Preface

“Mastering Trial Advocacy, Cases, Problems, and Exercises” provides a particular methodology for learning and applying advocacy skills designed to help you become an attorney competent in preparing and trying cases. The second edition of this text is developed to capture specific simulated experiential learning opportunities that are based on the core competencies a student must master if they wish to become a competent trial lawyer, and builds upon the experiences gained through multiple years of teaching simulated experiential learning.

This text provides stand alone exercises, case files, and exercises based upon these case files. Students can pull out a particular assignment and begin. We have also provided the entire case file from which the facts and circumstances of the individual assignments are drawn so they be referenced if needed. They serve as excellent final trials in simulated trial advocacy courses, and work well when teaching fundamental case analysis skills.

This problems book is 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. It works best when assigned in tandem with its companion text “Mastering Trial Advocacy, 2nd Edition.”

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 clear assignment, references to templates for how to proceed and sufficient supporting evidence to advocate. If you are interested in a discussion of learning trial advocacy skills holistically you should read “Fundamental Trial Advocacy, 4th Edition.”

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. We must master the skills necessary to try cases if we are to effectively represent clients - even if we 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. Dean Rose is particularly indebted to his former students at Stetson University College of Law - Shaun Cummings, Claudette Goyannes, Kristin Gonzalez, Khalil Madani, Diego Novaes, Robert Seay, Erika Wilson, Courtney Olivier, Alexis Petrosino, Colby Connell and Joseph Sise for their contributions. He also wishes to thank the staff and faculty at Ohio Northern University College of Law for their commitment to supporting the creation of practice ready advocates who graduate, pass the bar, and lead lives as ethical leaders of their communities throughout the nation. The mistakes within, and we are sure that they are many, are of course our own.

Enjoy!
Charles H. Rose III
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Fall 2019