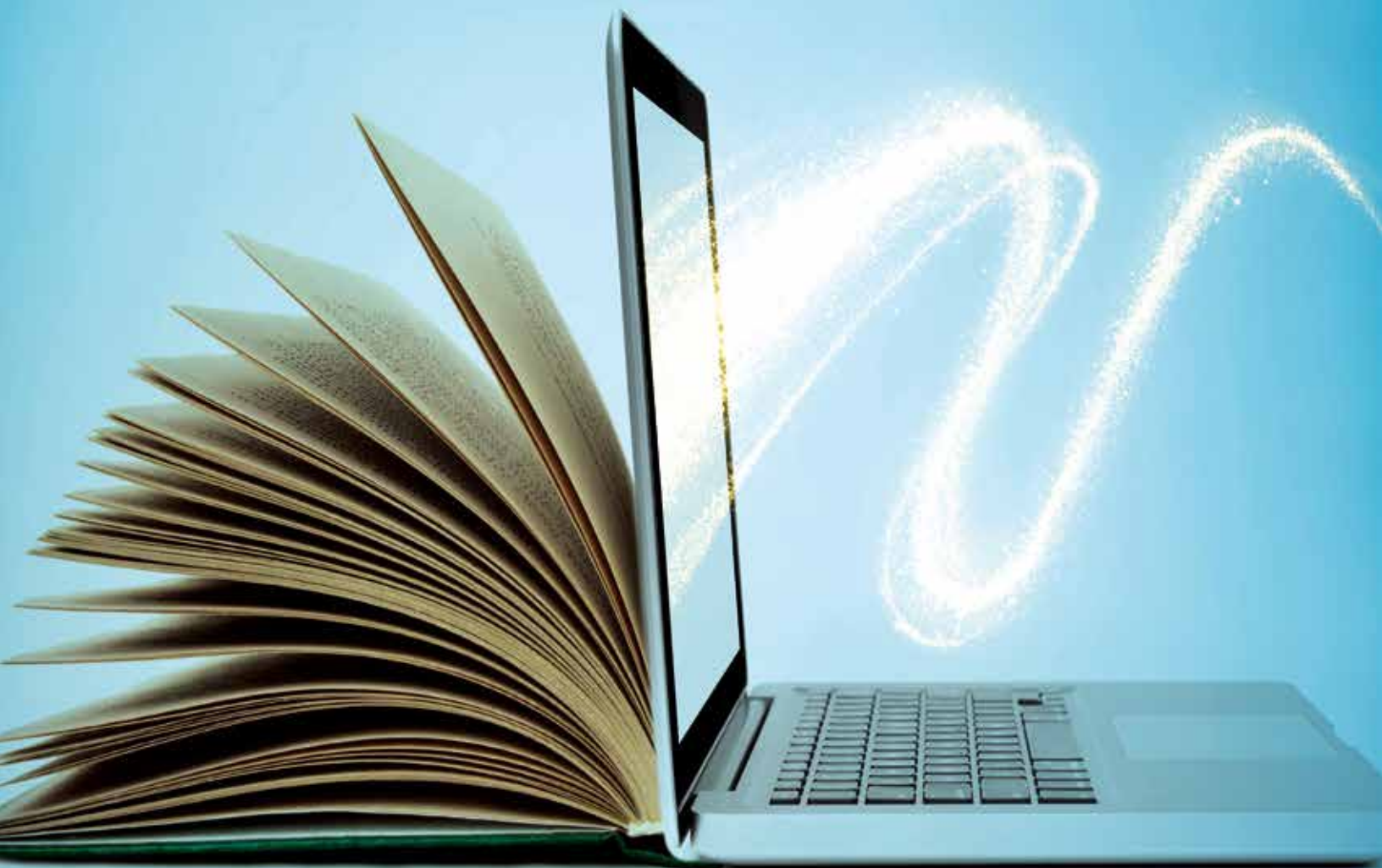


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In 1971, the National Institute for Trial Advocacy (NITA®) originated the method of learning trial skills through rigorous “learning-by-doing.” Since then, we have continued to refine our unique methodology. The NITA mission is to train and mentor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

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2018 NITA® Publication Catalog

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2018 also brings a number of new and exciting titles and editions. *Effective Discovery: Techniques and Strategies That Work* is the new companion piece to the best-selling *Effective Deposition*. The new edition of the late Judge Aldisert’s masterpiece, *Winning on Appeal*, provides fresh interviews with appellate judges and practitioners and showcases the “wired” courtroom. *The Force of Logic* will help you hone your legal arguments by applying the rules of logic, and you can sharpen your information-gathering skills with *Legal Interviewing: Analytics and Exercises*.

To advance NITA’s passion for learning-by-doing, we’ve produced new editions of *Trial Advocacy for the Child Welfare Lawyer*; *Problems in Trial Advocacy*; a number of David Malone’s rules books, including *30(b)(6) Rules*, *Expert Rules*, and *Jury Speech Rules*; and *Practical Criminal Procedure*, which includes important new jurisprudence from the Supreme Court. And we not only have the latest amendments to the Federal Rules of Evidence and Federal Rules of Civil Procedure, but all of our state rules and objections books have been made current. For the case files, we have a new fraud title, *Fields v. Hoyt*, as well as new editions of *State v. Delaney* and the companion cases, *Flinders v. Mismo* and *State v. Jackson*. Finally, we rounded out our white-collar crime/whistleblower motions files, *U.S. ex rel. Rodriguez v. Hughes, et al.* with the trial version. 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.

With best wishes,



Eric H. Sorensen  
Director of Publications

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## Alternative Dispute Resolution

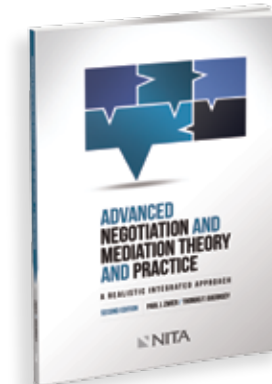
### **Advanced Negotiation and Mediation Theory and Practice: A Realistic Integrated Approach**

SECOND EDITION

Paul J. Zwier and Thomas F. Guernsey

In this edition of *Advanced Negotiation and Mediation Theory and Practice*, Paul Zwier 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.

Softbound, 230 pp., Pub. #28724,  
 ISBN 9781601564795, eISBN 9781601565136 © 2015



### **Alternatives to Litigation**

THIRD EDITION

Andrea Doneff and Abraham Ordoover

*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 Ordoover 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.

Softbound, 272 pp., Pub. #28705, ISBN 9781601563378,  
 eISBN 9781632814036 © 2014



### **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.

Softbound, 312 pp., Pub. #28717, ISBN 9781556818653,  
 eISBN 9781632814104 © 2005

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

Softbound, 598 pp., Pub. #28712, ISBN 9781556817991, eISBN 9781632814081 © 2003

The Arbitrator’s Handbook  
REVISED SECOND EDITION

Hon. John W. Cooley

Softbound, 469 pp., Pub. #28751, ISBN 9781601561053, eISBN 9781632814319 © 2009

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

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

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

Softbound, 264 pp. with CD-ROM, Pub. #28527, ISBN 9781601560810, eISBN 9781632813114 © 2011

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

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

Mediation Advocacy  
SECOND EDITION

Hon. John W. Cooley

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

Softbound, 470 pp., Pub. #28709, ISBN 9781556817809, eISBN 9781632814050 © 2002

The Mediator’s Handbook  
SECOND EDITION

Hon. John W. Cooley

Softbound, 536 pp., Pub. #28731, ISBN 9781556819940, eISBN 9781632814203 © 2006

Problems and Cases in Interviewing, Counseling, and Negotiation

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

Softbound, 292 pp., Pub. #28752, ISBN 9781556810718 © 1986

Appellate Advocacy

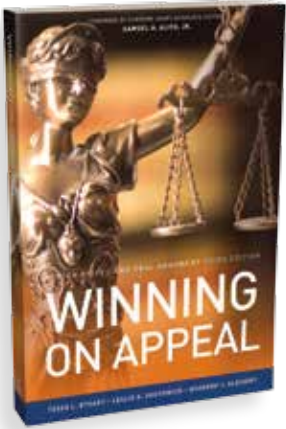
Winning on Appeal: Better Briefs and Oral Argument  
THIRD EDITION

Tessa L. Dysart, Hon. Leslie H. Southwick  
Previous editions by Hon. Ruggero J. Aldisert

**NEW EDITION** When the late Ruggero J. Aldisert wrote *Winning on Appeal* in 1992, it became an instant classic in law school classrooms and appellate law practices across the country. To celebrate the 25th anniversary of the book’s release, Tessa L. Dysart and Leslie H. Southwick carry on the Aldisert tradition of revealing the details of how to prepare an effective brief with the nuanced art of a delivering a persuasive appeal to the court. Their meticulously rendered update is complete with dozens of interviews with leading appeals judges and practitioners—treasured guidance from a bona fide *who’s who* of appellate advocacy in America—and escorts readers into the “wired” courtroom of the 21st century, where they explore the benefits and challenges of melding technology with appellate advocacy.

With a Foreword penned by U.S. Supreme Court Associate Justice Samuel A. Alito, Jr., *Winning on Appeal* conveys the perfect blueprint for any lawyer who wants to win on appeal.

Softbound, 500 pp., Pub. #28714, ISBN 9781601567246, eISBN 9781601567253 © 2017



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PART ONE: THE THEORY AND CRITICISMS OF WRITTEN AND ORAL ADVOCACY

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- Ch. 2 The Purpose of Brief Writing
- Ch. 3 The Purpose of Oral Argument

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PART FOUR: THE NUTS AND BOLTS OF PREPARING AND DELIVERING ORAL ARGUMENT

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- Ch. 18 Delivering the Argument

PART FIVE: CHECKLISTS

- Ch. 19 Two Important Checklists: Brief Writing and Oral Argument Preparation

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“Judge Aldisert’s classic *Winning on Appeal* has received the update that it needed and deserved. It’s the rare practice guide that offers something of tremendous value to all, regardless of your level of experience and sophistication. Reflecting on my own career of more than 25 years as an appellate advocate, this is one of the few books that has enabled me again and again to hone my appellate brief-writing and oral advocacy skills. It was indispensable then and continues to be indispensable now.”

—Howard J. Bashman  
Law Offices of Howard J. Bashman  
Author, “How Appealing” blog

“This essential volume combines vital information with practical advice from fellow practitioners and the judges who are the intended audience for appellate advocacy.”

—Paul D. Clement, former Solicitor General of the United States



Statutory Interpretation: The Search for Legislative Intent  
SECOND EDITION

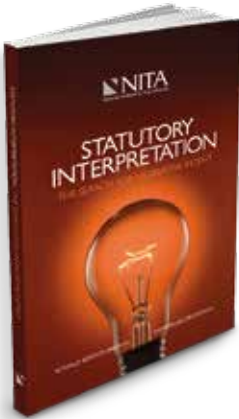
Ronald Benton Brown and Sharon Jacobs Brown

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

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

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

Softbound, 220 pp., Pub. #28710, ISBN 9781601561589, eISBN 9781632814067 © 2011



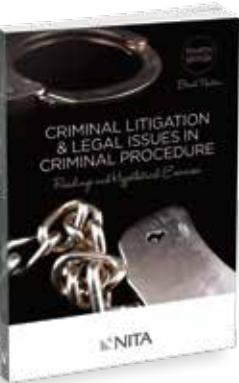
Criminal Practice

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” (e.g., learning techniques for cross-examining a witness), but does not incorporate much, if any, substantive law. Conversely, a traditional substantive course on criminal law or criminal procedure focuses exclusively on legal principles and doctrine, but does not involve training students in courtroom advocacy skills concerning substantive law. In *Criminal Litigation & 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.

Softbound, 234 pp., Pub. #28749, ISBN 9781601564283, eISBN 9781632814333 © 2014



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.

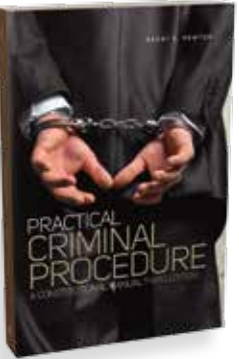
Spiral bound, 190 pp., Pub. #28685,  
ISBN 9781601566072,  
eISBN 9781601566089 © 2016

Practical Criminal Procedure: A Constitutional Manual  
THIRD EDITION

Brent E. Newton

**NEW EDITION** *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. The third edition also includes practical analysis to many new Supreme Court decisions that have significantly changed many aspects of constitutional criminal procedure.

Softbound, 340 pp., Pub. #28720, ISBN 9781601567291, eISBN 9781601567307 © 2017



Deposition and Pretrial

Administrative Agency Litigation

Christopher McNeil

Softbound, 200 pp. with CD-ROM, Pub. #28483, ISBN 9781601561442,  
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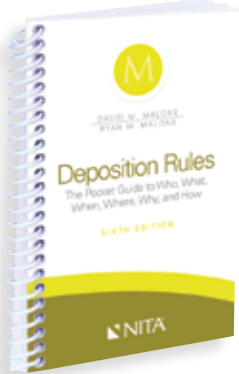
Deposition Rules: The Pocket Guide to  
Who, What, When, Where, Why, and How  
SIXTH EDITION

David M. Malone and Ryan M. Malone

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.

Spiral bound, 206 pp., Pub. #28725, ISBN 9781601564962, eISBN 9781601565082 © 2015



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 delving into the stories behind them is 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 now 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 plaintiff to defendant 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.

Softbound, 240 pp., Pub. #28698, ISBN 9781601564351, eISBN 9781632821867 © 2015



Legal Interviewing:  
Analytics and Exercises,  
Version 1—Guardianship Client  
Version 2—Criminal Client

Cristina Carmody Tilley

**NEW IN 2017** Long before the courtroom, deposition table, or settlement meeting, legal cases are won or lost on the strength of the information lawyers glean from clients and witnesses. Unfortunately, gleanng that information is a skill too often overlooked in the rush to form legal theories and determine goals. In this new experiential learning workbook, Professor Cristina Tilley provides practical advice for improving those skills. Marrying the interviewing techniques she developed as a journalist with her litigation experience and doctrinal skills, Professor Tilley uses interviewing subjects from all walks of life and shapes the resulting information in a clear and persuasive narrative form.

**Legal Interviewing: Analytics and Exercises, Version 1—Guardianship Client**  
Softbound, 108 pp., Pub. #33391, ISBN 9781601567826,  
eISBN 9781601567833 © 2017

**Legal Interviewing: Analytics and Exercises, Version 2—Criminal Client**  
Softbound, 98 pp., Pub. #33620, ISBN 9781601567840,  
eISBN 9781601567857 © 2017



The Effective Deposition: Techniques and Strategies That Work  
FOURTH EDITION

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

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



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

Softbound, 565 pp., Pub. #28738, ISBN 9781601561534, eISBN 9781632814234 © 2012

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Effective Discovery: Techniques and Strategies That Work

Peter T. Hoffman and Stuart M. Israel

**NEW IN 2017** *Effective Discovery*, companion to NITA’s best-selling *The Effective Deposition*, is a comprehensive practical guide to “paper” discovery and related undertakings—discovery conferences, plans, reports, and orders; disclosures; interrogatories; requests for production; physical and mental exams; requests for admission; electronic discovery; motions; and subpoenas. This informative and eminently readable text takes litigators through the stages of discovery, addressing: discovery objectives, planning, strategies, ethics, and rules; when and how to use discovery devices alone and in combination; how to assess which discovery devices will work best in your circumstances; how to draft discovery designed to get needed information; how to respond when the other side is evading—or refusing—your discovery; how to respond to discovery, and react to unreasonable discovery; proportionality—assessing when enough is enough, too much, or not nearly enough; what judges want and don’t want—and the “Laws of Unintended Consequences” and “What Goes Around, Comes Around.”



*Effective Discovery*, together with *The Effective Deposition*, provide an in-depth guide to discovery.

Softbound, 412 pp., Pub. #29864, ISBN 9781601564368, eISBN 9781601565112 © 2017

“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 intelligent, practical, and detailed. They represent the best of the best continuing education organizations.”

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

Effective Deposition Defense Rules  
THIRD EDITION

David M. Malone, original author; Ryan M. Malone

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.

Spiral bound, 146 pp., Pub. #28431, ISBN 9781601565402, eISBN 9781601565419 © 2016

30(b)(6) Rules: Deposing the Corporate Representative  
SECOND EDITION

David M. Malone and Ryan M. Malone

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



This new edition includes practice points providing up-to-date practical guidance.

Spiral bound, 116 pp., Pub. #28453, ISBN 9781610567192, eISBN 978151067208 © 2017

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

Deanne Siemer

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

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

Softbound, 550 pp., Pub. #28451, ISBN 9781601562661, eISBN 9781632813886 © 2013

Legal Strategy

Paul J. Zwier

Softbound, 192 pp., Pub. #28721, ISBN 9781556819230, eISBN 9781632820525 © 2005

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

David M. Malone and Paul J. Zwier

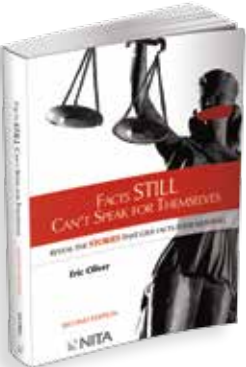
In this compact and easy-to-use handbook, David Malone and Paul Zwier provide practical advice on every aspect of creating, discovering, using, offering, and opposing exhibits in litigation.

Spiral bound, 140 pp., Pub. #28442, ISBN 9781601561961, eISBN 9781632813855 © 2013

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

Eric Oliver

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.



Softbound, 596 pp., Pub. #28711, ISBN 9781601564399, eISBN 9781632814074 © 2015



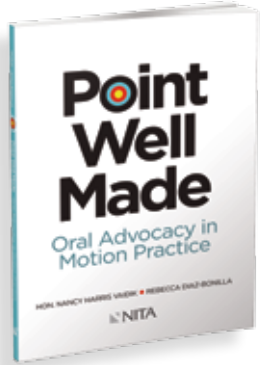
Point Well Made: Oral Advocacy in Motion Practice

Nancy Harris Vaidik and Rebecca Diaz-Bonilla

Today’s litigator must master arguing motions to succeed. How can you effectively argue a motion before a judge? How do you prepare for a motion hearing, which if you are lucky, turns into a discussion with a judge who may be concerned with nuances you may or may not have considered? In *Point Well Made: Oral Advocacy in Motion Practice*, Indiana Court of Appeals Chief Judge Nancy Vaidik and legal international communications coach Rebecca Diaz-Bonilla help get you there, with their invaluable perspectives from both on and off the bench. They teach you not only what to prepare before the hearing, but also how to be nimble and responsive once you arrive.

*Point Well Made* is a hands-on, practical guide that helps you devise your theme, persuasively relay your facts, simplify the law, prepare the right notes for the hearing, gain insight into your particular judge so you can customize your argument, deliver the motion with successful voice and body language techniques, and answer challenging questions with confidence. It helps you know what to say and how to say it, features sample language to address the varied situations you may encounter in a hearing, advises you on dealing with a multi-judge panel, and demonstrates techniques through examples and exercises.

Softbound, 172 pp., Pub. #33392, ISBN 9781601566218, eISBN 9781601566225 © 2016



“*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.”

—Hon. Patricia M. Lucas  
Presiding Judge of California Superior Court,  
Santa Clara County

Trial Prep for the New Advocate: Effective Case Preparation for Trial

Michael Coyne and Ursula Furi-Perry

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

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

Softbound, 200 pp., Pub. #28481, ISBN 9781601561305, eISBN 9781632813930 © 2011

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

Michael L. Coyne and Ursula Furi-Perry

Softbound, 238 pp., Pub. #28745, ISBN 9781601560841, eISBN 9781632820532 © 2009

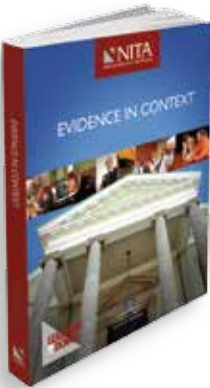
Written and Electronic Discovery: Theory and Practice

FIFTH EDITION

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

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

Softbound, 460 pp. with CD-ROM, Pub. #28740, ISBN 9781601560568, eISBN 9781632814241 © 2009



Evidence in Context: A Trial Evidence Workbook

FIFTH EDITION

Robert P. Burns, Steven Lubet, and Richard Moberly

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

Learning evidence within the context of complex fact patterns illustrates the way in which the choices an attorney makes about the theory of the case and theory of admissibility can critically affect the admissibility of evidence. Also includes over 290 problems.

Softbound, 312 pp., with exhibit materials available online, Pub. #28665, ISBN 9781601565853 © 2016

Teaching materials available

100 Vignettes for Improving Trial Evidence Skills

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

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

Softbound, 270 pp., Pub. #28719, ISBN 9781556818882, eISBN 9781632813145 © 2005

Teaching materials available

Evidence

Demonstratives: Making Effective Graphics for Trial

John Cleaves

What is it about PowerPoint® that inspires such loathing in people? In a word: bullets. For many users and their bored-stiff audiences, bulleted lists are the be-all and end-all of a PowerPoint presentation. 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.

Download Demonstratives today and see for yourself what puts the “power” in PowerPoint. Your demonstrative exhibits will never be the same.

eBook only, 136 pp., Pub. #32748, eISBN 9781601565501 © 2016



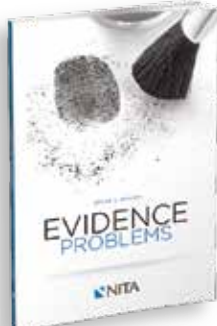
Evidence Problems

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.

Softbound, 104 pp., Pub. #28283, ISBN 9781601564290, eISBN 9781632827241 © 2014



Federal Rules of Evidence

AS AMENDED TO DECEMBER 1, 2017

**NEW EDITION** **BEST SELLER** This handy guide compiles the Federal Rules of Evidence for U.S. Courts and Magistrates, as amended through December 1, 2017. 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.

Spiral bound, 102 pp., Pub. #28684, ISBN 9781601567611, eISBN 9781601567628 © 2017

Federal Rules of Evidence with Cues and Signals for Good Objections

Deanne Siemer

Knowing the technical bases for objections is not so difficult. Law school covers that. What is much harder is recognizing a good objection very quickly when your opponent puts a question to a witness or starts using a document.

This handy guide identifies the “cues” to listen for when your opponent asks a question or the witness gives an answer. These words or phrases that are the “cues,” tell you instantly that you likely have a good objection. When you know the cues, you can object rapidly and successfully. For documents, this guide also provides the “signals” that support a useful objection. For example, many lawyers miss the objection to “lay opinion” when the writer of a document gives his own view of why something happened.

*Cues and Signals* gives you details on every objection that has been recognized in federal courts and sorts out the high-payoff objections from those of lower priority for both oral testimony and exhibits. Everything you need on objections is in one compact volume.

Spiral bound, 358 pp., Pub. #29834, ISBN 9781601565389, eISBN 9781601565396 © 2016

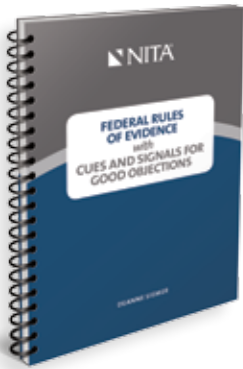


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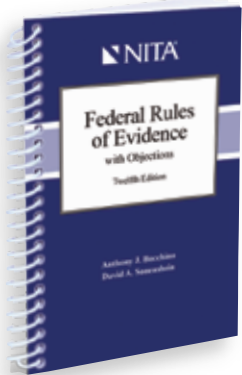
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Federal Rules of Evidence with Objections

THIRTEENTH EDITION

Anthony J. Bocchino and David A. Sonenshein

NEW EDITION BEST SELLER

*Federal Rules of Evidence with Objections* contains the complete text of the Federal Rules of Evidence as amended to December 1, 2017. This useful guide is organized for quick reference, with an alphabetical section of major objections, and includes practical tips and legal interpretations for each rule. The small-format packaging is designed so you can easily tuck the book into a pocket or briefcase. The spiral binding allows you to place the book flat on a desk or table, so you can quickly reference pages without damaging the spine.

In addition, the book lists key phrases for objections with thumb tabs for quick reference. The eBook edition is hyperlinked to the rules, providing ready reference to the full language of the applicable rule for every objection.

Spiral bound, 254 pp., Pub. #28683, ISBN 9781601567635, eISBN 9781601567642 © 2017

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Georgia Objections at Trial

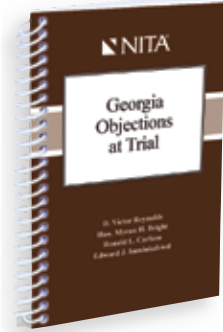
D. Victor Reynolds, Hon. Myron H. Bright, Ronald L. Carlson, and Edward J. Imwinkelried

Based on and including sections of *Objections at Trial*, 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 lightning-fast reference to objections based on the new evidence statutes.

D. Victor Reynolds joins the Hon. Myron Bright, Ronald Carlson, and Edward Imwinkelried in giving legal professionals a 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.

The eBook edition is hyperlinked to the rules, providing ready reference to the full language of the applicable rule for every objection.

Spiral bound, 693 pp. with mini CD-ROM, Pub. #29902, ISBN 9781601564382, eISBN 9781632822024 © 2015



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.

Laminated Reference Card, Pub. #29901, ISBN 9781601564047 © 2015

Objections at Trial

SEVENTH EDITION

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

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

Spiral bound, 377 pp. with mini CD-ROM, Pub. #28682, ISBN 9781601564979, eISBN 9781632820921 © 2015



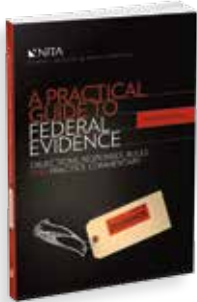
A Practical Guide to Federal Evidence: Objections, Responses, Rules, and Practice Commentary

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.

Softbound, 341 pp., Pub. #28750, ISBN 9781601564986, eISBN 9781632825995 © 2015



In all of the eBook editions of the rules books with objections, the objection and response sections are hyperlinked to the rules sections, providing ready reference to the full language of the applicable rule for every objection.

NEW EDITION

California Evidence Code with Objections

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

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Colorado Rules of Evidence with Objections

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

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Hon. Teresa J. Davenport, Lisa A. Hirsch, Anthony J. Bocchino, and David A. Sonenshein

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Illinois Evidence with Objections and Responses

FIFTH EDITION

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

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New York Evidence with Objections

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

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North Carolina Rules of Evidence with Objections and Responses

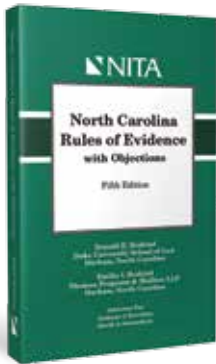
FIFTH EDITION

Donald H. Beskind and Emilia I. Beskind, with Adrienne Fox, Anthony Bocchino, and David Sonenshein

**NEW EDITION** This compact, yet complete reference guide to North Carolina evidence travels easily to the courtroom or classroom. A handy guide, it enables you to quickly reference objections and responses during trial. Objections, followed by their accurate responses, are listed alphabetically with thumb tabs so that you can go right to the one you want. The North Carolina Rules of Evidence is reproduced in its entirety in the last section of the book.

Gain insight from crucial practice tips and legal interpretations and access the rules when you need them most—this pocket-size guide is always at hand.

Softbound, 228 pp., Pub. #28798, ISBN 9781601567215, eISBN 9781601567222 © 2017



**NEW EDITION** Texas Rules of Evidence with Objections

FOURTH EDITION

Elizabeth Fraley, Hon. Edward Kinkeade, Anthony J. Bocchino, and David A. Sonenshein

Softbound, 420 pp., Pub. #28674, ISBN 9781601567376, eISBN 9781601567383 © 2017

Problems and Materials in Evidence and Trial Advocacy

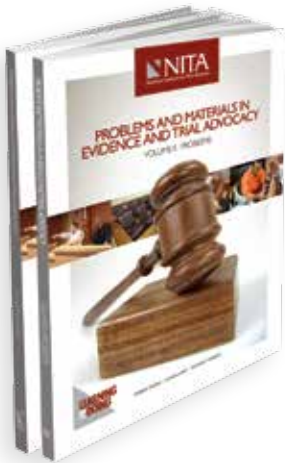
SIXTH EDITION

Robert Burns, Steven Lubet, and Richard Moberly

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

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

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.



Vol. I • Cases

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Vol. II • Problems

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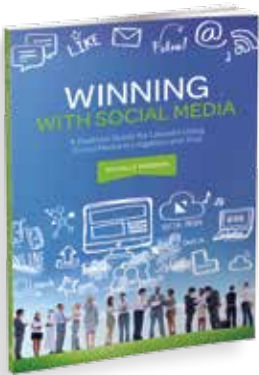
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Winning with Social Media: A Desktop Guide for Lawyers Using Social Media in Litigation and Trial

Michelle Sherman

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 oversharing 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 your discovery plan and trial preparation, and *Winning with Social Media* will help you meet that challenge.

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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-trenches 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

Expert Witness

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, admissible, and persuasive. *Effective Expert Testimony* shows the student how to examine the rules of evidence and ethics that govern the relationship of experts to lawyers, juries, and courts. Appendices are included for selected Federal Rules of Evidence, Federal Rules of Civil Procedure, Supreme Court cases, and courts of appeals cases.

Softbound, 512 pp., Pub. #28727, ISBN 9781601563408, eISBN 9781632814166 © 2014



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

SECOND EDITION

David M. Malone

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

FOURTH EDITION

Paul J. Zwier and David M. Malone

**NEW EDITION** This fourth edition contains new rules and strategies for experts, including strategies for preparation, mining the internet in discovery, using exhibits, highlighting key points on direct, and more effective cross-examinations.

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

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 amplifying the original book with:

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

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.

Softbound, 206 pp., Pub. #28748, ISBN 9781601563996, eISBN 9781632814296 © 2014

# Practice of Law

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

Andrew Hartman and Caren 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, Caren 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 unwary colleagues and help you realize your professional goals.

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## Supervisory and Leadership Skills in the Modern Law Practice

Paul J. Zwier

Softbound, 176 pp., Pub. #28730, ISBN 9781556819919, eISBN 9781632814197 © 2006

# Professional Responsibility

## Exercises and Problems in Professional Responsibility

SECOND EDITION

Robert Burns, Thomas F. Geraghty, and Steven Lubet

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

Softbound, 130 pp., Pub. #28700, ISBN 9781556816444 © 2001

Teaching materials available

## Professionalism in the Real World: Lessons for the Effective Advocate

Lisa Penland and Melissa H. Weresh

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# Trial Advocacy

## Mock Trials: Preparing, Presenting, and Winning Your Case

SECOND EDITION

Steven Lubet and Jill Trumbull-Harris

**BEST SELLER** First published in 2000, *Mock Trials* has become the leading textbook used by students and coaches to prepare for mock trial competitions. Diagrams, charts and summaries, as well as sample fact scenarios, colloquies and arguments, are used to explain complicated concepts simply.

This textbook is specifically designed for use by pre-law and law students, but the legal and stylistic techniques it teaches remain applicable throughout lawyers’ careers. It’s also perfect for mock trial coaches to use as a how-to guide.

Topics addressed in this edition include:

- Understanding the law and how trials work
- Organizing your trial binder
- Discerning the material admissible facts and outlining your case
- Devising a compelling theme and theory and telling a memorable story
- Communicating effectively both verbally and nonverbally
- Tailoring your presentation to bench trials versus jury trials
- Getting the most mileage out of pretrial dialogue with the court
- 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

Softbound, 272 pp., Pub. #28702, ISBN 9781601563330, eISBN 9781632813138 © 2014

## Modern Trial Advocacy: Analysis & Practice

FIFTH EDITION

Steven Lubet and J.C. Lore

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

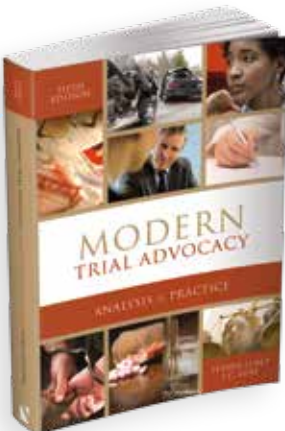
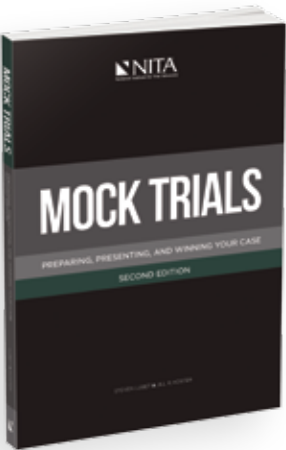
*Modern Trial Advocacy* presents a realistic and contemporary approach to learning and developing trial advocacy skills. The book offers a sophisticated theory-driven approach to advocacy training that distinguishes it from other books in the field. In addition to the valuable sections on uses of theory, 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 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

Softbound, 545 pp., Pub. #28718, ISBN 9781601564740, eISBN 9781601565075 © 2015

Teaching materials available

Law School and Canadian editions also available

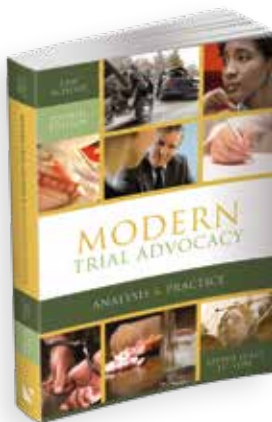


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“When I throw the book at a criminal, this is the book I throw. Quite simply, it’s the best book on trial advocacy ever written.”

—Zachary S Weiss ,  
Bronx, New York Odar Office,  
Administrative Law Judge



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 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

Softbound, 502 pp., Pub. #28722, ISBN 9781601565730, eISBN 9781601565747 © 2016

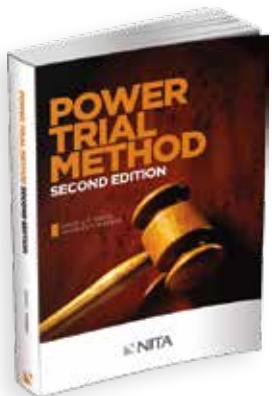
Teaching materials available  
General and Canadian editions also available

Modern Trial Advocacy: Canada

THIRD EDITION

Lisa Talbot, Cynthia Tape, and Steven Lubet

Softbound, 481 pp., Pub. #28902, ISBN 9781601560865, eISBN 9781632820549 © 2010



Power Trial Method

SECOND EDITION

David J.F. Gross and Charles F. Webber

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

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Anderson on Advocacy

Carol B. Anderson

Softbound, 768 pp., Pub. #28735,  
ISBN 9781601560247, eISBN 9781632813831 © 2003

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

Hon. Douglas S. Lavine

Softbound, 288 pp., Pub. #28706,  
ISBN 9781556817694, eISBN 9781632814043 © 2002

“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

Children in the Courtroom:  
Challenges for Lawyers and Judges

SECOND EDITION

Sherrie Bourg Carter

In *Children in the Courtroom*, the author provides law students with the critical information they need to properly review and handle cases involving child witnesses. Through a detailed discussion of the complicated legal, investigative, and developmental problems that are commonly encountered when children are involved in the legal system, Bourg Carter offers practical tips to help legal professionals maneuver through the often thorny landscape of child witness litigation.

Softbound, 190 pp., Pub. #28742, ISBN 9781601560711, eISBN 9781632814265 © 2009

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.

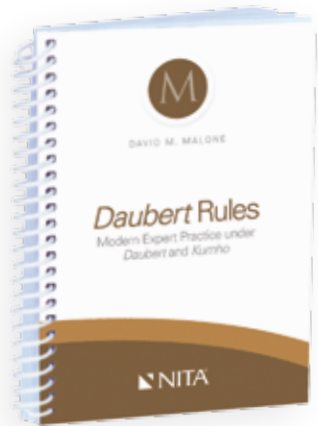
Among other topics, the relationship between the expert’s report and the adequacy of methodologies; the difference between qualitative and the quantitative sufficiency of the data used; and the fundamental importance to scientists of the concepts of testability and falsifiability are covered.

Spiral bound, 200 pp., Pub. #28456, ISBN 9781601561718, eISBN 9781632813916 © 2013

Compendium of Trial  
Advocacy Drills

Robert A. Stein and Ben Rubinowitz

Softbound, 72 pp., Pub. #28728,  
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Effective Courtroom Advocacy

Hon. Joseph F. Anderson Jr.

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

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

Softbound, 230 pp., Pub. #28927,  
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Federal Trial Objections Quick Reference Card

THIRD EDITION

Sydney A. Beckman

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

Card, Pub. #28744, ISBN 9781601565440 © 2015

Prepack of 25 cards is also available:

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Federal Rules of Civil Procedure

AS AMENDED TO DECEMBER 1, 2017

**NEW EDITION** This handy guide compiles the Federal Rules of Civil Procedure, as amended through December 1, 2017. 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.

Spiral bound, 282 pp., Pub. #28686, ISBN 9781601567574, eISBN 9781601567581 © 2017



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

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How to Try a Jury Case

John F. Kimberling

Softbound, 224 pp., Pub. #28734, ISBN 9781601560193, eISBN 9781632814227 © 2007

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

Carol B. Anderson

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

Softbound, 180 pp., Pub. #28467, ISBN 9781601561817, eISBN 9781601563095 © 2012

Jury Speech Rules: The Art of Ethical Persuasion

THIRD EDITION

David M. Malone, Ryan M. Malone, and Warren S. Radler

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

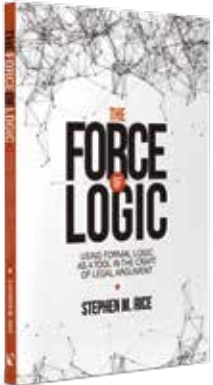
Spiral bound, 132 pp., Pub. #28444, ISBN 9781601567352, eISBN 9781601567369 © 2017

The Force of Logic: Using Formal Logic As a Tool in the Craft of Legal Argument

Stephen M. Rice

**NEW IN 2017** Have you ever read a legal opinion and come across an odd term—like the fallacy of denying the antecedent, the fallacy of the undistributed middle, or the fallacy of the illicit process—and wondered how you missed that in law school? You’re not alone: every day, lawyers make arguments that fatally trespass the rules of formal logic—without realizing it—because traditional legal education often overlooks imparting the practical wisdom of ancient philosophy as it teaches students how to “think like a lawyer.” In his publication, *The Force of Logic: Using Formal Logic as a Tool in the Craft of Legal Argument*, lawyer and law professor Stephen M. Rice guides you to develop your powers of legal reasoning in a new way, through effective tips and tactics that will forever change the way you argue your cases. He builds on the theoretical foundation of formal logic by demonstrating logical fallacies through the use of anecdotes, examples, graphical illustrations, and exercises for you to try that are derived from common case documents.

Softbound, 290 pp., Pub. #30084, ISBN 9781601566096, eISBN 9781601566102 © 2017



Jury Trials Outside In: Leveraging Psychology from Discovery to Decision

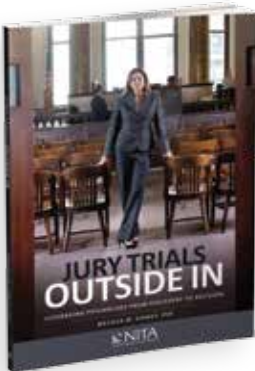
Melissa M. Gomez, PhD.

*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, trucking, and all other cases that involve human beings.

Softbound, 164 pp, Pub. #30085, ISBN 9781601565488, eISBN 9781601565495 © 2016



Problems in Trial Advocacy

2017 EDITION

Anthony J. Bocchino and Donald H. Beskind

**NEW EDITION BEST SELLER** *Problems in Trial Advocacy*, 2017 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, which are available online for download. These concise exercises give students the opportunity to learn quickly without having to memorize a full case file of facts.

Softbound, 426 pp., Pub. #28733, ISBN 9781601567314, eISBN 9781601567321 © 2017



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

Steven Wisotsky

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

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

Softbound, 110 pp., Pub. #28454, ISBN 9781601561596, eISBN 9781632813909 © 2013

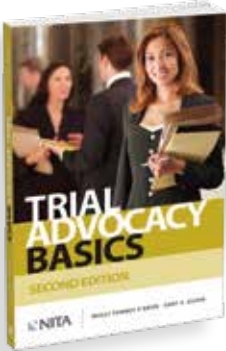
Trial Advocacy Basics

SECOND EDITION

Molly Townes O’Brien and Gary S. Gildin

*Trial Advocacy Basics* is a courtroom primer that helps both the novice advocate prepare for his first day in court and the practicing lawyer bring her skills in line with the most recent developments in trial advocacy. In the Second Edition of this law school classic, Molly Townes O’Brien and Gary Gildin provide the modern perspectives on both the *style* and *substance* of case analysis, case theory, cross-examination, impeachment, closing arguments, and presenting information using technologies.

Softbound, 262 pp., Pub. #28729, ISBN 9781601565631, eISBN 9781601565648, © 2016



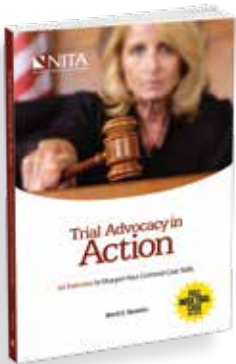
Trial Advocacy in Action: 20 Exercises to Sharpen Your Criminal Case Skills

Brent E. Newton

*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.

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

SECOND EDITION

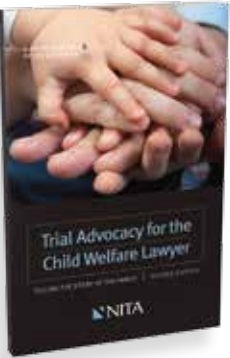
Marvin Ventrell and Patrick Furman

**NEW EDITION** *Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family* was a first-of-its-kind publication giving lawyers working in child welfare court their first real trial skills book five years ago. Thousands of lawyers became more proficient at trial work because of that seminal publication. Now, the Juvenile Law Society (JLS) has made it even better with *Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family*, Second Edition, by Marvin Ventrell and Patrick Furman.

Trials, effectively presented, are stories—stories of mothers, fathers, children—stories of the family. *Trial Advocacy for the Child Welfare Lawyer*, Second Edition 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 the Second Edition, JLS Founder and Director Marvin Ventrell teamed up with his long-time trial skills training partner and highly regarded teacher and trial lawyer, Patrick Furman as co-author. Ventrell and Furman expand the nine essential trial skills of the first edition and have added a new chapter on The Child Witness. From case analysis to opening statement; witness exam to evidentiary foundations; objections; to closing argument and professionalism and ethics, the second edition prepares the lawyer for children, parents, and state agencies to go to court.

Softbound, 243 pp., Pub. #28520, ISBN 978150166973, eISBN 978150166980 © 2017



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

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

Trialbook

THIRD EDITION

John O. Sonsteng and Roger Haydock

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

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.

Softbound, 896 pp., Pub. #28743, ISBN 9781601562456, eISBN 9781632814272 © 2013

Winning at Trial

D. Shane Read

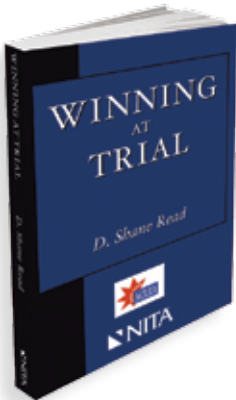
**BEST SELLER** Winner of the 2008 Award for Professional Excellence, *Winning at Trial* has been singled out by the Association for Continuing Legal Education (ACLEA) for its clarity and superb teaching methods. It uses innovative techniques to teach students and experienced lawyers alike the art of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

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

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

Softbound, 440 pp., and 2 DVDs, Pub. #28732, ISBN 9781601560018 © 2007

Teaching materials available



Winning Jury Trials: Trial Tactics and Sponsorship Strategy

THIRD EDITION

Robert H. Klonoff and Paul L. Colby

Softbound, 272 pp., Pub. #28737, ISBN 9781601560285, eISBN 9781632814210 © 2007



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“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

DVD Products

Basic Concepts in the Law of Evidence

Irving Younger

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



- Introduction to Evidence (60:00)
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- Cross-Examination, Impeachment II, Rehabilitation I (54:00)
- Rehabilitation II, Character as a Defense (23:00)
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- Hearsay and the Right to Confrontation (two DVDs: 53:00, 54:00)
- The Ten Commandments of Cross-Examination (60:00)
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Basic Concepts in the Law of Evidence (Disk 2)

Irving Younger

CD-ROM (52:00), Pub. #28906, ISBN 9781422469057 © 1975

Effective Advocate Training Program: Arbitration Advocacy

John O. Sonsteng

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Mastering the Art of Cross-Examination

Irving Younger

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

The programs cover:

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

11 DVDs (8:45:00) and support materials, Pub. #28671, ISBN 9781422479216 © 1987

Winning at Deposition

Anthony J. Bocchino

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

DVD (1:30), Pub. #28794, ISBN 9781422494165 © 1998

Opening Statements: A Modern Approach

Hon. Sanford M. Brook

DVD (1:09:00), Pub. #28673, ISBN 9781422479223 © 1993

Preparing the Lay Witness for Deposition

David A. Sonenshein and John Chesney

DVD (2:00:00) and support materials, Pub. #28668, ISBN 9781422479148 © 2002

Selecting and Preparing the Expert Witness

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

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

Technology in Litigation

Alvin F. Lindsay

3 DVDS (180:00), Pub. #28667, ISBN 9781601560186 © 2008

The Ten Commandments of Cross-Examination

Irving Younger

DVD (60:00), Pub. #28936, ISBN 9781556816260 © 1975

31 Ways to Winning Advocacy

Frank D. Rothschild

5 DVDs (4:43:00) and support materials, Pub. #28672, ISBN 9781422479094 © 1996

CASE FILES

Arson

State v. Jackson

FIFTH EDITION

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

**NEW EDITION** This criminal action was originally brought by the State of Nita against Arthur Jackson and Sonia Peterson. It is claimed that the two arranged with George Avery to destroy the Flinders Aluminum Fabrication Corporation plant by burning the plant. Avery died in the fire. The two defendants were charged with commercial arson. The case went to trial 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 companion civil case file, *Flinders v. Mismo*, involves Jackson suing to recover from the company that insured the plant. (See p. 44, in Property Insurance, for companion case file.)

132 pp. with exhibit materials available online, Pub. #28648, ISBN 9781601567130, eISBN 9781601567147 © 2017



Assault

State v. Anderson

SECOND EDITION

Joseph E. Taylor

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

140 pp. with CD-ROM, Pub. #28777, ISBN 9781601563705 © 2013

Teaching materials available



State v. Chambers  
SECOND EDITION

Joseph E. Taylor

After Mark Chambers was involved in a car accident, the responding police officer, Officer Goodfellow, attempted to arrest him for driving under the influence of alcohol. As Officer Goodfellow was placing the handcuffs on Chambers, a scuffle ensued. Chambers was then arrested for DUI-Alcohol and for Assault and Battery upon a Peace Officer.

The charges were severed and in this case file, Chambers is only being charged with Battery. Chambers filed a complaint against Officer Goodfellow for misconduct, but a hearing determined that the complaint was unfounded. Based on an actual case, *State v. Chambers* focuses on many controversial issues. The addition of social media evidence in the Second Edition adds another element to test students' skills. There are four witnesses for both the plaintiff and the defendant, including two expert witnesses.

108 pp. with CD-ROM, Pub. #28586, ISBN 9781601564849, eISBN 9781601565228 © 2015

Teaching materials available

State v. Harris  
SECOND EDITION

Laurence M. Rose

76 pp. with CD-ROM, Pub. #28781, ISBN 9781601561695 © 2011

State v. Southley  
SECOND EDITION

Barbara S. Barron and Lawrence W. Kessler

158 pp. with CD-ROM, Pub. #28645, ISBN 9781601560759 © 2009

Cosmopolitan Life Insurance Co. v. Jordan and Moore

Hon. Andrew P. Rodovich

60 pp., Pub. #28761, ISBN 9781556819360 © 2005

Teaching materials available

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

Paul J. Zwier

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

184 pp. with CD-ROM, Pub. #28622, ISBN 9781601564306, eISBN 9781632827111 © 2014

Plaintiff's Edition

156 pp. with CD-ROM, Pub. #29868, ISBN 9781601564313, eISBN 9781632827081 © 2014

Defendant's Edition

162 pp. with CD-ROM, Pub. #29869, ISBN 9781601564320, eISBN 9781632827098 © 2014

Faculty Edition

197 pp. with CD-ROM, Pub. #29867, ISBN 9781601564337, eISBN 9781632827074 © 2014

MRS v. Riverboat Queen

Cheryl Brown Wattley

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

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

192 pp. with CD-ROM, Pub. #28461, ISBN 9781601563361 © 2013

Teaching materials available



Quinlan v. Kane  
THIRD EDITION

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

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

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

Teaching materials available

Yount v. Molitor

Paul J. Zwier and William J. Hunt

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

122 pp, with CD-ROM, Pub. #32794, ISBN 9781601565426, eISBN 9781601565433 © 2015

Plaintiff's Edition

93 pp. with CD-ROM, Pub. #28310, ISBN 9781601564566, eISBN 9781632827210 © 2014

Defendant's Edition

99 pp. with CD-ROM, Pub. #28311, ISBN 9781601564573, eISBN 9781632827227 © 2014

Faculty Edition

107 pp. with CD-ROM, Pub. #28248, ISBN 9781601564252, eISBN 9781632827203 © 2014

Teaching materials available

Contracts

BMI v. Minicom, Inc.  
TENTH EDITION

Anthony J. Bocchino and Donald H. Beskind

**BEST SELLER** 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.

198 pp. with CD-ROM, Pub. #28649, ISBN 9781601563934, eISBN 9781632821829 © 2015

Plaintiff's Edition

182 pp. with CD-ROM, Pub. #28650, ISBN 9781601563958, eISBN 9781632814487 © 2015

Defendant's Edition

184 pp. with CD-ROM, Pub. #28651, ISBN 9781601563965, eISBN 9781632821836 © 2015

Teaching materials available



Faculty Edition

198 pp. with CD-ROM, Pub. #28652, ISBN 9781601563941, eISBN 9781632821843 © 2015

# Discrimination

## Stucky v. Conlee, Parsell, and Nita City SECOND EDITION

Gary S. Gildin

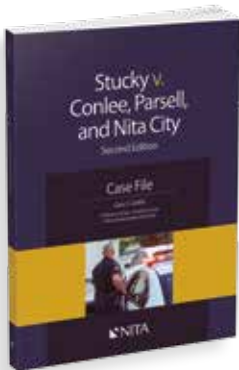
A particularly timely file, *Stucky v. Conlee, Parsell, and Nita City* is a civil rights action for damages arising out of alleged racial profiling giving rise to a traffic stop. Plaintiff Clayton Stucky is an African-American who works as a trooper with the Nita State Police. While off duty and driving his personal vehicle, Stucky was pulled over by two City of Nita police officers, who then sought consent to search the car.

Officers Conlee and Parsell, both Caucasian, allege that Stucky was driving over fifty miles per hour on a city street zoned for twenty-five miles per hour. Conlee and Parsell issued Stucky a citation for driving at an unsafe speed. Following a hearing, the district justice found Stucky not guilty of the charged traffic offense.

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

Stucky also named Nita City as a defendant, alleging that Nita City Police Chief Kurt Lieber’s training and supervision of Conlee and Parsell was deliberately indifferent with respect to the risk of racial profiling. The updated version includes electronic exhibits such as text messages and the Facebook page of one of the witnesses. Digital versions of the exhibits are available online.

272 pp. with CD-ROM, Pub. #29809, ISBN 9781601566119 © 2016



# DUI

## State v. Peyton SECOND EDITION

Elizabeth I. Boals

*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

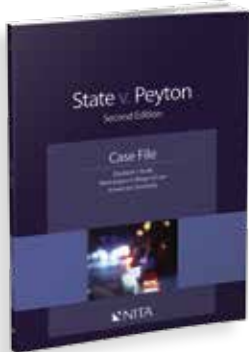
*State v. Peyton* plays out in the City of Nita. The file contains the indictment, statements, exhibits, preliminary hearing transcripts, Nita statutes, and case law, and proposed jury instructions and verdict form. For trial advocacy classrooms and programs that have the time, the case also offers optional expert testimony for each party on Peyton’s likely blood alcohol content at the time of the accident. Parties can be played by either men or women. Digital versions of the exhibits are available online for student use.

The author has also created an extensive teaching manual to not only help the professor with testimony but to provide skill exercises in the rules of evidence, refreshing recollection, impeachment by omission, impeachment by prior inconsistent statements, impeachment with bias, and expert voir dire. If you provide the environment, NITA will provide the setting for a most interesting experiential training opportunity.

127 pp. with exhibits available online, Pub. #28511, ISBN 9781601565976, eISBN 9781601565983 © 2016

(See p. 39 for the civil case file, *Addison v. Peyton, Second Edition.*)

Teaching materials available



# Dissolution of Marriage

## Allen v. Allen EXPERT EDITION

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

196 pp., Pub. #28755, ISBN 9781556819872 © 2006

### Petitioner’s Edition

186 pp., ISBN 9781556819858 © 2006

### Respondent’s Edition

186 pp., ISBN 9781556819865 © 2006

## Slovin v. Slovin SECOND EDITION

Barbara S. Barron and Lawrence W. Kessler

*Slovin v. Slovin* is a multifaceted matrimonial action that started when Rita Slovin sued her husband, Michael Slovin, for divorce under the jurisdiction’s no-fault divorce provisions.

596 pp. with CD-ROM, Pub. #28598, ISBN 9781601564818,  
eISBN 9781601565174 © 2015

Teaching materials available



## State v. James

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

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

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

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

Employment Discrimination

Polisi v. Clark and Parker & Gould

SECOND EDITION

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

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

264 pp. with CD-ROM, Pub. #28592, ISBN 9781556817274 © 2001

Teaching materials available

Plaintiff's Edition

224 pp., ISBN 9781556817724 © 2001

Defendant's Edition

202 pp., ISBN 9781556817731 © 2001



Rowe v. Pacific Quad, Inc.

FIFTH EDITION

David B. Oppenheimer and Fred C. Moss

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

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

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

The 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

116 pp. with CD-ROM, Pub. #28639, ISBN 9781601563453 © 2013

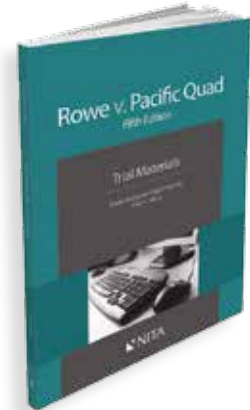
Teaching materials available

Plaintiff's Edition

126 pp. with CD-ROM, Pub. #28776, ISBN 9781601563477 © 2013

Defendant's Edition

124 pp. with CD-ROM, Pub. #28775, ISBN 9781601563484 © 2013



Faculty Edition

140 pp. with CD-ROM, Pub. #28644, ISBN 9781601563460 © 2013

Green v. Hall and Rose

SIXTH EDITION

Kenneth S. Broun

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

140 pp., Pub. #28764, ISBN 9781556815485 © 1997

Teaching materials available

Jones v. Kids-R-Ours

Paul Chill and Hollace P. Brooks

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

76 pp., Pub. #28582, ISBN 9781556814587 © 1995

Teaching materials available

Taylor v. Pinnacle Packaging Products, Inc.

THIRD EDITION

Hon. Andrew P. Rodovich and Thomas J. Leach

The plaintiff, Jamie Taylor, was hired by the defendant, Pinnacle Packaging Products, Inc., to work in the company warehouse. During her employment, the plaintiff claims she was sexually harassed by the company warehouse manager, John Hamilton. Taylor was fired by Hamilton during her probation period. The plaintiff alleges that she was fired because she resisted the advances of Hamilton. Taylor has sued Pinnacle under a Title VII claim for sexual harassment and wrongful discharge. There are three witnesses for the plaintiff and four for the defendant.

Trial Edition

86 pp. with CD-ROM, Pub. #28621, ISBN 9781601564450, eISBN 9781632822154 © 2015

Teaching materials available

Plaintiff's Edition

62 pp. with CD-ROM, Pub. #28659, ISBN 9781601564467, eISBN 9781632822130 © 2015

Defendant's Edition

62 pp. with CD-ROM, Pub. #28660, ISBN 9781601564474, eISBN 9781632822123 © 2015

Faculty Materials

80 pp. with CD-ROM, Pub. #28658, ISBN 9781601564481, eISBN 9781632822147 © 2015



Watson v. Century Technologies, Inc.

Theresa D. Moore with Patrick De Poy

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 Khouri, 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 witnesses.

*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.

125 pp. with CD-ROM, Pub. #29978, ISBN 9781601564788, eISBN 9781601565129 © 2015

Teaching materials available

Fraud

Fields v. Hoyt

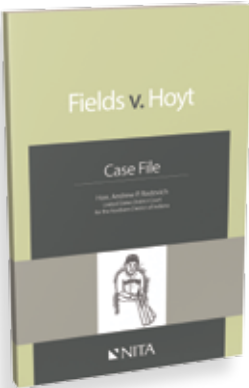
Hon. Andrew P. Rodovich

**NEW IN 2017** In 1935, Homer Hoyt took his son Robert to see the Boston Braves play the Chicago Cubs at Braves Field. Robert had recently broken his arm and had it in a cast. After Babe Ruth completed batting practice, Robert asked him to sign the cast. Rather than signing it, Ruth gave him the bat that he had used in batting practice. Decades later, Robert was unemployed and sold his bat to John Quincy. Shortly after Robert's death, his son Scott sold a bat to the plaintiff, Emmitt Fields, claiming it was the bat Babe Ruth had given to his father. Fields has sued Scott Hoyt alleging that Scott fraudulently induced him to purchase the bat.

There are three witnesses per side.

64 pp. with exhibit materials available online, Pub. #33706, ISBN 9781601567390, eISBN 9781601567406 © 2017

Teaching materials available



# Homicide

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

Hon. Randy Rich

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

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

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

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

160 pp. with CD-ROM, Pub. #28452, ISBN 9781601563248 © 2013

## 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.

112 pp. with CD-ROM, Pub. #28629, ISBN 9781601562944, eISBN 9781601566287 © 2013

Teaching materials available

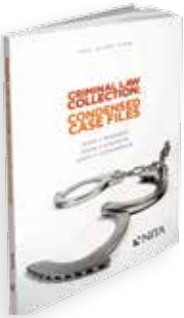
## State v. Cole

SECOND EDITION

Michael S. Sands

77 pp. with CD-ROM, Pub. #28653, ISBN 9781601561022 © 2009

Teaching materials available



## State v. Bloodworth

SECOND EDITION

Joseph E. Taylor and Aleshandra Griffith-Reed

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 him out. 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.

153 pp. with exhibit materials available online, Pub. #28432, ISBN 9781601565839, eISBN 9781601565846 © 2016

Teaching materials available



## State v. Burns

SIXTH EDITION

Anthony J. Bocchino and Donald H. Beskind

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

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

105 pp. with CD-ROM, Pub. #28570, ISBN 9781601563972 © 2014

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

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

197 pp. with CD-ROM, Pub. #28607, ISBN 9781601564511, eISBN 97816322827258 © 2014

Teaching materials available



## State v. Dawson

SECOND EDITION

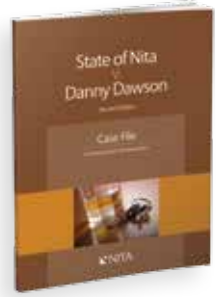
American Mock Trial Association

On September 24, YR-2, Vanessa Sullivan, daughter of Nita's most prominent prosecutor, celebrated her 21st birthday with two friends, Taylor Hopson and Danny Dawson, at Chuggie's Sports Bar. After several hours of celebration at the bar, the three left in a car driven by Dawson. On the way home, Dawson lost control of the car, resulting in a crash in which 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.

172 pp., with exhibit materials available online, Pub. #30089, ISBN 9781601565518, eISBN 9781601565525 © 2016

Teaching materials available



## State v. Diamond/State v. Doyle

SIXTH EDITION

James H. Seckinger

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 homicide. 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.

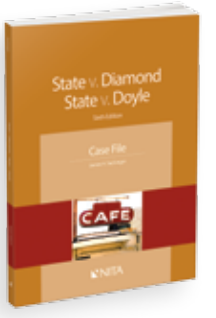
Mr. Diamond and Ms. Doyle had been in a relationship and living together for two months immediately prior to the shooting. Ms. Doyle was a waitress at the Truck Stop Cafe, and Mr. Diamond was a police officer and had just resigned from the Nita City Police Department. Mr. Diamond went to the Truck Stop 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 as *State v. Diamond* and once as *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.

160 pp., Pub. #28575, ISBN 9781601564771, eISBN 9781601565105 © 2015

Teaching materials available



## State v. Donaldson

SECOND EDITION

Joseph E. Taylor and Michael S. Sands

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

116 pp. with CD-ROM, Pub. #28780, ISBN 9781601563712 © 2013

Teaching materials available



State v. Gray

A.J. Bellido 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 dissent 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 imminent mortal danger on the job? At what point does the use of force in an encounter diverge from being appropriate and justifiable, 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.

162 pp. with exhibit materials available online, Pub. #30103, ISBN 9781601566133, eISBN 9781601566140 © 2016

Teaching materials available



State v. Jordan

Hon. Andrew P. Rodovich

46 pp., Pub. #28784, ISBN 9781556819346 © 2005

Teaching materials available

State v. Skywolf

Joseph E. Taylor

138 pp. with CD-ROM, Pub. #28643, ISBN 9781601560650 © 2008

Teaching materials available

State v. O’Neill

SIXTH EDITION

James H. Seckinger and Maureen A. Howard

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

84 pp. with CD-ROM, Pub. #28572, ISBN 9781601562081 © 2012

Teaching materials available

State v. Sanchez

SECOND EDITION

Elizabeth I. Boals

*State v. Sanchez* is a criminal case file featuring the trial of Ernesto Sanchez, who admits to fatally stabbing Patrick Connor during a street fight between two Nita City gangs. Sanchez pleads self-defense, and the circumstances surrounding the stabbing are complicated by the testimonies of other gang and community members. This case file is particularly unique because of its focus on gang activity and its use of non-traditional experts with specialized knowledge of gang behavior. 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.

123 pp. with CD-ROM, Pub. #28642, ISBN 9781601564757 © 2015

Teaching materials available

Intellectual Property

Love v. Regency

SECOND EDITION

Jonathan Rest and Edward R. Stein

In this trademark infringement case, Dr. Stanley Love, a dermatologist, alleges that Regency Plastic Surgery, PC, has infringed his common-law trademark of the “The Love Look” by using “The Look of Love” as its marketing slogan. Dr. Love is seeking injunctive relief and damages. For more than a decade, Dr. Love has marketed his cosmetic surgery practice with “The Love Look” as his slogan. Regency, a New York City practice that has opened branches around the country, registered the service mark “The Look of Love” with the U.S. Patent and Trademark Office and began using the slogan in all its marketing. Regency opened a branch practice in Dr. Love’s area about five years ago. Regency denies liability, claiming that Dr. Love had no common-law trademark because “The Love Look” is merely descriptive and therefore Dr. Love could acquire no common-law trademark rights in the slogan. Regency also claims that even if “The Love Look” has acquired trademark protection, Regency did not infringe the trademark. Finally, Regency claims that Dr. Love’s claims are barred by laches and the statute of limitations.

Because of growing media influence on litigation, the second edition of *Love v. Regency* also contains internet exhibits including:

- Websites for both businesses
- Facebook comments by customers

147 pp. with exhibit materials available online, Pub. #28436, ISBN 9781601567062, eISBN 9781601567055 © 2016

Teaching materials available



SwimTime Corp. v. Water-Fun, Inc.

Ryan H. Flax

In its debut as NITA’s very first case file on patent law, *SwimTime Corp. v. Water-Fun, Inc.*, written by D.C. intellectual property attorney Ryan H. Flax, is a civil trial for patent infringement and the defenses to these allegations, including invalidity and non-infringement. Students will dive deep into this complex litigation.

340 pp. with CD-ROM, Pub. #32729, ISBN 9781601565013, eISBN 9781601565143 © 2015

Teaching materials available



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

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

Intentional Torts/Damages

Fordyce v. Harris and Felson

SIXTH EDITION

Laurence M. Rose

90 pp. with CD-ROM, Pub. #28571, ISBN 9781601561701, © 2011

Teaching materials available

Strange v. Wrigley

THIRD EDITION

Hon. Andrew P. Rodovich

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

44 pp. with exhibit materials available online, Pub. #28619, ISBN 9781601565464, eISBN 9781601565471 © 2015

Teaching materials available

Stanton v. Armstrong

Elizabeth I. Boals and Shailee Diwanji 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. and 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: lighting and sound problems; a missing judge; changes in the scoring method. After the disastrous pageant, Miss Olympia, Inc. fired 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.

148 pp.with exhibit materials available online, Pub. #30104, ISBN 9781601565815, eISBN 9781601565822 © 2016

Teaching materials available



Juvenile

In re Lewis

J.C. Lore 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 Duval 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 court and a law school course in trial advocacy and juvenile law. To introduce more wrinkles into the case, professors may elect to teach supplemental detention materials on Tony Lewis, which include a report from Tony’s probation officer, school transcripts and suspension notices, and letters of character reference.

This case file refines the student’s advocacy and examination skills, and features four witnesses for the prosecution and three for the defense, police reports, photos, maps, and diagrams, as well as social media evidence in the form of posts to Facebook and Twitter that are accessible on online “microsites.” Exhibits are included in both print and eBook versions of the case file and are also available—for the first time in NITA history—as digital downloads in lieu of a CD-ROM.

98 pp. with exhibit materials available online, Pub. #28460, ISBN 9781601561688, eISBN 9781601565211 © 2015



In Re Pena

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

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

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

Teaching materials available

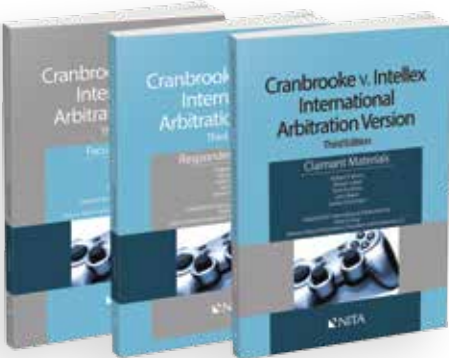
International Arbitration

Cranbrooke v. Intellex, International Arbitration Version

THIRD EDITION

Robert P. Burns, Steven Lubet, Terre Rushton, John Baker, and James Seckinger, Adapted for International Arbitration by Peter R. Day

Based on *Cranbrooke v. Intellex*, this is an excellent case file for advocacy courses focusing on international arbitration. The dispute arises because Cranbrooke Industries, PLC believes that Intellex, Inc. violated a contractual agreement that allowed Cranbrooke exclusive distribution rights of Intellex’s video gaming products. Intellex is a U.S.–based manufacturer of video game decks and cartridges, while Cranbrooke is a British company also specializing in the making and distribution of video games. There are three witnesses for both the plaintiff and the defendant, including accounting experts. 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

205 pp., Pub. #30090, ISBN 9781601567079, eISBN 9781601567093 © 2016

(See p. 39 for the related case file, *Cranbrooke v. Intellex, Third Edition.*)

Respondent Materials

199 pp., Pub. #33446, ISBN 9781601567086, eISBN 9781601567109 © 2016

Faculty Materials

233 pp., Pub. #33569, ISBN 9781601565655, eISBN 9781601565662 © 2016

Landlord-Tenant

Nita City Housing Authority v. Johnson

SECOND EDITION

Mark S. Caldwell

*Nita City Housing Authority v. Johnson* is an action for eviction. Ladonna Johnson, her two grandchildren, and her great-grandchild live at Nita Gardens, Nita City’s only public housing project. Grounds for the eviction are based on Ms. Johnson’s grandson’s alleged criminal gang activity. However, Ms. Johnson believes the eviction is in retaliation for her formation of a tenant action committee requesting the installation of fire sprinklers.

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

114 pp. with CD-ROM, Pub. #28640, ISBN 9781601562142 © 2013

Legal Ethics

In Re Cooperman

SECOND EDITION

Anthony J. Bocchino

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

90 pp., Pub. #28626, ISBN 9781556819575 © 2005

# Legal Malpractice

## Point v. Dunstable

Thomas J. Leach

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

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

119 pp. with CD-ROM, Pub. #29904, ISBN 9781601564009, eISBN 9781632827197 © 2014

Teaching materials available



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

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

## 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 the time of their arrest through verdict. Neither defendant testified in the criminal trial. Instead, the defense offered aggressive 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 proper 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 a subject for challenging questions to witnesses as well as well-reasoned closing arguments.

84 pp. with exhibit materials available online, Pub. #30087, ISBN 9781601565716, eISBN 9781601565723 © 2016



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# Licensing Agreements

## Cranbrooke v. Intellex

THIRD EDITION

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

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

236 pp. with CD-ROM, Pub. #28654, ISBN 9781601564528, eISBN 9781632822161 © 2015

(See p. 36 for the international arbitration case file, *Cranbrooke v. Intellex, International Arbitration Version, Third Edition.*)

### Plaintiff’s Edition

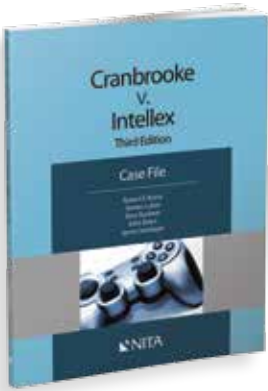
226 pp. with CD-ROM, Pub. #29893, ISBN 9781601564542, eISBN 9781632820242 © 2015

### Defendant’s Edition

226 pp. with CD-ROM, Pub. #29912, ISBN 9781601564559, eISBN 9781632822215 © 2015

### Faculty Edition

238 pp. with CD-ROM, Pub. #29892, ISBN 9781601564535, eISBN 9781632822208 © 2015



# Life Insurance

## Dixon v. Providential Life Insurance Co.

SIXTH EDITION

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

Judge John Dixon’s dead body was found with a gunshot wound in the head. His wife, the plaintiff, demands that Providential Life Insurance Company pay on Dixon’s life insurance policy, but Providential refuses. The coroner, Dixon’s personal physician, determined the death was accidental, but Providential claims the coroner’s conclusion was tainted by his friendship with the judge and that Dixon’s death was, in fact, a suicide. The student’s skills will be tested with this well-balanced file bringing in equal number of verdicts for both the plaintiff and the defense. There are four witnesses for the plaintiff and four for the defendant, including experts on both sides. *Dixon v. Providential Life Insurance Company* has a courtroom technology focus and includes electronic evidence in the form of photographs, diagrams, documents, emails, text messages, and a Facebook post on an interactive “microsite.”

168 pp. with CD-ROM, Pub. #28591, ISBN 9781601564344, eISBN 9781632814500 © 2014

Teaching materials available including video demonstrations

# Medical Malpractice

## Steele v. Kitchener

Dennis Turner

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

144 pp. with CD-ROM, Pub. #28618, ISBN 9781556818967 © 2004

Teaching materials available

# Motor Vehicle Accident

## Addison v. Peyton

SECOND EDITION

Elizabeth I. Boals

In this civil case version of *State v. Peyton*, Taylor Addison has filed a complaint against Jordan Peyton alleging negligence and negligence per se. Addison further alleges that Peyton operated her car in an unsafe manner while under the influence of alcohol and struck Addison’s car causing the coffee he was holding to spill over onto her hand, which resulted in severe burns. Addison is seeking relief for pain and suffering, medical costs, lost wages, and car damages.

With materials included for the trial of the defendant on these claims, the Second Edition of *Addison 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

There are two witnesses for the plaintiff and two for the defense. *Addison v. Peyton* also offers optional expert testimony for each party on Peyton’s likely blood-acohol content (BAC) at the time of the accident. Parties can be played by either men or women. Digital versions of the exhibits are available online for student use.

The author has also created an extensive teaching manual to not only help the professor with testimony but to provide skill exercises in the rules of evidence, refreshing recollection, impeachment by omission, impeachment by prior inconsistent statements, impeachment with bias, and expert *voir dire*. If you provide the environment, NITA will provide the setting for a most interesting experiential training opportunity.

129 pp. with exhibit materials available online, Pub. #28434, ISBN 9781601565952, eISBN 9781601565969 © 2016  
(See p. 29 for the criminal case file, *State v. Peyton*.)

Teaching materials available

## Darngood v. Landers and PUDS

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

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

195 pp. with CD-ROM, Pub. #28492, ISBN 9781601560612 © 2011

### Defendant’s Edition

193 pp. with CD-ROM, Pub. #28489, ISBN 9781601561831 © 2011

### Plaintiff’s Edition

193 pp. with CD-ROM, Pub. #28661, ISBN 9781601561824 © 2011

### Faculty Edition

195 pp. with CD-ROM, Pub. #28491, ISBN 9781601560971 © 2011



## Brown v. Byrd

SECOND EDITION

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

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

75 pp. with CD-ROM, Pub. #28597, ISBN 9781601562203, eISBN 9781601566935 © 2014

Teaching materials available

## Constantine v. Prince

SECOND EDITION

William S. Bailey

This is a wrongful death case involving bicyclist George Constantine, who, while working for a bicycle messenger service, was struck by motorist Richard Prince. The decedent’s estate seeks to recover damages from the defendant, alleging that he was going too fast and not keeping a proper lookout. The case utilizes computer animations in support of the testimony of both the plaintiff’s and defendant’s accident reconstruction experts. There are 10 witnesses for the plaintiff and four witnesses for the defendant.

114 pp. with CD-ROM, Pub. #28760, ISBN 9781601562920 © 2013

## 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.

250 pp. with CD-ROM, Pub. #28646, ISBN 9781601564801, eISBN 9781601565150 © 2015

Teaching materials available



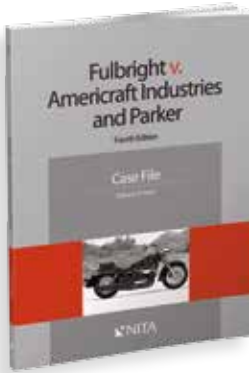
## Fulbright v. Americraft Industries and Parker

FOURTH EDITION

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

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

128 pp. with exhibit materials available online, Pub. #28641, ISBN 9781601564870, eISBN 9781601565259 © 2015



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

SIXTH EDITION

Kenneth S. Broun and Frank D. Rothschild

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

120 pp. with CD-ROM, Pub. #28604, ISBN 9781601562050 © 2012



## Reagan v. Jacobson

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

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

112 pp. with CD-ROM, Pub. #28439, ISBN 9781601561039 © 2012

## Scruggs v. Snyder

SECOND EDITION

William S. Bailey and Frederick C. Moss

216 pp. with CD-ROM, Pub. #28637, ISBN 9781601560445 © 2008

## Williamson v. Shrackle

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

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

118 pp., Pub. #28589, ISBN 9781556816802 © 1999

# Negligence

## Evans v. Washingtonia State University

Elizabeth L. Lippy

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

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

88 pp. with CD-ROM, Pub. #29903, ISBN 9781601563989, eISBN 9781632827784 © 2014  
*Teaching materials available*



## Garcia v. Vertex Manufacturing Company

SECOND EDITION

William S. Bailey and Frederick C. Moss

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

144 pp. with CD-ROM, Pub. #28608, ISBN 9781601561077 © 2011

## Huntington v. Aster

Warren Jones and Joseph E. Taylor

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

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

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

124 pp. with CD-ROM, Pub. #28458, ISBN 9781601563347 © 2013  
*Teaching materials available*

## Kemper v. Nita City Cubs Holdings, Inc.

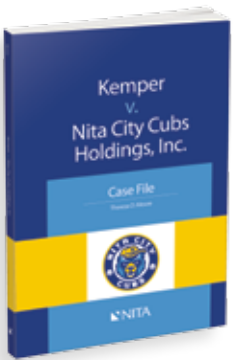
Theresa D. Moore

In *Kemper v. Nita City Cubs Holdings, Inc.*, what began as a fun afternoon at the ballpark turned into a nightmare for a baseball patron and a lawsuit for the Nita City Cubs organization. The plaintiff, Jessica Kemper, sued the baseball stadium for injuries caused by an allegedly intoxicated fan at a game. Kemper alleged violations of the Nita Dram Shop Act and negligence.

Kemper was looking forward to a baseball game with her children at Hannigan Field, home of the Nita City Cubs. What she got instead was a trip to the emergency room, several stitches, and a lawsuit for the damages she incurred. A fellow sports fan, arguably intoxicated, threw a small bat he was given as part of the Souvenir Bat Giveaway promotion and struck Kemper in the back of the head.

Was this a simple case of drunken behavior, or an example of systemic, irresponsible revelry sanctioned, and even encouraged, by the Cubs organization? Did the Cubs sacrifice safety and security to drive up “fun” at the park for all the wrong people? Either side can make a compelling case given the exhibits, testimony, and witnesses.

138 pp. with exhibit materials available online, Pub. #29979, ISBN 9781601564863, eISBN 9781601565242 © 2015



## Lang v. Anderson

SECOND EDITION

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

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

72 pp., Pub. #28596, ISBN 9781556817410 © 2001

## Powell v. SuperPulper, Inc.

SECOND EDITION

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

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

110 pp. with exhibit materials available online, Pub. #28441, ISBN 9781601564924, eISBN 9781601565327 © 2016

*Teaching materials available*

## McNamara v. Energy Dynamics, Inc.

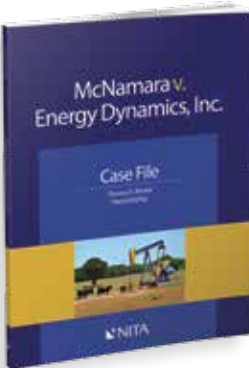
Theresa D. Moore

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 breakout 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.

158 pp. with exhibit materials available online, Pub. #30086, ISBN 9781601565693, eISBN 9781601565709 © 2016



# Product Liability

## Davis v. HappyLand Toy Company

SECOND EDITION

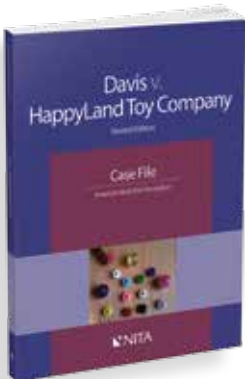
American Mock Trial Association

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.

182 pp. with CD-ROM, Pub. #32730, ISBN 9781601565020, eISBN 9781601565204 © 2015

*Teaching materials available*



# Property Insurance

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

TENTH EDITION

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

**NEW EDITION** Flinders Aluminum Fabrication Corporation burned to the ground on the night of November 16. George Avery, an employee of the plant, died inside. Plaintiff Jackson, the sole stockholder of the company, has filed a civil action lawsuit to recover damages owed from the policy issued by defendant Mismo Fire Insurance Company. The defendant has refused to pay, claiming that the fire was the work of an arsonist, thus indicating deliberate fraud. Mismo asserts that Jackson conspired with others to burn the plant in order to collect what was promised in the insurance policy.

This breach-of-contract case file has four witnesses for both the plaintiff and the defendant. Videos of the fire, deposition statements, and a PowerPoint presentation are included as part of the exhibit materials available online.

A companion criminal case file, *State v. Jackson*, involves the charge of arson against Arthur Jackson. Both case files are NITA classics that were each updated in 2017.

(See p. 25, in Arson, for companion case file.)

186 pp. with exhibit materials available online, Pub. #28628, ISBN 9781601567116, eISBN 9781601567123 © 2017

Teaching materials available



# Public Service

## Public Service Case File Packet

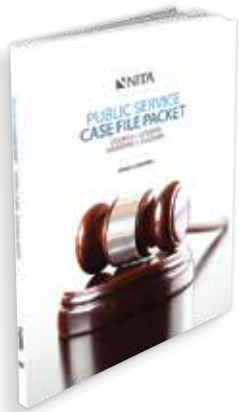
Mark S. Caldwell

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

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

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

200 pp. with CD-ROM, Pub. #28457, ISBN 9781601563231, eISBN 9781601566911 © 2013



# Sexual Assault

## State v. Stone

REVISED FOURTH EDITION

James H. Seckinger

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Teaching materials available

# Theft/Robbery

## State v. Delaney

THIRD EDITION

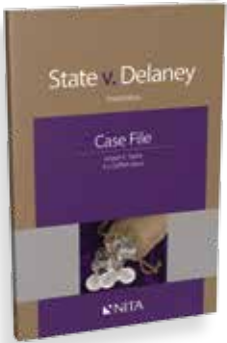
Joseph E. Taylor

**NEW EDITION** Ardel Delaney, a professional baseball player, is charged with armed robbery. The State of Nita has accused him of robbing Miller’s Fine Jewelers, holding assistant manager Lexi Waitkus at gunpoint while he emptied the safe of cash and coins. The defendant contends that this is a case of mistaken identification; he claims that at the time of the robbery he was having his car checked for emissions certification.

This case file includes four witnesses for the plaintiff and four witnesses for the defendant, including an eyewitness and expert witness on both sides. The new edition includes Facebook® pages and text messages, allowing students to experience the special challenges of building a proper foundation for the admission of media exhibits. Color copies of all exhibits are available online for reproduction and use.

140 pp. with exhibit materials available online, Pub. #28638, ISBN 9781601567154, eISBN 9781601567161 © 2017

Teaching materials available



## State v. Lawrence

SECOND EDITION

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

104 pp. with CD-ROM, Pub. #28612, ISBN 9781556818806 © 2004

## United States v. Clark

SECOND EDITION

Donald Q. Cochran

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

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

104 pp. with CD-ROM, Pub. #28631, ISBN 9781601564276, eISBN 9781632827234 © 2014

Teaching materials available

# Trade Secrets

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

John O. Sonsteng

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

149 pp. with CD-ROM, Pub. #28440, ISBN 9781601561015 © 2012

## Paul v. Dynamo

SECOND EDITION

Morgan Cloud

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

## Advocate’s Edition

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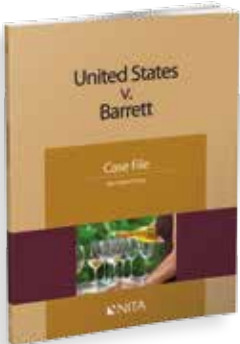
White Collar Crime

United States v. Barrett

Wes Reber Porter

When real estate superbroker Kelly Barrett invited retirees 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 bon vivant being set up to take the fall for her cohorts’ sneaky thievery? 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.

166 pp., with exhibit materials available online, Pub. #30059, ISBN 97816014565365, eISBN 9781601565372 © 2016



U.S. ex rel. Rodriguez v. Hughes, et al.

Paul J. Zwier, Reuben Guttman, Matthew J. McCoyd, Alexander G. Barney

**NEW IN 2017** Set against the war on the Mexican drug cartels and a downed Mexican Army helicopter, these files are designed for advocacy courses specializing in motion practice and trial. In this False Claims Act case, the United States, based on a whistleblower’s statements and evidence, claims that it would not have awarded the sole-source contract to retrofit helicopters but for the false statements Hughes made during negotiations. The U.S. is seeking the entire value of the contract, trebled, for a total of \$360 million plus civil penalties. The whistleblower is pitted against a ruthless ex-special operations General, and the details of the case are clouded by the mysterious suicide of an investigator. The file lists four witnesses, as well as paper and electronic and social media evidence.

The motion file also has an extensive law library so that all the materials students need to argue the various motions exercises are contained in the file.

160 pp. with exhibit materials available online, Pub. #33685, ISBN 9781601567802, eISBN 9781601567819 © 2017



Relators Materials

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Defendants Materials

311 pp., Pub. #30020, ISBN 9781601567017, eISBN 9781601567024 © 2016

Faculty Materials

341 pp., Pub. #30019, ISBN 9781601564931, eISBN 9781601565266 © 2016

Wrongful Death

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

REVISED SECOND EDITION

Thomas F. Geraghty

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

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

Teaching materials available

Gilbert v. O’Neil

Joseph E. Taylor

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

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

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.

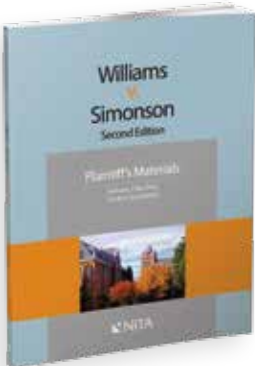
Williams v. Simonson

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.



Arbitration File

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Trial File

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

Trial Edition

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