D. Rothschild
Graphs and Electronic Files by Frank D. Rothschild

Alicia Polisi 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, and subjected her to sexual advances. The company demoted her, fired her, and denied her 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.

Teaching materials available

Plaintiff's Edition

Defendant's Edition

Rowe v. Pacific Quad, Inc.

FIFTH EDITION
David B. Oppenheimer and Fred C. Moss

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 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 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.

Trial Edition

Teaching materials available

Plaintiff's Edition

Defendant's Edition

Facility Edition

Jones v. Kids-R-Ours

Paul CVE and Nicolas P. Brooks

After suffering a seizure at work, the plaintiff, Jean Jones, was suspended without pay from the Kids-R-Ours day care center 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 be won by either party. There are three witnesses for both the plaintiff and the defendant.

Trial Edition

Teaching materials available

Plaintiff's Edition

Defendant's Edition

Watson v. Century Technologies, Inc.

In Watson v. Century Technologies, Inc., a businesswoman is suddenly fired, finding herself the odd woman out in an organization getting younger by the day. Sharon Watson was a respected senior sales executive working in a technology-based sales company. Danielle Khou is the new face of Century and a rising star in the tech world, was brought in to shake things up. Sharon’s exceptional career comes to an abrupt end when she is fired from her job. A case of age discrimination, or a simple case of parties not seeing eye to eye on the future of a company? Either side can make a compelling case given the exhibits, testimony, and witness statements.

Watson, the first in Theresa D. Moore’s Trial by Fire legal case series, refines the student’s advocacy and examination skills through this full trial—which includes three to four witnesses per side, depositions, and electronic evidence in the form of emails and Facebook posts—on online “microsites” and focuses on storytelling as it relates to presenting factual information to judges and juries. It is well balanced and simple, but with evidentiary depth; features true-to-life evidence, documents, and situations; and is professor friendly, with options for instruction.

Trial Edition

Criminal Law Collection: Condensed Case Files with CD-ROM

Watson v. Century Technologies, Inc.

By Anthony J. Bocchino

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.

Trial Edition

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.

Trial Edition

Faculty Edition

Teaching materials available
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.

Teaching materials available

State v. Bloodworth
**SECOND EDITION**
Joseph E. Taylor and Alessandra Griffith-Weid
A frantic 911 call about an unconscious intruder brought police to Gene Bloodworth's home, but was that the real story? Three days before his death, Kenneth Fletcher was found unconscious on the floor of 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 out Fletcher. Fletcher claimed that he and Bloodworth had been drinking together that night and that Bloodworth invited him to his condo and then attacked him.

Three days after the incident at Bloodworth's condo, Fletcher was found dead. Cause of death was blunt force trauma to the head. Bloodworth was charged with first degree murder and has pleaded not guilty. He contends that he was acting in self-defense and that Fletcher's alcoholism contributed to his death.

This updated casefile now includes extensive social media exhibits, giving participants a chance to work with this new and important form of evidence and the challenges it presents. There are four witnesses for both sides, including forensic pathologist experts. This criminal case file is designed to be used as a full trial.

Teaching materials available

State v. Casey
**SECOND EDITION**
Joseph E. Taylor
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 eighteen-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, Diana Melton, who actually murdered Bill and Stephen to collect $500,000 in insurance money. The prosecution stands by its case that Michael, alleged to be 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.

Teaching materials available

State v. Cole
**SECOND EDITION**
Michael S. Sands
This case was the result of a high profile murder of a nine-year-old boy who was beaten to death. The defense and the prosecution agree that Joseph O'Neill, Helen's estranged stepfather, is the only person who could have committed the murder. However, the defense argues that Joseph acted in self-defense.

In this new edition, the prosecution presents a forensic pathology expert and a forensic pathologist, while the defense presents a forensic medical examiner and a medical examiner. The case file includes a CD-ROM containing the exhibits.

Teaching materials available

State v. Dawson
**SECOND EDITION**
American Mock Trial Association
On September 24, YR-2, Vanessa Sullivan, daughter of Nita's most prominent prosecution witness, killed John Burns in his home. By the time he was brought to the hospital, John Burns had died. Police had no suspects.

Nita Sullivan was killed. A special prosecutor was appointed because of the conflict of interest in having the victim's parent's office prosecute the case. A grand jury has returned a multi-count indictment charging the defendant, Danny Dawson, with murder and driving under the influence.

There are four witnesses for the prosecution, four for the defense, and three that can be called by either party. Witnesses include an accident reconstruction expert and a medical expert. The exhibits include an audio recording of the voice mail left by Vanessa Sullivan immediately before the crash.

Teaching materials available

State v. Diamond/State v. Doyle
**SIXTH EDITION**
James H. Schlegier
Two persons—one man and one woman—are in an enclosed space and cannot be viewed below their shoulders. Shots ring out, one person dies at the scene, the other person is charged with murder. This case is designed to be tried twice: 1) once with the woman deceased—the man survives and is charged with homicide; 2) once with the man deceased—the woman survives and is charged with homicide.

Michael Diamond and Ms. Doyle had been in a relationship and living together for two months immediately prior to the shooting. Ms. Doyle was a waitress at the Truck Stop Cafe, and Mr. Diamond was a police officer and had just resigned from the Nita City Police Department. Mr. Diamond went to the Truck Stop Cafe to meet Ms. Doyle when she got off work at 6:00 a.m. He entered the cafe and sat in a booth. Ms. Doyle was sitting in a booth at the other side of the cafe talking with other waitresses. She did not speak to Mr. Diamond, and then at 6:30 a.m., Ms. Doyle got up and went to the entranceway of the cafe. Mr. Diamond followed her and they talked for a few minutes before two shots were fired. Was it murder, or an accident?

This case file presents the same exact facts for both trials, with one exception: the gender of the defendant and the victim. Optimal use of this file is to try once at State v. Diamond and once at State v. Doyle.

There are four witnesses for the State and three for the Defense. Exhibits include witness statements, police reports, medical reports, and gun diagrams.

Teaching materials available

State v. Donaldson
**SECOND EDITION**
Joseph E. Taylor and Michael S. Sands
Six-month-old Cara O'Neill died from a mysterious head injury. The State of Nita has charged Stephen Donaldson with the murder in the second degree, but he claims he did not cause it. Donaldson also claims he was the top suspect for his stepdaughter after she fell out of her crib before her death. There are five witnesses for the plaintiff and four for the defendant. The trial includes a battle about expert forensic pathologists, presentation of an unavailable witness' testimony through video, and a number of visual aids, including a video of the scene.

Teaching materials available

State v. Gray
A. J. Belikoff de Luna and Joseph E. Taylor
When Officer Darren Gray shoots an unarmed man while on patrol one afternoon, he soon finds himself at the center of community discussion and controversy over the use of force by police—and standing trial for second-degree murder when the man he shot nine times, allegedly in self-defense, dies at the scene.

What is the appropriate response for officers to take when they believe they’re in immediate mortal danger on the job? At what point does the use of force in an encounter diverge from being appropriate and justified, and cross into excessive and criminal? What does the law say about police shooting an unarmed citizen? These are the questions posed by this case file inspired by the timely discussions our nation is having about the use of force against unarmed civilians.

Teaching materials available

State v. Jordan
Hon. Andrew P. Rodovich
Ms. O'Neill got up before her death. There are five witnesses for the plaintiff and four for the defense. There are five witnesses for the defendant and one optional witness for each side.

Teaching materials available

State v. O'Neill
**SIXTH EDITION**
James H. Schlegier and Matthew 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 each side.

Teaching materials available
State v. Sanchez
SECOND EDITION
Elizabeth J. Boisot
State v. Sanchez is a criminal case file featuring the trial of Ernesto Sanchez, who admits to fatally stabbing Patrick Corvior during a street fight between two Nita City gangs. Sanchez pleads self-defense, and the circumstances surrounding the stabbing are complicated by the testimonies of other gang and community members. This case file is particularly unique because of its focus on gang activity and its use of non-traditional expert witnesses with specialized knowledge of gang behavior. It also addresses the potential impact of racial bias during a criminal trial. Exhibits include social media evidence and a digital recording of a news interview. There are five witnesses for both the state and the defense.

Teaching materials available

State v. Skywolf
Joseph J. Parker
In its debut as NITA's very first case file on patent law, the defense. This personal injury case file involves the trial of Ernesto Sanchez, who admits to fatally stabbing Patrick Corvior during a street fight between two Nita City gangs. Sanchez pleads self-defense, and the circumstances surrounding the stabbing are complicated by the testimonies of other gang and community members. This case file is particularly unique because of its focus on gang activity and its use of non-traditional expert witnesses with specialized knowledge of gang behavior. It also addresses the potential impact of racial bias during a criminal trial. Exhibits include social media evidence and a digital recording of a news interview. There are five witnesses for both the state and the defense.

Teaching materials available

Intentional Torts/Damages

Fordyce v. Harris and Felson SIXTH EDITION
Laurence H. Ross
Teaching materials available

Strange v. Wigley THIRD EDITION
Hon. Andrew P. Rodovich
This personal injury case file involves the trial of Ernesto Sanchez, who admits to fatally stabbing Patrick Corvior during a street fight between two Nita City gangs. Sanchez pleads self-defense, and the circumstances surrounding the stabbing are complicated by the testimonies of other gang and community members. This case file is particularly unique because of its focus on gang activity and its use of non-traditional expert witnesses with specialized knowledge of gang behavior. It also addresses the potential impact of racial bias during a criminal trial. Exhibits include social media evidence and a digital recording of a news interview. There are five witnesses for both the state and the defense.

Teaching materials available

Stanton v. Armstrong
Elizabeth J. Boisot and Shalini Dwivedi Sharma
A civil action for defamation and tortious interference with contract, Stanton adds the extra glamor of a beauty pageant. Harper Stanton brought the action against Toby Armstrong in the United States District Court, District of Nita, for an allegedly defamatory statement claiming Stanton had taken a bribe to fix the Miss Olympia beauty pageant. Armstrong posted this statement on the Pageant Tips Blog. At the time of the blog post, Stanton was the Chief Executive Officer of Miss Olympia, Inc. Armstrong was a blogger and the owner of a pageant contestant coaching company. Many facilities and technology malfunctions impacted the quality of the Miss Olympia Pageant that year's lighting and sound problems; a missing judge; changes in the scoring method. After the disastrous pageant, Miss Olympia, Inc. filed Stanton. Were Armstrong's unfounded claims the basis for Stanton's firing? Was Stanton legitimately fired for being a dishonest CEO manipulating the pageant from behind the scenes? Or was Stanton fired for tarnishing the Miss Olympia Pageant through no fault of his own?

This entertaining case file supports all the alleged intrigue with exhibits that include blog posts, a Twitter account, and a YouTube video, all hosted on "microsites" specifically created for use in trial. Scoring sheets and pageant guidelines, photographs, room sketches, and more provide a wealth of information for students to analyze when deciding what to pursue in both depositions and the full trial.

Teaching materials available

International Arbitration

Cranbrook v. Intellex, International Arbitration Version THIRD EDITION
Robert P. Burns, Steven Luber, Terrie Rachnitz, John Baker, James Seckinger, Adapted for International Arbitration by Peter E. Day
Based on Cranbrook v. Intellex, this is an excellent case file for advocacy courses focusing on international arbitration. The dispute is based on Cranbrook Industries, PLC believes that Intellex, Inc. violated a contractual agreement that allowed Cranbrook exclusive distribution rights of Intellex’s video gaming products. Intellex is a U.S.-based manufacturer of video game decks and cartridges, while Cranbrook 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. This international arbitration version includes international arbitration pleadings, and the exhibits are organized as they would be in an international arbitration case, with joint exhibits, respective internal documents for each party, additional documents and expert reports for the damages section.

Claimant Materials
Respondent Materials
Faculty Materials
(See p. 38 for the related case file, Cranbrook v. Intellex, Second Edition.)
Landlord-Tenant

**Nita City Housing Authority v. Johnson**

SECOND EDITION

Mark E. 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.

**In Re Cooperator**

This case contains a four-count disciplinary action brought by the Nita State Bar against the respondent, Harriet Cooperator, a member of the Nita State Bar. The Bar alleges that Cooperator failed to adequately consult with her client, David Engles, during the course of his action against the Acme Paper Company. The Bar also states Cooperator 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.

Legal Ethics

**In Re Cooperator**

SECOND EDITION

Anthony J. Bocchino

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Legal Malpractice

**Peters v. Denver**

Thomas J. Leach

Peters v. Denver is a civil action charging legal malpractice on the part of attorney D.C. Denver. Paul Peters was tried and convicted on charges of aggravated battery and attempted murder. Along with his co-defendant, Carl Chastis, Peters was co-represented by Denver at the time of their arrest through verdict. Neither defendant testified in the criminal trial. Instead, the defense offered a vigorous cross-examination of the State’s witnesses (both forensic and fact) and presented two alibi witnesses to testify that during the time period of the crime both Chastis and Peters had been at a social club playing poker. Nevertheless, both men were convicted on all charges, and Peters received a prison sentence of life with parole after 20 years. In this suit, Peters charges that Denver provided his defense under an impermissible conflict of interest between his duties to the two criminal defendants, depriving Peters of proper representation and leading to his conviction. Defendant asserts that his conduct of the defense was improper in all respects and that any conflicts were fully, knowingly, and permissibly waived by plaintiff.

Through the testimony of the parties and expert witnesses and the presentation of exhibits focused on the interaction between Peters and Denver, students will have the opportunity to analyze the duties of attorneys to their clients and pitfalls presented by those duties. This well-balanced case could go either way, and its ethics issues are subject for challenging questions to witnesses as well as well-reasoned closing arguments.

**In Re Pena**

Diana Geraghty, Thomas F. Geraghty, and Angela C. Rigg

This case 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.

**In Re Lewis**

J.C. Love and Michael J. Dale

In In Re Lewis, what started out as a fun Saturday among teenage buddies ends in the slammer, when Tony Lewis, Matty Smith, and Tony’s younger cousin Alex Duvall are picked up by Nita City Police for conspiring to rob a convenience store at gunpoint. With Tony and Matty each having a history of juvenile delinquency, the stakes become high, and each boy accuses the other of being the brains behind the heist. The State of Nita alleges that Tony committed robbery, theft, and trespassing—accusations buoyed by Matty’s own admission to theft and testimony implicating Tony and Alex in the robbery.

In re Lewis is designed to assist in the training of lawyers who work in juvenile court either prosecuting or defending children in delinquency matters. It can also be used as a bench trial for attorneys practicing in adult criminal matters, and as a high school course in trial advocacy and juvenile law. To introduce even more wrinkles into the case, professors may elect to teach supplemental detention materials on Tony Lewis, which includes a report from Tony’s probation officer, school transcripts and suspension notices, and letters of character reference. eBook versions of the case file and are also available—for the first time in NITA history—required. It is suitable as a half-day bench trial or full-day full trial.

146 pp., Pub. #28605, ISBN 9781556818059 © 2003

Teaching materials available.
Teaching materials available including video demonstrations.

Life Insurance
Dixon v. Providential Life Insurance Co.

SIXTH EDITION

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 insists. The coroner, Dixon's personal physician, determined that the death was accidental, but Providential claims the coroner's conclusion was tainted by the judge's influence. The plaintiff, in fact, a suicide. The case involves one of the classic problems of civil law. The defense is that the coroner was influenced by the judge, and the plaintiff, the defendant, and the jury are at odds on the decision. December 1, 2014. Teaching materials available including video demonstrations.

Medical Malpractice
Steele v. Kitchener

Dennis Tumer

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 developed brain lesions and died. The plaintiff, 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.

Motor Vehicle Accident
Steele v. Kitchener

Dennis Tumer

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Motor Vehicle Accident
Brown v. Byrd

SECOND EDITION

Frank D. Rothschild, Warren G. Ham, and Anthony J. Bocchino

Kenneth Brown claims he can't engage in strenuous exercise and that a muscle relaxant his doctor prescribes does not allow him to drink any alcohol. Both of these inferences are red herrings. The judge is convinced, are results of being rear-ended by the defendant, Robert Byrd. However, Brown has been observed exercising and drinking alcohol. Byrd contends that the collision was in no way serious enough to cause Brown's alleged injuries.

Motor Vehicle Accident
Constantine v. Prince

SECOND EDITION

William G. Bosky

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 10 witnesses for the plaintiff and four witnesses for the defendant.

Motor Vehicle Accident
Darwood v. Landers and PUDS

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

The plaintiff, Helen Darwood, was struck by a Pick-Up Delivery Services van driven by the defendant, Mel Landers. A negligence action has been brought by Helen Darwood against Mel Landers and Pick-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 Darwood was 150 percent contributorily negligent in that she crossed negligently in front of the van.

Motor Vehicle Accident
Addison v. Peyton

SECOND EDITION

Elizabeth J. Boss

In this civil case version of State v. Peyton, Taylor Addison has filed a compliant 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 splatter over her hand, which resulted in severe burns. Admission is seeking relief for pain and suffering, medical costs, lost wages, and car damages.

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Fitzgerald v. Nita & Western Railroad
FIFTH EDITION
Laurence M. Rose

Johnny Fitzgerald died after his vehicle collided with a train. Was Johnny at fault? Did he intentionally drive his car into the train? Or was the railroad negligent in not providing adequate warnings at the crossing and in the operation of the train? Students can test their skills in this wrongful death case file that can be used as a comparative negligence trial file, a negotiation file, or a fact investigation file. There are five witnesses for each party, including engineering and economic experts.

The Fifth Edition includes the addition of an economic expert witness for the defense, and a text message exhibit.

120 pp., Pub. #26552, ISBN 9781683280677 © 2015

Teaching materials available

Scroggs v. Snyder
SECOND EDITION
William S. Bailey and Frederick C. Moss

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.


Williamson v. Shrackle

Molly Turner Gilman, 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. Schrackle. Williamson has filed a civil negligence suit with the Nita state court, claiming that Schrackle'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.


Molly Williams of The Shrackle Construction Co.
Potter v. Shrackle and The Shrackle Construction Co.
SIXTH EDITION
Kenneth S. Blankenhorn 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 jury issues, 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

John D. Beauchamp, Linda Thorstad, and Jennifer M. Miller

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Molly Williams of The Shrackle Construction Co.
McNamara v. Energy Dynamics, Inc.
Theresa D. Moore
A small local dairy farmer is pitted against a large energy company in this civil case for negligence. Energy Dynamics has developed a new chemical; this breakthrough unlocks precious resources and untold millions of dollars, buried beneath a local community’s feet. But as local farmers like McNamara experience mysterious livestock deaths, will the breakthrough prove to be a dangerous breakthrough of a toxic chemical?
Witnesses include a veterinarian, chemists, community members, and executives. Exhibits include electronic evidence of emails, mini-depositions, pictures, press releases, transcripts of Town Hall meeting, Facebook posts on online “microsites,” as well as impeachment material for teams to strategically choose what to emphasize or downplay.
Another entry in Theresa D. Moore’s Trial by Fire™ legal case series of well-balanced cases, with modern facts and evidence meant to ignite in students the passion to vigorously fight for their client, McNamara presents unique issues of environment and public policy to encourage participants to consider storytelling aspects of presenting technical information drawing decision-makers into a human understanding of events and scientific issues.
Teaching materials available

Product Liability
Davis v. HappyLand Toy Company
SECOND EDITION
American Mock Trial Association
Joey Davis was two years old when he died after swallowing beads from his sister’s make-your-own jewelry set. Test revealed that: Joey had elevated gamma-hydroxybutyric acid (GHB) levels in his system at the time of death and that the elevated GHB could have been a result of the chemicals used in the beads. Andy Davis, Joey’s parent, has sued HappyLand Toy Company for strict liability, claiming that the beads were defectively designed. HappyLand Toy Company denies that its beads were defectively designed and has also asserted an affirmative defense of comparative fault, claiming that the negligence and/or recklessness of Andy Davis and/or Joey’s babysitter was more responsible than HappyLand Toy Company for Joey’s death.
There are nine witnesses total: two plaintiff only; two defense only; and five that can be called by either side. Expert witnesses include a pharmacologist, a child psychologist, and a toxicologist.
Teaching materials available

Insurance
Flinders Aluminum Fabrication Corporation v. Misko Fire Insurance Company
NINTH EDITION
Hon. Rebecca Sitterly, Laurence H. Rose, and Frank D. Roothoff (Based on the original case file by Abraham P. Ordover)
Flinders Aluminum Fabrication Corporation burned to the ground on the night of November 16. George Avoir, an employee of the plant, died inside. Plaintiff Arthur Jackson, sole stockholder of the company, has filed a civil action lawsuit to recover the $1,671,000 in damages owed from policy issued by defendant Misko Fire Insurance Company. The defendant has refused to pay, claiming that the fire was the work of an arsonist, thus indicating deliberate fraud. Misko 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. An companion criminal case file, State v. Jackson, involves the charge of arson against Arthur Jackson. (See p. 25 for companion file.)
Teaching materials available

Premises Liability
Fisher v. Yankee Doodle Corp.
C. Steven Fury
Avenue, a new employee of the plant, died inside. Plaintiff Arthur Jackson, sole stockholder of the company, has filed a civil action lawsuit to recover the $1,671,000 in damages owed from policy issued by defendant Misko Fire Insurance Company. The defendant has refused to pay, claiming that the fire was the work of an arsonist, thus indicating deliberate fraud. Misko 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. An companion criminal case file, State v. Jackson, involves the charge of arson against Arthur Jackson. (See p. 25 for companion file.)
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**State v. Stone**

**REVISED FOURTH EDITION**

James H. Seckinger

Sexual Assault

T eaching materials available


**White Collar Crime**

United States v. Barrett

Weis Beber Porter

When real estate superbroker Kelly Barrett invited relatives to join her exclusive wine club, they all dreamed of la dolce vita—private tours of European vineyards, majestic accommodations fit for royalty, and, of course, the rarest and most exquisite wines in the world. But when the equity in their homes mysteriously vanishes within weeks of joining the club, it leaves a bad taste in everyone’s mouth, and Barrett soon finds herself facing charges of identity theft and wire fraud. With a cast of colorful, and not entirely trustworthy, business associates surrounding her, Barrett maintains her innocence and suggests there’s no shortage of blame to go around. Is this a case of a well-intentioned victim being set up to take the fall for her cohorts’ sneaky theivery? Or did Barrett put the “booze” in bamboozle and use her wine club as a means to make off with millions? United States v. Barrett is a challenging white-collar crime file that will test students’ advocacy and examination skills through this full trial. It features three witnesses per side, an expert witness in criminal fraud, and a bounty of assorted evidence, including social media evidence in the form of emails, blog posts, and websites on online “microsites.” In this well-balanced case of deception among the vines, students will prevail entirely on their own legal prowess—and discover just how much truth there really is in wine.


**Wrongful Death**

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

REVISED SECOND EDITION

Numerous Chapters

Anne Farrell’s husband, Nathan, died after a heart transplant. There is reason to believe the equipment used 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 refuse 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 post-surgery. 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.


**Gilbert v. O’Neil**

Six-year-old Luke 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, 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 new witnesses, including expert testimony from doctors, forensic experts, and a handwriting expert.


**Teaching materials available**
Wrongful Discharge

PUDS v. Brezenski
John O. Sonsteng, Linda Thorstad, and Jennifer W. Miller

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


Wrongful Discharge

Williams v. Simonson
SECOND EDITION
Anthony J. Bocchino and David A. Sonenshein

Plaintiff Mary Anne Williams seeks to recover damages for gender discrimination and the tort of defamation and is suing David Simonson, Christine Jefferson, Nita University, and the Patterson Institute. Williams seeks back pay, lost pay, damages, and reinstatement. There are five potential claims in this case file, which is set in a university environment: gender discrimination, quid pro quo sexual harassment, hostile work environment, intentional infliction of emotional distress, and wrongful termination.

Designed for advanced advocacy training, Williams involves difficult legal and factual issues for jury resolution and requires the examination of expert witnesses. There are two lay witnesses for the plaintiff and two for the defendant, plus one expert witness for each side. The exhibit files are available for digital download via a password-protected website accessible to students and faculty.


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