

TRIAL PRACTICE
PROBLEMS AND
CASE FILES

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Supplement to The Trial Process:
Law, Tactics, and Ethics, FOURTH
EDITION

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

ISBN: 978-1-42247-553-9 (Print)
ISBN: 978-0-32717-811-8 (eBook)

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Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.caplax.com

Printed in the United States of America
2021 reprint

PREFACE

This supplement contains seven case files that may be used either as full trials or as bases for individual exercises. The case files and problems derived from them are designed specifically to raise the legal, ethical and tactical issues discussed in **THE TRIAL PROCESS: LAW, TACTICS AND ETHICS FOURTH EDITION** (LexisNexis 2009), but also may be used effectively with any one of the trial advocacy textbooks that emphasizes skills and tactics.

Part one of this supplement contains a basic series of problems derived from *State v. Hunter* (case file A) and *Kesler v. Burnside* (case file B). In full-semester courses, I have tried both using one case file for the entire semester and using two case files, switching at mid-semester. Both approaches work well. I do not recommend changing case files more often; the fact patterns are too complex for students to master more than two files in a typical one-semester trial practice course. In an intensive course of four weeks or less, I recommend using a single case file throughout the course for problems

Part two of this supplement contains seven case files -- four criminal cases and three civil cases. Each case file is self-contained, including complete jury instructions. All cases are designed to be tried with either one or two student attorneys on each side. Case File F (*Kane v. Bond and the City of Bayshore*) can be tried as a three-party lawsuit with separate counsel to represent each of the two defendants in the event that a class has an odd number of students. I have strived to make the cases evenly balanced, so that both sides have realistic chances for favorable verdicts. I also have tried within cases to make all direct and cross-examinations of equivalent complexity and difficulty. The cases are set in the fictional city of Bayshore (pop. 150,000) in the imaginary state of Columbia. The location closely resembles my home town of Bloomington, Indiana, but all characters and events are fictitious. Any resemblance to any actual person or event is pure coincidence.

I am grateful to Indiana University Maurer School of Law in Bloomington for the support it has given me in the preparation of these case files. My medical consultant was the late Dr. John M. Guthrie of Green Bay, Wisconsin; my consultant on the battered woman syndrome was Lynne Henderson; Ken Dau-Schmidt led me through the economics of lost future earning capacity; Philippa M. Guthrie provided moral support. Thanks.

March 1, 2010

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