Preface, 2nd Edition

“Mastering Trial Advocacy” provides a particular methodology for learning and applying advocacy skills designed to help you become an attorney competent in preparing and trying cases. The text is based upon years of practice and teaching. It lays out the information in a straight forward fashion designed to immediately identify what is being taught, how you should do it, and why a particular methodology is preferable.

In this edition we have added a second author, Professor Laura Anne Rose. Professor Rose teaches evidence and trial advocacy at the University of South Dakota. She also runs their trial team. Our hope is to combine the voices of advocates from different generations, identifying the core concepts of trial advocacy which reach across barriers of age, race and gender.

The structure of this book fits the needs of anyone who wants to quickly and efficiently develop mastery over a particular trial advocacy skill. We designed this text to provide maximum flexibility for anyone who uses it. You can turn to any section in the book and begin to learn that skill immediately. Each section provides a template for how to proceed with examples from cases trial lawyers routinely encounter, creating an excellent baseline approach to learning advocacy.

If you are interested in a discussion of learning trial advocacy skills in a more holistic fashion we suggest that you consider reading another Rose-Advocacy text, “Fundamental Trial Advocacy.” It teaches advocacy holistically, discussing the law, skill and art in combination with one another. That approach may not be for everyone, but if you are drawn to learning the craft of our profession in such a fashion we recommend it to you.

This text is put together in a modular design. Each section is complete in and of itself, allowing you to turn to any portion and immediately begin to learn the identified skill. We have created a companion workbook for this text titled “Mastering Trial Advocacy: Cases, Problems, & Exercises.” The examples provided throughout this text are based in part on the case files and problems contained within the companion workbook.

While not every case goes to trial in our complex world, the ability to confront your accuser or to seek redress within a court of law when you have been wronged is a quintessential part of what it means to live in a democratic society. Trials are the template for all other dispute resolution forms and the skills necessary to competently prepare and to try a case are core competencies. Trial remains the template for our adversarial process, as well as the ultimate decision making structure for a civilized society. It is the only advocacy skill taught in law school guaranteed by the U.S. Constitution.
We must master the skills necessary to try cases if we are to effectively represent clients - even if we are part of the profession who never actually make it into the four walls of the local courthouse.

We wish to thank the many friends with whom we have taught advocacy, to include members of the U.S. Army JAG Corps, the National Institute of Trial Advocacy, an entire generation of Stetson trial team members, and our colleagues at Ohio Northern University College of Law and the University of South Dakota. We also wish to thank the many attendees and presenters at Educating Advocates: Teaching Advocacy Skills. Each and every one of you has enriched our teaching, scholarship, and more importantly the quality of our lives. We look forward to many more conferences, competitions, and programs spent teaching each other the intricacies of the practice - both teaching and advocating.

No author scales the mountain of a book by themselves. We had two excellent “Tenzing Norgays” on this journey, Ms. Amanda Olson, a member of the ONU trial team, and Ms. Meaghan Janousek. Their invaluable work as our research assistants made this text possible. The mistakes within, and we am sure that they are many, are of course our own.

Enjoy!

Charles H. Rose III
Laura Anne Rose
Fall 2019
Preface, 1st Edition

“Mastering Trial Advocacy” provides a particular methodology for learning and applying advocacy skills designed to help you become an attorney competent in preparing and trying cases. The text is based upon years of practice and teaching. It lays out the information in a straightforward fashion designed to immediately identify what is being taught, how you should do it, and why a particular methodology is preferable.

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If you are interested in a discussion of learning trial advocacy skills in a more holistic fashion I suggest that you consider reading another text of mine, “Fundamental Trial Advocacy.” In that book I teach advocacy holistically, discussing the law, skill and art in combination with one another. That approach is not for everyone, but if you are drawn to learning the craft of our profession in such a fashion I recommend it to you.

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I wish to thank the many friends with whom I have taught advocacy throughout my career, to include fellow members of the U.S. Army JAG Corps, the National Institute of Trial Advocacy, and my colleagues at Stetson University College of Law. This book is made possible by their gener-
ous scholarship grant program. I am particularly indebted to Shaun Cum-
mings, Claudette Goyannes, Kristin Johnson, Khalil Madani, Diego No-
vaes, Laura Rose, Robert Seay, and Erika Wilson for their contributions.

I also wish to thank the many attendees and presenters at Stetson’s Annual
Conference Educating Advocates: Teaching Advocacy Skills. Each and
every one of you has enriched my teaching, my scholarship, and more im-
portantly the quality of my life. No author scales the mountain of a book
by themselves. I had two excellent “Tenzing Norgays” on this journey, Ms.
Victoria San Pedro, and Ms. Adrianna Corso. Their invaluable work as my
research assistants made this text possible.

As always my work would be impossible without the love and support of
my wife - Pamela. Like everything else this is for you.

The mistakes within, and I am sure that they are many, are of course my
own.

Enjoy!

Charles H. Rose III
Fall 2013