NITA

Annual Report 2005

National Institute for Trial Advocacy

NITA's Mission Statement

NITA is a dedicated team of professors, judges and practicing lawyers who believe that skilled and ethical advocacy is a critical component of legal professionalism and all systems of dispute resolution that seek justice.

NITA's mission is to:

- Promote justice through effective and ethical advocacy;
- Train and mentor lawyers to be competent and ethical advocates in pursuit of justice; and
- Develop and teach trial advocacy skills to support and promote the effective and fair administration of justice.

NITA's Mission Statement defines NITA and articulates its Mission. We will fulfill our Mission through NITA's goals and objectives to be carried out through a strategic plan outlining NITA's programs and publications.

NITA Long-Range Goals and Objectives

NITA's goals and objectives are to:

- Enable and encourage lawyers to become effective, ethical and professional advocates.
- Create and promote the highest quality professional and ethical advocacy training and educational materials.
- Support and assist the judicial system in providing the important, effective administration and resolution of disputes.
- Encourage, support and assist advocacy training for and dedication to public service.

Letter From the Chair

Dear Members of Our NITA Family:

2005 was a pivotal and exciting year in the history of NITA. Building on thirty-five years of success, growth, and dedication to the mission of NITA, the Board began to consider how the organizational structure of our enterprise needed to be shaped for the future. We realized that the growth of NITA, the demands of the profession, and the advances in technology required changes in how we support NITA's operations, programs, and publications. After careful review and study the Board decided that NITA needed to become self-sustaining employer, creating a staff of NITA employees and providing them with leadership, benefits, and an organization at a location which supported the educational goals of NITA. Following extensive committee inspection and evaluation, the Board adopted a proposed structure for the new staff and decided that this new NITA organization would be co-located with our expanded NITA National Education Center in Louisville, CO. These exciting changes began in 2005 and are continuing to be implemented during 2006.

These organizational changes were highlighted by the appointment of our Executive Director Lonny Rose as NITA's first President/CEO. Under Lonny's leadership, the organization has grown and prospered for several years. Lonny is overseeing the transition in both staff and location as we have worked to negotiate with Notre Dame for the most favorable possible treatment of the Notre Dame employees who have served NITA so faithfully for many years. As President/CEO Lonny is now working with both new and existing NITA staff to assure a smooth transition. We have been very successful in attracting talented individuals in Colorado to join NITA who share our commitment to provide excellent educational opportunities, new and expanded courses, and up-to-date legal publications.

Even in the midst of all the planning and transition, NITA finished the 2005 year with not only a positive net fiscal result, but also with an increase in the number of participants in our programs. In 2005, we trained 2,730 in our public programs, over 219 participants in our public service programs and 3,072 in our in-house programs. On the publications side, in 2005 we produced fifty new or revised editions of our teaching materials, rules or commentary books and legal treatises.

As always, NITA's accomplishments are due to the efforts of our committed faculty, professional leadership and our excellent staff. We need to make special note this year of the dedication of the many Notre Dame employees in our South Bend office who have provided years of experience and effort to making NITA Central what it has become: a supportive enterprise committed to fulfilling the goals and mission of NITA. As many of these individuals transition to other positions outside NITA, please join me in wishing them well and extending our gratitude for their years of service and affection.

With the help of our Program Directors, the guidance of our old staff, and the energy, talent, and commitment of those who now join NITA as employees, we are well positioned to grow and strengthen NITA in its mission.

Respectfully,

Joseph R. Bankoff
Chair, NITA Board of Trustees

2005 Continuing Legal Education Programs

NITA's continuing legal education (CLE) programming that was publicly advertised and available to any licensed attorney reached more than 2,700 people in 2005. In addition to NITA's flagship National Session Trial Skills program that has been held annually since 1971, there were seventeen Basic Trial Skills programs, two Advanced Trial Skills programs, three Advocacy Teacher Training programs, and twenty-two Taking and Defending Deposition Skills programs. NITA also held twenty-two programs on various advocacy skills at its National Education Center in Louisville, Colorado, and ten one-day workshops across the country.

NITA's programs are distinguished by a learning-by-doing teaching philosophy. With an average student/faculty ratio of 4:1, NITA programs guarantee quality guidance, instruction, and individualized critique. In addition, the faculty demonstrates specific advocacy skills and techniques throughout each NITA program.

The NITA CLE programs would not be possible without the outstanding service of the dedicated program directors, team leaders, and volunteer faculty. It is their belief and support of the NITA mission that is an unquantifiable benefit to the trial bar.

CLE Programs Held in 2005

January

Basic Trial Skills	Los Angeles, CA
Basic Trial Skills	New Orleans, LA
Taking & Defending Depositions	Philadelphia, PA

February

Basic Trial Skills	Fort Lauderdale, FL
Deposing the Expert Witness	Houston, TX
Deposing the Expert Witness	San Diego, CA
PowerPoint for Litigators	Louisville, CO
Taking & Defending Depositions	Houston, TX
Taking & Defending Depositions	San Diego, CA

March

Basic Trial Skills	Bloomington, IN
Basic Trial Skills	Philadelphia, PA
Basic Trial Skills	Chicago, IL
Developing Supervisory Skills	Louisville, CO
Expert Witness Deposition	Louisville, CO
Pretrial Fundamentals	Louisville, CO
Taking & Defending Depositions	Cleveland, OH
Taking & Defending Depositions	Durham, NC

April

Advocacy Teacher Training	Cambridge, MA
Basic Trial Skills	New York, NY
Basic Trial Skills	Louisville, CO
Persuasive Personal Style in Trial Advocacy	Louisville, CO
Taking & Defending Depositions	Boston, MA

May

31 Ways to Winning Advocacy	Albuquerque, NM
Advanced Negotiation & Mediation	Louisville, CO
Basic Trial Skills	Albuquerque, NM
Basic Trial Skills	Chapel Hill, NC
Case Development	Louisville, CO
Developing Supervisory Skills	Louisville, CO
PowerPoint for Litigators	Rockville, MD
PowerPoint for Litigators (twice)	New York, NY
Taking & Defending Depositions	Dallas, TX
Taking & Defending Depositions	New Orleans, LA
Writing to Persuade	Louisville, CO

June

Advocacy Teacher Training	Louisville, CO
Basic Trial Skills	Dallas, TX
Basic Trial Skills	San Francisco, CA
Basic Trial Skills	Seattle, WA
Expert Witness Deposition	Louisville, CO
Pretrial Fundamentals	Louisville, CO
Robert F. Hanley Advanced Trial Skills	Louisville, CO
Taking & Defending Depositions	Chicago, IL
Taking & Defending Depositions	Hempstead, NY
Taking & Defending Depositions	Los Angeles, CA

July

National Session—Trial Skills	Louisville, CO
PowerPoint for Litigators (twice)	Dallas, TX
PowerPoint for Litigators	San Diego, CA
Taking & Defending Depositions	Newark, NJ

August

Basic Trial Skills	Hempstead, NY
Expert Witness Depositions	Louisville, CO
Taking & Defending Depositions	Washington, DC
Taking & Defending Depositions	Orange, CA

September

Advanced Negotiation & Mediation	Louisville, CO
Basic Trial Skills	St. Paul, MN
Developing Supervisory Skills	Louisville, CO
Taking & Defending Depositions	Topeka, KS
Writing to Persuade	Louisville, CO

October

Advanced Advocacy Skills	Washington, DC
Advanced Deposition Skills	Louisville, CO
Basic Trial Skills	San Diego, CA
Persuasive Personal Style	Louisville, CO
Taking & Defending Depositions	San Francisco, CA
Taking & Defending Depositions	Seattle, WA

November

Advocacy Teacher Training	San Francisco, CA
Control in the Courtroom	Louisville, CO
Taking & Defending Depositions	Indianapolis, IN
Taking & Defending Depositions	New York, NY
Taking & Defending Depositions	Tempe, AZ

December

Advanced Negotiation & Mediation	Louisville, CO
Basic Trial Skills	Boston, MA
Developing Supervisory Skills	Louisville, CO
Expert Witness Deposition	Louisville, CO
Pretrial Fundamentals	Louisville, CO
Taking & Defending Depositions	Fort Lauderdale, FL
Taking & Defending Depositions	Louisville, CO

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Deposition, and Northeast
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Representing the Accused in a Capital Trial
Philadelphia, PA

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Cincinnati Bar Association Program
Cleveland Bar Association Program
Connecticut Bar Association Program
Jefferson County Child Advocacy Program
Public Service Attorneys Program
Rocky Mountain Child Advocacy Program
South Dakota Co-Sponsored
Tribal Courts Project (multiple programs)
Attorney at Law
Denver, CO

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Georgetown University Law Center
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North Dakota Outreach Program
Iowa Outreach Program
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ABA Legal Services Co-Sponsored
Kansas City, MO

2005 Public Service and Co-Sponsored Programs

ABA Section of Litigation Legal Services
Kansas City, MO
ACLU Trial Skills Program New York, NY
ACTL Trial Skills Program Deerfield Beach, FL
Chris Miranda Advocacy Institute Denver, CO
Cincinnati Bar Association Cincinnati, OH
Cleveland Bar Association Cleveland, OH
Connecticut Bar Association Hamden, CT
Georgetown University Law Center
Washington, DC
The Habeas Institute Atlanta, GA
Legal Services Advocacy Program
Louisville, CO

Public Service Outreach Programs

Bismarck, SD
Colville, WA
Des Moines, IA
St Croix, VI
Topeka, KS
Wisconsin Dells, WI

Representing the Accused in a Capital Trial
Philadelphia, PA
Rocky Mountain Child Advocacy
Louisville, CO
South Dakota Bar Association Vermillion, SC
Tribal Courts Project (multiple programs and topics)
Louisville, CO
Training the Lawyer to Represent the Whole Child
Hempstead, NY

International Programming Activities in 2005

Northern Ireland Law Society Belfast, NI

Law Society of Ireland Dublin, Ireland

Further Advanced Advocacy Training (Ireland, Northern Ireland, Scotland) Limerick, Ireland

International Bar Association
Prague, Czech Republic

Various NITA-ABA-CEELI Projects

Volunteer Faculty for 2005

NITA programs rely on the generosity of attorneys, judges, and law professors who donate their time and talent to our programs. Their dedication to the mission of NITA is priceless.

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NITA Publications

The NITA publishing operation continued to thrive in 2005, producing positive net revenues and a strong pipeline of projects leading into 2006.

NITA issued fifty new or revised titles in 2005. This is the largest quantity produced in any one year by NITA publishing. In addition to issuing new editions of favorite NITA titles such as *The Art of Mediation, Deposition Rules, and David Ball on Damages*, NITA also welcomed many new authors to the organization. Authors publishing books for the first time with NITA include Dr. Sherrie Bourg Carter, Eric Oliver, and Herb Rubenstein.

NITA also co-published a book with the American Bar Association (ABA). *The Patent Trial Advocacy Casebook* by Joseph Potenza, Mark Banner, and Christopher Renk will be sold by both the ABA and NITA.

In 2005, NITA shipped 350,000 books, audiotapes, videotapes, and DVDs to customers and program participants worldwide.

2005 copyright

100 Vignettes for Improving Trial Evidence Skills	Anthony Bocchino, David Sonenshein, Joanne Epps
100 Vignettes for Improving Trial Evidence Skills Teacher's Manual	Anthony Bocchino, David Sonenshein, Joanne Epps
Advanced Negotiation & Mediation Theory and Practice	Thomas Guernsey, Paul Zwier
Americans with Disabilities Commentaries and Statutes	Elizabeth Russell
The Arbitrator's Handbook, 2d ed	John Cooley
Art of Mediation, 2d ed	Mark Bennett, Scott Hughes
Carmichael, Conservator of Abigail Armistead v Fortune Fidelity Case File	Donna Harkness
Carmichael, Conservator of Abigail Armistead v Fortune Fidelity Teaching Notes	Donna Harkness
BMI Case File Teaching Notes	Anthony Bocchino
BMI Advanced Case File Teaching Notes	Anthony Bocchino
Children in the Courtroom	Sherrie Bourg Carter
Colorado Rules of Evidence with Objections, 3d ed	William Meyer, Anthony Bocchino, David Sonenshein
Cosmopolitian Life Ins Co v Jordan and Moore Case File	Hon. Andrew Rodovich
Cosmopolitian Life Ins Co v Jordan and Moore Teaching Notes	Hon. Andrew Rodovich
Criminal Litigation and Legal Issues in Criminal Procedure Teaching Notes, 2d ed	Brent Newton
Criminal Litigation and Legal Issues in Criminal Procedure, 2d ed	Brent Newton
Criminal Procedure in Practice 2005 Update	Paul Marcus, Jack Zimmerman
David Ball on Damages, 2d ed	David Ball
Deposition Evidence	Anthony Bocchino, David Sonenshein
Deposition Rules, 4th ed	David Malone
Doug Li v Ross and Ross Construction Co 2d ed	Paul Zwier
Doug Li Deposition Materials for the Advocates, 2d ed	Paul Zwier
Doug Li Deposition Materials for the Barristers, 2d ed	Paul Zwier
Doug Li Deposition Materials for the Faculty, 2d ed	Paul Zwier
EasyTech Series: 50 Great Tips	Deanne Siemer, Frank Rothschild

100 Vignettes for Improving Trial Evidence Skills	Anthony Bocchino, David Sonenshein, Joanne Epps
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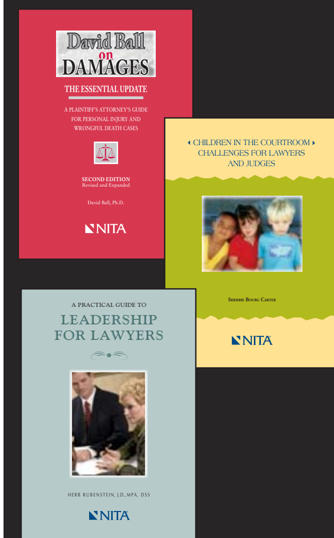
Doug Li Deposition Materials for the Faculty, 2d ed	Paul Zwier
EasyTech Series: 50 Great Tips	Deanne Siemer, Frank Rothschild
EasyTech Series: Laptop and Projector	Deanne Siemer, Frank Rothschild
Facts Can't Speak for Themselves	Eric Oliver
Federal Rules of Civil Procedure, 2005 amendments	NITA
Federal Rules of Criminal Procedure, 2005 amendments	NITA
Flinders v Mismo 7th ed	Laurence Rose, Rebecca Sitterly, Frank Rothschild
Fourth Amendments Practice and Procedure	Inga Parsons
In Re Cooperman, 2d ed	Anthony Bocchino
In Re Cooperman, 2d ed Teaching Notes	Anthony Bocchino
Jarvis v Columbia Breweries	Hon. Andrew Rodovich
Jarvis v Columbia Breweries Teaching Notes	Hon Andrew Rodovich
Jerry's Wiring Inc v Smith Construction Co, 2d ed	Anthony Bocchino
Leadership for Lawyers	Herb Rubenstein
Legal Strategy	Paul Zwier
New York Evidence with Objections PDA format	Jo Anne Harris
Patent Trial Advocacy Casebook	Joseph Potenza, Mark Banner, Christopher Renk
Polisi v Clark and Parker & Gould Teaching Notes	Anthony Bocchino
Practical Criminal Procedure: A Constitutional Manual	Brent Newton
Practical Guide to Federal Evidence, 7th ed	Anthony Bocchino, David Sonenshein
State v Cooper	Donna Harkness
State v Cooper Teaching Notes	Donna Harkness
State v Jackson, 2d ed	Laurence Rose, Rebecca Sitterly, Frank Rothschild
State v Jordan Case File	Hon. Andrew Rodovich
State v Jordan Teaching Notes	Hon. Andrew Rodovich
Taylor v Pinnacle Packaging Products Case File	Hon. Andrew Rodovich
Taylor v Pinnacle Packaging Products Teaching Notes	Hon. Andrew Rodovich



The NITA Foundation

In 2005, the NITA Foundation continued fundraising efforts supporting NITA program tuition scholarships and public service programming, generating over $417,000 in revenue. To show their support toward the valuable work that NITA does, faculty and staff contributed nearly $79,000 in support of scholarships. NITA's Board of Trustees achieved yet another year of 100% participation in contributions to our scholarship fund. The Foundation received its first true endowment, a $57,000 named scholarship fund honoring Alston Jennings Sr. of Little Rock (AR), a long-time NITA supporter and Board Member. The National Education Center (NEC) continues to provide named funding opportunities. As testament to the tremendous work that NITA does, in 2005 the "Women of the NITA Board" contributed $25,000 toward a named conference room and the law firms of Cohen Kennedy Dowd & Quigley and Jenner & Block accelerated their gifts to the Scholarship Fund by completing their courtroom pledges

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National Institute for Trial Advocacy and The NITA Foundation

Accountants' Report and Financial Statements

December 31, 2005 and 2004

National Institute for Trial Advocacy and
The NITA Foundation
December 31, 2005 and 2004

Contents

BKD LLP

Independent Accountants' Report

Board of Directors
National Institute for Trial Advocacy and
The NITA Foundation
South Bend, Indiana

We have audited the accompanying consolidated statement of financial position of National Institute for Trial Advocacy and The NITA Foundation as of December 31, 2005 and the related consolidated statements of activities and changes in net assets, cash flows and functional expenses for the year then ended. These consolidated financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audit. The financial statements of National Institute for Trial Advocacy and The NITA Foundation as of and for the year ended December 31, 2004, were audited by other accountants whose report dated March 17, 2005, expressed an unqualified opinion on those statements.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the 2005 consolidated financial statement referred to above presents fairly, in all material respects, the consolidated financial position of National Institute for Trial Advocacy and The NITA Foundation as of December 31, 2005, and the consolidated changes in its net assets and its cash flows for the year ended December 31, 2005, in conformity with accounting principles generally accepted in the United States of America.

\s\ **BKD, LLP**

March 10, 2006

National Institute for Trial Advocacy and The NITA Foundation

Consolidated Statements of Financial Position

December 31, 2005 and 2004

Assets

	2005	2004
Cash and cash equivalents	$ 616,086	$ 637,950
Accounts receivable, net of allowance; 2005 – $74,700 and 2004 – $40,000		
Accounts receivable from customer transactions	796,535	986,012
Contributions receivable	205,273	310,629
Investments	4,541,369	3,910,381
Inventory	323,586	319,262
Prepaid expenses and other	365,968	331,234
Property and equipment	315,585	503,654
Investments restricted for endowment	57,538	—
Total assets	$ 7,221,940	$ 6,999,122

Liabilities and Net Assets

	2005	2004
Liabilities		
Accounts payable	$ 455,169	$ 321,031
Due to University of Notre Dame	205,607	417,283
Royalty payable	235,996	227,282
Deferred program revenue	457,956	580,415
Accrued liabilities and other	136,475	161,436
Total liabilities	1,491,203	1,707,447
Net Assets		
Unrestricted		
Undesignated net assets	4,324,970	3,592,395
Board-designated net assets	1,253,919	1,411,896
Total unrestricted net assets	5,578,889	5,004,291
Temporarily restricted	94,689	287,384
Permanently restricted	57,159	—
Total net assets	5,730,737	5,291,675
Total liabilities and net assets	$ 7,221,940	$ 6,999,122

National Institute for Trial Advocacy and The NITA Foundation

Consolidated Statements of Activities and Changes in Net Assets

Years Ended December 31, 2005 and 2004

	2005	2004
Changes in Unrestricted Net Assets		
Revenue, gains and other support		
Contributions	$ 239,504	$ 234,129
In-kind donations	1,946,456	2,150,250
Public programs	4,161,710	3,721,019
In-house programs	4,041,099	3,413,041
Sale of materials – net of returns of $357,283 in 2005 and $381,219 in 2004	2,537,739	2,728,320
Net realized and unrealized gains on investments	164,666	392,842
Interest and dividend income	95,164	64,562
Other income	289,466	56,484
Total revenue, gains and other support	13,475,804	12,760,647
Net Assets Released from Restrictions	238,101	259,307
Total unrestricted revenue, gains and other support and net assets released from restrictions	13,713,905	13,019,954
Expenses		
Program services	10,744,759	10,570,329
Support services	2,394,548	2,083,269
Total expenses	13,139,307	12,653,598
Increase in Unrestricted Net Assets	574,598	366,356
Changes in Temporarily Restricted Net Assets		
Contributions	45,406	272,750
Net assets released from restrictions	(238,101)	(259,307)
Increase (Decrease) in Temporarily Restricted Net Assets	(192,695)	13,443
Changes in Permanently Restricted Net Assets		
Contributions	57,159	—
Increase in Permanently Restricted Net Assets	57,159	—
Increase in Net Assets	439,062	379,799
Net Assets, Beginning of Year	5,291,675	4,911,876
Net Assets, End of Year	$ 5,730,737	$ 5,291,675

National Institute for Trial Advocacy and The NITA Foundation

Consolidated Statements of Cash Flows

Years Ended December 31, 2005 and 2004

	2005	2004
Operating Activities		
Increase in net assets	$ 439,062	$ 379,799
Adjustments to reconcile increase in net assets to net cash from operating activities		
Depreciation	235,198	214,788
Loss (gain) on disposal of property and equipment	658	(1,887)
Bad debt expense	56,712	25,588
Realized and unrealized gains on investments, net	(164,666)	(392,842)
Contributions received for endowment	(57,159)	—
Changes in		
Accounts receivable	151,515	(126,835)
Contributions receivable	86,606	(93,373)
Inventory	(4,324)	11,299
Prepaid expenses and other	(34,734)	(38,661)
Accounts payable and other current liabilities	(93,785)	159,308
Deferred program revenue	(122,459)	57,786
Net cash provided by operating activities	492,624	194,970
Investing Activities		
Purchase of property and equipment	(47,787)	(124,900)
Proceeds from disposition of property and equipment	—	35,233
Purchases of investments	(1,437,270)	(1,161,664)
Proceeds from sales and maturities of investments	913,410	1,443,853
Net cash provided by (used in) investing activities	(571,647)	192,522
Financing Activities		
Proceeds from contributions for endowment	57,159	—
Net cash provided by financing activities	57,159	—
Net Increase (Decrease) in Cash and Cash Equivalents	(21,864)	387,492
Cash and Cash Equivalents, Beginning of Year	637,950	250,458
Cash and Cash Equivalents, End of Year	$ 616,086	$ 637,950

National Institute for Trial Advocacy and The NITA Foundation

Consolidated Statement of Functional Expenses

Year Ended December 31, 2005

	Program Services					Support Services			
	Public Programs	In-House Programs	Publishing	Development	Total	Management and General	Fund-raising	Eliminations	Total
Consultants	$ 1,011,617	$ 2,267,211	$ 380,239	$ —	$ 3,659,067	$ 48,567	$ 24,000	$ —	$ 3,731,634
Staff	743,078	324,884	917,254	—	1,985,216	888,629	116,139	—	2,989,984
Contributed services	1,946,456	—	—	—	1,946,456	—	—	—	1,946,456
Travel	937,541	352,723	11,676	—	1,301,940	16,514	3,753	—	1,322,207
Advertising	503,735	3,716	252,509	—	759,960	94,392	7,870	—	862,222
Occupancy	124,321	5,121	92,979	—	222,421	624,595	—	—	847,016
Production costs	—	—	405,304	—	405,304	—	—	—	405,304
Office costs	129,871	36,383	77,787	—	244,041	157,518	13,681	—	415,240
Designated scholarships	—	—	—	500,203	500,203	—	—	(500,203)	0
Teaching materials	272,688	40,141	—	—	312,829	—	—	(312,829)	0
Depreciation	38,934	378	19,864	—	59,176	176,022	—	—	235,198
Equipment maintenance and repair	41,002	641	5,355	—	46,998	49,337	—	—	96,335
Professional fees	49,657	506	21,350	—	71,513	35,162	—	—	106,675
Board of Trustees	—	—	—	—	—	100,253	—	—	100,253
Bad debts	—	682	36,531	—	37,213	749	18,750	—	56,712
Insurance	2,007	—	3,447	—	5,454	10,317	—	—	15,771
Relocation	—	—	—	—	—	8,300	—	—	8,300
Total functional expenses	$ 5,800,907	$ 3,032,386	$ 2,224,295	$ 500,203	$ 11,557,791	$ 2,210,355	$ 184,193	$ (813,032)	$ 13,139,307

See Notes to Consolidated Financial Statements

National Institute for Trial Advocacy and The NITA Foundation

Consolidated Statement of Functional Expenses

Year Ended December 31, 2004

	Program Services					Support Services			
	Public Programs	In-House Programs	Publishing	Development	Total	Management and General	Fund-raising	Eliminations	Total
Consultants	$ 946,196	$ 1,970,205	$ 398,600	$ —	$ 3,315,001	$ 6,123	$ —	$ —	$ 3,321,124
Staff	785,751	313,858	946,716	—	2,046,325	746,856	140,004	—	2,933,185
Contributed services	2,150,250	—	—	—	2,150,250	—	—	—	2,150,250
Travel	792,803	291,472	19,663	—	1,103,938	24,333	1,000	—	1,129,271
Advertising	522,002	4,159	261,275	—	787,436	115,332	7,650	—	910,418
Occupancy	130,804	37,664	93,684	—	262,152	533,645	—	—	795,797
Production costs	—	—	436,005	—	436,005	—	—	—	436,005
Office costs	112,804	50,187	98,126	—	261,117	140,404	6,853	—	408,374
Designated scholarships	—	—	—	378,722	378,722	—	—	(378,722)	0
Teaching materials	226,586	43,885	—	—	270,471	—	—	(270,471)	0
Depreciation	28,767	5,119	20,739	—	54,625	160,691	—	—	215,316
Equipment maintenance and repair	43,749	1,319	8,253	—	53,321	54,110	—	—	107,431
Professional fees	45,338	—	21,377	—	66,715	39,823	—	—	106,538
Board of Trustees	—	—	—	—	—	96,871	—	—	96,871
Bad debts	17,522	4	(3,177)	11,239	25,588	—	—	—	25,588
Insurance	3,240	—	4,616	—	7,856	9,496	—	—	17,352
Public service pro bono program	—	—	—	—	—	—	78	—	78
Total functional expenses	$ 5,805,812	$ 2,717,872	$ 2,305,877	$ 389,961	$ 11,219,522	$ 1,927,684	$ 155,585	$ (649,193)	$ 12,653,598

See Notes to Consolidated Financial Statements

National Institute for Trial Advocacy and The NITA Foundation

Notes to Consolidated Financial Statements

December 31, 2005 and 2004

Note 1: Nature of Operations and Summary of Significant Accounting Policies

Nature of Operations

The National Institute for Trial Advocacy (NITA) and The NITA Foundation (the Foundation) (collectively, the Organization) are not-for-profit organizations. The purpose of NITA is to contribute to the development of an adequately trained, professionally responsible trial bar, sufficient to serve the needs of justice in the United States. During 2003, The NITA Foundation was established to receive contributions and invest dollars to support the purpose and activities of NITA.

Since its inception, NITA has had the following corollary objectives:

- To train lawyers in trial advocacy skills and to provide financial assistance where appropriate.
- To develop methods and materials for teaching and learning the skills of an effective professional trial advocate.
- To encourage the teaching and learning of trial advocacy skills both in law schools and in continuing legal education programs throughout the United States.

Consolidation

The accounts of National Institute for Trial Advocacy and The NITA Foundation are included in the consolidated financial statements. All interorganizational accounts and transactions have been eliminated in consolidation.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts and disclosures at the date of the consolidated financial statements and the reported amounts of revenue, expenses and other changes in net assets during the reporting period. Actual results could differ from those estimates.

Cash Equivalents

The Organization considers all highly liquid investments purchased with a maturity of three months or less to be cash equivalents. At December 31, 2005 and 2004, cash equivalents consisted primarily of money market funds. At various times during the year, the Organization's cash accounts may exceed federally insured limits.

Accounts Receivable

Accounts receivable are stated at invoice amounts. An allowance for doubtful accounts is established based on a specific assessment of all invoices that remain unpaid following normal payment periods. In addition, a general valuation allowance is established for other accounts receivable based on historical loss experience. All amounts deemed uncollectible are charged against the allowance for doubtful accounts in the period that the determination is made. The allowance for doubtful accounts was $74,700 and $40,000 at December 31, 2005 and 2004, respectively.

Board-designated Funds

Board-designated funds are those funds set aside by the board for a particular purpose or activity. The NITA Foundation records contributions and investment earnings attributable to the scholarship fund in board-designated net assets. Investment earnings attributable to other board-designated funds remain in operating accounts.

Temporarily and Permanently Restricted Net Assets

Temporarily restricted net assets are those whose use by the Organization has been limited by donors to a specific time period. Permanently restricted net assets have been restricted by donors to be maintained by the Organization in perpetuity.

Investments and Investment Return

Investments in equity securities having a readily determinable fair value and in all debt securities are carried at fair value. Investment return includes dividend, interest and other investment income; realized and unrealized gains and losses on investments carried at fair value and realized gains and losses on other investments.

Investment return that is initially restricted by donor stipulation and for which the restriction will be satisfied in the same year is included in unrestricted net assets. Other investment return is reflected in the statements of activities as unrestricted, temporarily restricted or permanently restricted based upon the existence and nature of any donor or legally imposed restrictions.

Contributions

Gifts of cash and other assets received without donor stipulations are reported as unrestricted revenue and net assets. Gifts received with a donor stipulation that limits their use are reported as temporarily or permanently restricted revenue and net assets. When a donor stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions. Gifts having donor stipulations which are satisfied in the period the gift is received are reported as unrestricted revenue and net assets.

Unconditional gifts expected to be collected within one year are reported at their net realizable value. Unconditional gifts expected to be collected in future years are reported at the present value of estimated future cash flows. The resulting discount is amortized and is reported as contribution revenue.

Conditional gifts depend on the occurrence of a specified future and uncertain event to bind the potential donor and are recognized as assets and revenue when the conditions are substantially met and the gift becomes unconditional.

Inventory

Inventory consists of program materials and is recorded at the lower of cost or market. Cost is determined using the first-in, first-out method. Product development costs are accumulated as a component of inventory until the product is completed. Costs are then amortized over 18 months. Costs for products that are determined to not be viable are expensed.

Property and Equipment

Property and equipment are recorded at cost. Depreciation is computed on a straight-line basis over the estimated useful lives of the assets, generally three to five years.

Royalty Payable

Royalty payable consists of amounts owed to authors and publishers on program materials sold with royalty arrangements. Amounts charged to expense for the years ended December 31, 2005 and 2004 were $235,996 and $227,281, respectively.

Revenue Recognition

Program revenue is recognized when the service is provided. Advance payments collected are recorded as deferred revenue until the program is provided.

NITA recognized sales of material as products are shipped. NITA performs an ongoing evaluation of its customer’s financial condition and credit is extended to customers on an unsecured basis.

Designated Scholarships Awarded

Designated scholarships awarded represent discounts allowed to students to reduce the students’ overall cost for tuition and various other fees. These discounts are given to students in the course of providing educational services and the amounts, as well as the individual recipients, are decided by NITA. The Foundation utilizes earnings on investments designated for scholarships and contribution revenue to finance scholarships awarded. Designated scholarships awarded are funded by the Foundation and are reported on the consolidated statement as a reduction to NITA program tuition income. For the years ended December 31, 2005 and 2004, designated scholarships awarded were $500,203 and $378,722, respectively.

Advertising Expenses

NITA and The NITA Foundation incur advertising expense in the promotion of programs. These expenses were approximately $854,000 and $910,000 for the years ended December 31, 2005 and 2004, respectively.

Income Taxes

NITA and the Foundation are not-for-profit corporations as described in Section 501(c)(3) of the Internal Revenue Code and are exempt from federal and state taxes.

Reclassifications

Certain reclassifications have been made to the 2004 financial statements to conform to the 2005 financial statement presentation. These reclassifications had no effect on change in net assets.

Note 2: Investments and Investment Return

Investments consisted of the following at December 31:

	2005	2004
Collective investment funds	$ —	$ 312,338
Corporate stocks	365,310	2,418,583
Corporate bonds	285,000	1,179,460
Mutual funds	3,948,597	—
Total	$ 4,598,907	$ 3,910,381

Financial statement classification:

	2005	2004
Investments	$ 4,541,369	$ 3,910,381
Investments restricted for endowment	57,538	—
Total	$ 4,598,907	$ 3,910,381

Note 3: Contributions Receivable

Contributions receivable consist of several unconditional promises to give. They are included as follows:

	2005	2004
Due within one year	$ 124,230	$ 133,972
Due in one to five years	116,250	228,220
Total	240,480	362,192
Less unamortized discount, using 5.25% discount rate	(18,165)	(19,631)
Less allowance for uncollectible contributions	(17,042)	(31,932)
	$ 205,273	$ 310,629

Note 4: Property and Equipment

The cost of property and equipment is summarized as follows:

	2005	2004
Furniture and fixtures	$ 1,467,430	$ 1,607,394
Computer equipment and software	48,973	112,620
Leasehold improvements	121,658	121,658
Other	—	58,000
	1,638,061	1,899,672
Accumulated depreciation	(1,322,476)	(1,396,018)
	$ 315,585	$ 503,654

Note 5: Due to University of Notre Dame

The Institute contracts with the University of Notre Dame for employee salaries and fringe benefits. Salaries and fringe benefits were approximately $2,512,000 and $2,547,000 during the years ended December 31, 2005 and 2004, respectively.

Note 6: Board-designated Net Assets

The board-designated net assets are summarized as follows:

	2005	2004
Beginning of the year	$ 1,224,189	$ 1,368,782
Contributions	342,226	234,129
Scholarships disbursed	(500,203)	(378,722)
Scholarship total	1,066,212	1,224,189
Replacement and improvement of equipment	179,200	179,200
Research and development fund	8,507	8,507
Total	$ 1,253,919	$ 1,411,896

Note 7: Temporarily and Permanently Restricted Net Assets

Temporarily Restricted Net Assets

Temporarily restricted net assets at December 31, 2005 and 2004 are restricted for the following:

	2005	2004
Contributions restricted for time and specific program use	$ 94,689	$ 287,384

Permanently Restricted Net Assets

Permanently restricted net assets at December 31, 2005 and 2004 are restricted for the following:

	2005	2004
Time restrictions (contributions receivable)	$ 57,159	$ 0

Net Assets Released from Restrictions

Net assets were released from donor restrictions by the passage of time and collecting the contributions receivable.

	2005	2004
Time restrictions released	$ 238,101	$ 259,307

Note 8: Operating Leases

At December 31, 2005 and 2004, NITA was committed under a noncancellable building lease in South Bend, Indiana that expires in December 31, 2010. The lease requires NITA to pay for utilities, insurance, normal maintenance and real estate taxes.

At December 31, 2005 and 2004, NITA was committed under a noncancellable building lease for the National Education Center in Colorado that expires January 31, 2011. The lease requires NITA to pay for operating expenses.

NITA has several noncancellable operating leases on office equipment with varying expiration dates.

The following total minimum annual rentals are required:

Years Ending December 31,	
2006	$ 523,344
2007	532,778
2008	510,215
2009	517,428
2010	553,865
	$ 2,637,630

Note 9: Public Program Revenue

In furtherance of its objective to train lawyers in trial advocacy skills, NITA provides financial assistance to individuals that meet criteria established by its Board of Trustees and provides certain classes at no charge to attendees. Pro bono sections in public programs provide full tuition remission for legal aid and other public service lawyers, allowing them to participate in hands-on NITA programming with other lawyers representing various segments of the legal community. Gross program tuition for the years ended December 31, 2005 and 2004 has been reduced as follows:

	2005	2004
Public program revenue	$ 4,661,913	$ 4,099,741
Plus scholarships disbursed and pro bono discounts	(500,203)	(378,722)
Total	$ 4,161,710	$ 3,721,019

Note 10: Contributed Services

In accordance with Statement of Financial Accounting Standards 116, *Accounting for Contributions Received and Contributions Made*, NITA records revenue and expense for the fair value of volunteers contributing services that require specialized skills. NITA conducts programs and develops materials to train professional trial advocates. NITA depends on individuals within the profession to volunteer their services and knowledge to assist in these endeavors. The reporting is based upon NITA's estimate of the fair value of these services as determined by the Board of Trustees. NITA has included $1,946,456 and $2,150,250 of revenues and expenses in the statements of activities and changes in net assets for the years ended December 31, 2005 and 2004, respectively.

Note 11: Functional Expenses

Public Programs

Public program expenses relate to costs in developing, producing and presenting seminars and programs. Included within this category are contributed services, discussed in Note 10.

In-house Programs

In-house program expenses relate to special programs requested by individual and corporate groups.

Publishing

Publishing expenses relate to costs associated with the production and sales of books, as well as audio and videocassettes.

Scholarships

Scholarship expenses relate to disbursements of scholarship funds by NITA for NITA programs.

Management and General

Administrative expenses relate to costs of maintaining NITA's administrative offices.

Fundraising

Fundraising expenses relate to costs associated with obtaining grants and scholarships from donors.

Eliminations

Publishing revenue and program teaching expenses are eliminated for materials produced by NITA and sold to public programs.

Note 12: Subsequent Events

Subsequent to year end, the Foundation began the process to move its operations to Colorado. With the anticipation of the move, NITA offered severance packages to many of the current employees contingent on the employees working through certain dates in 2006. The amount of the contingent severance packages was approximately $274,000.

Supplementary Information

Independent Accountants' Report on Supplementary Information

Board of Directors
National Institute for Trial Advocacy and
The NITA Foundation
Colorado Springs, Colorado

We have audited the consolidated financial statement of National Institute for Trial Advocacy and The NITA Foundation as of December 31, 2005. Our audit was made for the purpose of forming an opinion on the consolidated financial statements taken as a whole. The accompanying consolidating statement of financial position and consolidating statement of activities and changes in net assets are presented for the purpose of additional analysis of the consolidated financial statements rather than to present the financial position and results of operations of the individual organizations and are not a required part of the basic consolidated financial statements and, in our opinion, is fairly stated in all material respects in relation to the consolidated financial statements taken as a whole.

March 10, 2006

National Institute for Trial Advocacy and The NITA Foundation

Consolidating Statements of Financial Position

December 31, 2005 and 2004

	NITA	NITA Foundation	Eliminating Entries	Total 2005	Total 2004
Assets					
Cash and cash equivalents	$ 275,009	$ 341,077	$ —	$ 616,086	$ 637,950
Accounts receivable					
Accounts receivable from customer transactions	865,464	3,609	(72,538)	796,535	986,012
Contributions receivable	—	205,273	—	205,273	310,629
Investments	1,203,703	3,337,666	—	4,541,369	3,910,381
Inventory	323,586	—	—	323,586	319,262
Prepaid expenses and other	350,405	15,563	—	365,968	331,234
Property and equipment	315,585	—	—	315,585	503,654
Investments restricted for endowment	—	57,538	—	57,538	0
	$ 3,333,752	$ 3,960,726	$ (72,538)	$ 7,221,940	$ 6,999,122

National Institute for Trial Advocacy and The NITA Foundation

Consolidating Statements of Financial Position

December 31, 2005 and 2004

	NITA	NITA Foundation	Eliminating Entries	Total 2005	Total 2004
Liabilities and Net Assets					
Liabilities					
Accounts payable	$ 493,217	$ 34,490	$ (72,538)	$ 455,169	$ 321,031
Due to University of Notre Dame	205,607	—	—	205,607	417,283
Royalty payable	235,996	—	—	235,996	227,282
Deferred program revenue	457,956	—	—	457,956	580,415
Accrued liabilities and other	136,475	—	—	136,475	161,436
Total liabilities	1,529,251	34,490	(72,538)	1,491,203	1,707,447
Net Assets					
Unrestricted					
Undesignated net assets	1,616,794	2,708,176	—	4,324,970	3,592,395
Board-designated net assets	187,707	1,066,212	—	1,253,919	1,411,896
Total unrestricted net assets	1,804,501	3,774,388	—	5,578,889	5,004,291
Temporarily restricted net assets	—	94,689	—	94,689	287,384
Permanently restricted net assets	—	57,159	—	57,159	0
Total net assets	1,804,501	3,926,236	—	5,730,737	5,291,675
Total liabilities and net assets	$ 3,333,752	$ 3,960,726	$ (72,538)	$ 7,221,940	$ 6,999,122

National Institute for Trial Advocacy and The NITA Foundation

Consolidating Statements of Activities and Changes in Net Assets

December 31, 2005 and 2004

	NITA	NITA Foundation	Eliminating Entries	Total 2005	Total 2004
Unrestricted Revenue, Gains and Other Support					
Contributions	$ —	$ 239,504	$ —	$ 239,504	$ 234,129
In-kind donations	1,946,456	—	—	1,946,456	2,150,250
Public programs	4,661,913	—	(500,203)	4,161,710	3,721,019
In-house programs	4,041,099	—	—	4,041,099	3,413,041
Sale of materials	2,537,739	—	—	2,537,739	2,728,320
Net realized and unrealized gains and losses on investments	(11,259)	175,925	—	164,666	392,842
Investment income	32,269	62,895	—	95,164	64,562
Other income	289,466	—	—	289,466	56,484
Total unrestricted revenue, gains and other support	13,497,683	478,324	(500,203)	13,475,804	12,760,647
Net Assets Released from Restrictions	—	238,101	—	238,101	259,307
Unrestricted Expenses and Losses	13,497,683	716,425	(500,203)	13,713,905	13,019,954
Program Service					
Staff	3,659,067	—	—	3,659,067	2,046,325
Consultants	1,985,216	—	—	1,985,216	3,315,000
Contributed services	1,946,456	—	—	1,946,456	2,150,250
Travel	1,301,940	—	—	1,301,940	1,103,938
Advertising	759,960	—	—	759,960	787,436
Occupancy	222,421	—	—	222,421	262,151
Production costs	405,304	—	—	405,304	436,005
Office costs	244,041	—	—	244,041	261,118
Designated scholarships	—	500,203	(500,203)	0	0
Depreciation	59,176	—	—	59,176	54,625
Equipment maintenance and repair	46,998	—	—	46,998	53,321
Professional fees	71,513	—	—	71,513	66,716
Bad debts	37,213	—	—	37,213	25,588
Insurance	5,454	—	—	5,454	7,856
Total program service expenses	10,744,759	500,203	(500,203)	10,744,759	10,570,329

National Institute for Trial Advocacy and The NITA Foundation

Consolidating Statements of Activities and Changes in Net Assets (continued)

December 31, 2005 and 2004

	NITA	NITA Foundation	Eliminating Entries	Total 2005	Total 2004
Total program service expenses	10,744,759	500,203	(500,203)	10,744,759	10,570,329
Support Services	2,191,161	203,387	—	2,394,548	2,083,269
Total unrestricted expenses and losses	12,935,920	703,590	(500,203)	13,139,307	12,653,598
Increase in Unrestricted Net Assets	561,763	12,835	—	574,598	366,356
Changes in Temporarily Restricted Net Assets					
Contributions	—	45,406	—	45,406	272,750
Net assets released from restrictions	—	(238,101)	—	(238,101)	(259,307)
Increase (Decrease) in Temporarily Restricted Net Assets	—	(192,695)	—	(192,695)	13,443
Changes in Permanently Restricted Net Assets					
Contributions	—	57,159	—	57,159	0
Increase in Permanently Restricted Net Assets	—	57,159	—	57,159	0
Increase (Decrease) in Net Assets	561,763	(122,701)	—	439,062	379,799
Net Assets, Beginning of Year	1,242,738	4,048,937	—	5,291,675	4,911,876
Net Assets, End of Year	$ 1,804,501	$ 3,926,236	$ 0	$ 5,730,737	$ 5,291,675

NITA®

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