



National Institute for Trial Advocacy



Annual Report 2004



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Dear Members of Our NITA Family:

For more than thirty years, NITA has been a pioneer in the teaching of advocacy. Yet, 2004 was a pivotal year in the history of NITA. While every year presents its challenges, this year NITA expanded its educational opportunities and made great strides in the development of new and exciting courses. At the same time, the legal economy experienced a dramatic economic change, with a view towards maximizing law firm net resources. Nonetheless, we finished the year with a positive net result and look forward to a resurgence in 2005.



Our efforts at the National Education Center continue, with the development of a research and design plan to introduce experimental and innovative programming destined to become new NITA regular programs. Capitalizing upon our efforts of predicting the new skills lawyers will need in the changing legal economy, new programming in Persuasive Oral and Written Advocacy, Control in the Courtroom, Advanced Negotiation and Mediation, and Pretrial Fundamentals was offered. Our ability to have Martindale-Hubbell highlight program completion in its legal directory will aid us in stimulating program attendance.

In our public programs we trained 2,681 participants and added new programs in Connecticut and Kansas. In our public service programs we trained over 388 participants, and complemented our traditional programming with outreach programs in four locations. And in our in-house programs we trained more than 2,500 participants.

In 2004, we published forty-five new or revised editions of our teaching materials, rules or commentaries books, and legal treatises.

An important relationship was developed with LexisNexis, an international participant in the legal community, which will allow us to expand our efforts in programming, especially in on-line and information retrieval, book publishing, and participant and faculty support at our programs.

All of this activity is due to the efforts of our committed faculty, professional leadership, and dedicated staff at both our South Bend, Indiana, and Louisville, Colorado, locations. We acknowledge the contributions these valuable people have made to NITA in 2004 and look forward to working with them and you in the years to come.

Respectfully,

A handwritten signature in black ink, appearing to read "Joe Bankoff". The signature is fluid and cursive, written over a light blue horizontal line.

Joseph R. Bankoff

Chair, NITA Board of Trustees

National Education Center

2004 was the first full operating year of the National Education Center (NEC), a 26,500 square foot, state-of-the-art courtroom and conference room facility in Louisville, Colorado, just outside Boulder.

The National Education Center is comprised of 13 courtrooms of varying sizes; 14 conference rooms for deposition, mediations, witness preparation, and video review; a dining commons that seats up to 150; and a suite of offices. With courtrooms featuring ceiling-mounted LCD projectors and screens; full connectivity for laptop computers; state-of-the-art video and audio equipment; and VCR/DVD review stations in each conference room, programs held at the NEC offer the latest in technology to assure the most meaningful learning experience possible.

In addition to housing over 30 NITA programs in 2004, the National Education Center hosted a variety of gatherings including multi-office law firm retreats; collaborative meetings or training programs that bring together corporate and outside counsel; training programs offered jointly by NITA and other professional organizations; training programs or meetings conducted independently of NITA; focus groups; and mock trials.

NITA and LexisNexis

In 2004, NITA formed a six-year alliance with LexisNexis, the renowned provider of information for the legal profession. This alliance provides professional support for NITA students and faculty in jointly-sponsored programs and publishing.

This relationship complements the Martindale-Hubbell Designation Program established in 2003, which recognizes attendance and teaching at NITA programs.

Public Service

In 2004, NITA's Board of Trustees approved considerable funding for several outreach programs which brought hands-on NITA training to public service attorneys and assigned counsel practicing in small firms in remote locations throughout the country where NITA training is not otherwise accessible. This effort supplemented NITA's traditional public service programming in child advocacy, death penalty defense, legal services, and Native American advocacy. In addition, NITA was awarded a substantial grant to conduct training for

advocates for victims of domestic violence. NITA proudly sponsored or co-sponsored the following public service programs in 2004:

Public Interest Sections at NITA Public Programs	NYC Trial Skills Northeast Trial Skills Pacific Trial Skills New England Trial Skills
Outreach Programs	Albany, NY Des Moines, IA Tucson, AZ Albuquerque, NM Tempe, AZ
ABA Section of Litigation Legal Services	
ACLU Trial Skills Program	New York, NY
Child Advocacy: Training the Lawyer to Represent the Whole Child	Hempstead, NY
Trial Skills for Juvenile and Family Court Practitioners	Houston, TX
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
Jefferson County Office of the Child's Representative	Golden, CO
Representing the Accused in a Capital Trial	Houston, TX
Rocky Mountain Child Advocacy Program	Louisville, CO
Tribal Courts Project	Louisville, CO
Basic Trial Skills for Tribal Advocates (twice)	
Advanced Trial Skills for Tribal Advocates	
Basic Evidence and Procedure for Tribal Courts	
International:	
Northern Ireland Further Advanced Advocacy Program	Belfast & Newcastle
Ireland Further Advanced Advocacy Program	Dublin
Law Society of Ireland Trial Advocacy	Kilkenny

International

NITA's international efforts continue to supplement the mission to improve the trial bar by promoting the rule of law inherent in the American legal system and fostering a greater respect for the principles of American trial advocacy. Additionally, the information gained in teaching abroad provides domestic participants with international aspects of litigation. In 2004, NITA assisted the Law Society of Northern Ireland in producing its fifth annual program leading to the Solicitor-Advocate designation, and the Law Society of Ireland in its Third Advanced Advocacy Program for Solicitors. NITA

convened the first-ever cross-border advocacy training for Scotland, Northern Ireland, and Ireland law societies, bringing together solicitors from across the political, cultural, and geographic divide. Continuing with NITA's history in Africa, child and family advocacy programs were held in Tanzania and South Africa. These programs were conducted by faculty and Board members under the supervision of Tom Geraghty, Holly Hill, Jim Ferguson, Ken Broun, and Rudy Pierce.

Fund Raising and The NITA Foundation

In 2004, the NITA Foundation continued fund-raising efforts supporting NITA program tuition scholarships and public service programming. NITA's Board of Trustees achieved another year of 100% participation in contributions to our scholarship fund. Similarly, faculty and staff contributed in record numbers to support scholarships. Utilizing the NEC courtrooms and conference rooms as naming opportunities, Executive Director Lonny Rose headed a \$1.275 million fund-raising campaign, designed to increase the scholarship endowment at the NITA Foundation. As of the end of the year, more than \$840,000 has been pledged towards that goal.

Business and Financial

2004 allowed NITA to continue its commitment to broadening its markets to better fulfill its mission. With the establishment of the National Education Center, NITA is now able to partner with many organizations and firms to collaborate on programming opportunities. NITA actively seeks such opportunities while at the same time pro-actively seeking to acquire publications and build relationships that will enable the institute to make a greater contribution to the practice and law school materials currently available to the legal community.

Accordingly in 2004, NITA trained over 5,500 attorneys, published 45 new editions or new books, distributed over 82,000 publications, and raised over \$230,000 in contributions to the scholarship fund, which contributed to a net surplus detailed more fully in the audited financial section of this report. Conservative fiscal management allows NITA to offer outreach and public service programming, experimental and development initiatives, and publications expansion as we experience the effects of the legal profession's economics.

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 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.



2004—NITA and the NITA Foundation

To the Board of Trustees

National Institute for Trial Advocacy and
NITA Foundation

We have audited the accompanying combined statement of financial position of National Institute for Trial Advocacy and NITA Foundation as of December 31, 2004 and 2003 and the related combined statements of activities and changes in net assets, functional expenses and cash flows for the years then ended. These combined financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these

combined financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits 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 provide a reasonable basis for our opinion.

In our opinion, the combined financial statements referred to above present fairly, in all material respects, the combined financial position of National Institute for Trial Advocacy and NITA Foundation at December 31, 2004 and 2003 and the combined changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

March 17, 2005
Plante & Moran, PLLC

Combined Statement of Financial Position

	December 31	
	2004	2003
Assets		
Cash and cash equivalents	\$ 637,950	\$ 250,458
Accounts receivable:		
A/R from customer transactions	986,012	884,765
Contributions receivable (Note 3)	310,629	217,256
Investments (Note 2)	3,910,381	3,799,728
Inventory	319,262	330,561
Prepaid expenses and other	331,234	292,573
Property and equipment (Note 4)	<u>503,654</u>	<u>626,888</u>
Total assets	\$ 6,999,122	\$ 6,402,229
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 321,031	391,852
Due to Notre Dame (Note 5)	417,283	199,305
Royalty payable	227,282	199,444
Deferred program revenue	580,415	522,629
Accrued liabilities and other	<u>161,436</u>	<u>177,123</u>
Total liabilities	1,707,447	1,490,353
Net Assets		
Unrestricted:		
Undesignated net assets	\$ 3,592,395	2,977,446
Board-designated net assets (Note 6)	<u>1,411,896</u>	<u>1,660,489</u>
Total unrestricted net assets	5,004,291	4,637,935
Temporarily restricted net assets	<u>287,384</u>	<u>273,941</u>
Total net assets	<u>5,291,675</u>	<u>4,911,876</u>
Total liabilities and net assets	\$ 6,999,122	\$ 6,402,229

Combined Statement of Activities and Changes in Net Assets

	December 31	
	2004	2003
Changes in Unrestricted Net Assets		
Revenue and Support		
Contributions – Unrestricted	\$ 234,129	\$ 192,580
In-kind donations – Unrestricted	2,150,250	2,371,090
Public programs – Net	4,099,741	3,843,594
In-house programs	3,413,041	2,700,916
Sale of materials – Net of returns of \$381,219 in 2004 and \$347,981 in 2003	2,728,320	2,546,280
Net realized and unrealized gains and losses on investments	392,842	510,940
Investment income – Unrestricted	64,562	60,121
Other income (loss)	<u>56,484</u>	<u>(5,436)</u>
Total revenue and support	13,139,369	12,220,085
Net Assets Released from Restrictions	259,307	62,989
Total unrestricted revenue, support, and net assets released from restrictions	13,398,676	12,283,074
Program Services	10,949,051	9,753,391
Supporting Services	<u>2,083,269</u>	<u>1,593,065</u>
Total expenses	<u>13,032,320</u>	<u>11,346,456</u>
Increase in Unrestricted Net Assets	366,356	936,618
Changes in Temporarily Restricted Net Assets		
Contributions – Temporarily restricted	272,750	280,245
Net assets released from restrictions	<u>(259,307)</u>	<u>(62,989)</u>
Increase in Temporarily Restricted Net Assets	<u>13,443</u>	<u>217,256</u>
Increase in Net Assets	379,799	1,153,874
Net Assets – Beginning of year	<u>4,911,876</u>	<u>3,758,002</u>
Net Assets – End of year	\$ 5,291,675	\$ 4,911,876

See Notes to Combined Financial Statements

Combined Statement of Cash Flows

	December 31	
	2004	2003
Cash Flows from Operating Activities		
Increase in net assets	\$ 379,799	\$ 1,153,874
Adjustments to reconcile increase in net assets to net cash from operating activities:		
Depreciation	214,788	171,393
(Gain) loss on sale of property and equipment	(1,887)	7,250
Bad debt expense	25,588	43,787
Net realized and unrealized gain on investments	(392,842)	(510,941)
Changes in operating assets and liabilities which provided (used) cash:		
Accounts receivable	(126,835)	(193,806)
Inventory	11,299	23,273
Contributions receivable	(93,373)	(241,395)
Prepaid expenses and other	(38,661)	(88,894)
Accounts payable and accrued liabilities	159,308	(4,564)
Deferred program revenue	<u>57,786</u>	<u>(28,093)</u>
Net cash provided by operating activities	194,970	331,884

	December 31	
	2004	2003
Cash Flows from Investing Activities		
Purchase of property and equipment	(124,900)	(423,084)
Proceeds from disposition of property and equipment	35,233	-
Purchases of investments	(1,161,664)	(2,458,915)
Proceeds from sales and maturities of investments	<u>1,443,853</u>	<u>2,581,948</u>
Net cash provided by (used in) operating activities	<u>192,522</u>	<u>(300,051)</u>
Net Increase in Cash and Cash Equivalents	387,492	31,833
Cash and Cash Equivalents – Beginning of year	<u>250,458</u>	<u>218,625</u>
Cash and Cash Equivalents – End of year	\$ 637,950	\$ 250,458

See Notes to Combined Financial Statements

Notes to Combined Financial Statements December 31, 2004 and 2003

Note 1—Nature of Business and Significant Accounting Policies

Nature of Organization—The National Institute for Trial Advocacy (NITA or “Institute”) and NITA Foundation (“Foundation”) are non-profit organizations. The purpose of the Institute 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, 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:

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

Significant accounting policies are as follows:

Combination—At December 31, 2004 and 2003 and for the years then ended, the accounts of National Institute for Trial Advocacy and NITA Foundation are included in the combined financial statements after elimination of significant intercompany transactions.

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 combined 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—NITA and NITA Foundation consider all highly liquid investments purchased with a maturity of three months or less to be cash equivalents.

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 determination is made. The allowance for doubtful accounts was \$40,000 and \$40,125 at December 31, 2004 and 2003, respectively.

Classification of Net Assets—Net assets of NITA and the Foundation are classified as follows:

Unrestricted Net Assets

- Unrestricted—Undesignated Net Assets—Unrestricted—undesignated net assets are available for general use.
- Board-designated Funds—NITA Foundation records investment earnings attributable to the scholarship fund in that fund. Investment earnings attributable to other board-designated funds remain in operating accounts.

Temporarily Restricted Net Assets—Temporarily restricted net assets are for time restrictions that exist at December 31, 2004 and 2003 for future pledges.

Investments—All of the investments are debt and equity securities with a readily determinable fair value; therefore, they are reported at fair value in accordance with SFAS No.124. Unrealized gains and losses are included in the increase in net assets.

Contributions Receivable—Contributions receivable result from unconditional promises to contribute funds. Contributions are recorded at the net present value of the expected cash flows. Conditional contributions are not recorded. An allowance for uncollectible contributions is established based on a specific assessment of all contributions that remain unpaid following normal donor contribution periods. In addition, a general valuation allowance is established for other contributions receivable based on historical loss experience. All amounts deemed to be uncollectible are charged against the allowance for uncollectible contributions in the period that determination is made.

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 in place. Amounts charged to expense for the years ended December 31, 2004 and 2003 were \$398,600 and \$339,980, respectively.

Revenue Recognition—Revenue, gains, and other support are reported as increases in unrestricted net assets unless use of the related assets is limited by donor-imposed restrictions.

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

Donor-restricted contributions whose restrictions are met within the same year as received are reported as unrestricted contributions in the financial statements. Contributions of cash, including unconditional promises to donate cash, are recorded as revenue in the year received.

The Institute recognizes sales of materials as products are shipped. The Institute performs an ongoing evaluation of its customers’ financial condition, and credit is extended to customers on an unsecured basis.

Designated Scholarships Awarded—Designated scholarships awarded represent reductions allowed to students to reduce the students’ overall cost for tuition and various other fees. These reductions are given to students in the course of providing educational services and the amounts of reduction, as well as the individual recipients, are decided by the Institute. The Institute utilizes earnings on investments designated for scholarships and contribution revenue to finance scholarships awarded. Designated scholarships awarded are reported as a reduction to NITA program tuition income as the Institute does not receive any goods or services in exchange for the reduction. For the years ended December 31, 2004 and 2003, designated scholarships awarded were \$378,722 and \$262,022, respectively.

Advertising Expenses—NITA and NITA Foundation incur advertising expense in the promotion of programs. These expenses, which are expensed as they are incurred, were approximately \$910,000 and \$778,000 for the years ended December 31, 2004 and 2003, respectively.

Income Taxes—The Institute and 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.

Note 2—Investments

Investments consisted of the following at December 31:

	2004	2003
Collective investment funds)	\$ 312,338	\$ 298,742
Corporate stocks	2,418,583	2,600,778
Corporate bonds	1,179,460	347,510
Government securities	-	552,698
Total	<u>\$ 3,910,381</u>	<u>\$ 3,799,728</u>

Investment income is recorded net of investment fees of \$64,562 and \$30,872 for the years ended December 31, 2004 and 2003, respectively.

Note 3—Contributions Receivable

Included in contributions receivable are several unconditional promises to give. They are included as follows:

	2004	2004
Gross promises to give before unamortized discount	\$ 362,192	\$ 257,580
Less unamortized discount, using 5.25 and 4.00 percent discount rate for 2004 and 2003, respectively	(19,631)	(16,185)
Less allowance for uncollectible contributions	<u>(31,932)</u>	<u>(24,139)</u>
Net contributions receivable	<u>\$ 310,629</u>	<u>\$ 217,256</u>
Amounts due in:		
Less than one year	\$ 133,972	\$ 70,680
One to five years	<u>228,220</u>	<u>186,900</u>
Total	<u>\$ 362,192</u>	<u>\$ 257,580</u>

Note 4—Property and Equipment

The cost of property and equipment is summarized as follows:

	2004	2003
Furniture and fixtures	\$ 1,607,394	\$ 1,590,000
Computer equipment and software	112,620	127,499
Leasehold improvements	121,658	118,670
Other	<u>58,000</u>	<u>58,000</u>
Total cost	1,899,672	1,894,169
Accumulated depreciation	<u>(1,396,018)</u>	<u>(1,267,281)</u>
Net carrying amount	<u>\$ 503,654</u>	<u>\$ 626,888</u>

Depreciation expense was \$214,788 for 2004 and \$171,393 for 2003.

Note 5—Due to Notre Dame

The Institute contracts with the University of Notre Dame for employee salaries and fringe benefits. Salary and fringe benefits were approximately \$2,547,000 and \$2,431,000 during the years ended December 31, 2004 and 2003, respectively.

Note 6—Board-designated Net Assets

The board designated net assets are summarized as follows:

	2004	2003
Designated Scholarship Fund:		
Balance - Beginning of year	\$ 1,368,782	\$ 1,376,733
Contributions collected	506,879	194,976
Additional investments transferred	2,089,037	-
Net investment earnings	11,239	59,095
Scholarships disbursed	<u>(378,722)</u>	<u>(262,022)</u>
Balance - End of year	3,597,215	1,368,782
Replacement and improvement of capital equipment and research and development	179,200	283,200
Research and development fund	<u>8,507</u>	<u>8,507</u>
Total	<u>\$ 3,784,922</u>	<u>\$ 1,660,489</u>

Note 7—Operating Leases

At December 31, 2004 and 2003, NITA was committed under a noncancellable building lease that expires December 31, 2011. The lease requires NITA to pay for utilities, insurance, normal maintenance, and real estate taxes. NITA has the option to automatically renew the lease for an additional 10-year period.

At December 31, 2004 and 2003, 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	Total
2005	\$ 484,861
2006	487,982
2007	496,547
2008	506,423
2009	514,904
Thereafter	<u>722,368</u>
Total	<u>\$ 3,213,085</u>

Lease expense was approximately \$491,500 for 2004 and \$190,500 for 2003.

Note 8—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. Scholarships are reported as a reduction to NITA's program tuition in accordance with industry practices. 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 ending December 31, 2004 and 2003 has been reduced as follows:

	2004	2003
Public program revenue	\$ 4,478,463	\$ 4,105,616
Less scholarships disbursed and pro bono discounts	<u>(378,222)</u>	<u>(262,022)</u>
Total	<u>\$ 4,099,741</u>	<u>\$ 3,843,594</u>

Note 9—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 dependent on self-reporting by the individual contributing the services. The rate is based upon the Institute's estimate of the fair value of these services as determined by the Board of Trustees. NITA has included \$2,150,000 and \$2,371,090 of revenues and expenses in the statements of activities and changes in net assets for the years ended December 31, 2004 and 2003, respectively.

Note 10—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 9.

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.

Management and General—Administrative expenses relate to costs of maintaining NITA's administrative offices.

Scholarship Development—Scholarship development expenses relate to costs associated with obtaining grants and scholarships from donors.

Development—Development expenses relate to disbursements of scholarship funds and bad debt expense related to pledges available.

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

2004—NITA and the NITA Foundation

To the Board of Trustees
National Institute for Trial Advocacy and
NITA Foundation

We have audited the combined financial statements of National Institute for Trial Advocacy and NITA Foundation as of December 31, 2004 and 2003. Our audits were made for the purpose of forming an opinion on the combined financial statements taken as a whole.

The accompanying combining statement of financial position and combining statement of activities and changes in net assets are presented for purposes of additional analysis of the combined financial statements rather than to present the financial position and results of operations of the individual Organizations and is not a required part of the basic combined financial statements. The combined and com-

binging information has been subjected to the procedures applied in the audits of the combined financial statements and, in our opinion, is fairly stated in all material respects in relation to the combined financial statements taken as a whole.

March 17, 2005
Plante & Moran, PLLC

Combining Statement of Financial Position December 31, 2004 and 2003

	<u>NITA</u>	<u>NITA Foundation</u>	<u>Eliminating Entries</u>	<u>2004</u>	<u>2003</u>
Assets					
Cash and cash equivalents	\$ 355,099	\$ 282,851	\$ -	\$ 637,950	\$ 250,458
Accounts receivable:					
A/R from customer transactions	1,023,823	50,467	(88,278)	986,012	884,765
Contributions receivable	-	310,629	-	310,629	217,256
Investments	501,594	3,408,787	-	3,910,381	3,799,728
Inventory	319,262	-	-	319,262	330,561
Prepaid expenses and other	314,600	16,634	-	331,234	292,573
Property and equipment	<u>503,654</u>	<u>-</u>	<u>-</u>	<u>503,654</u>	<u>626,888</u>
Total assets	<u>\$ 3,018,032</u>	<u>\$ 4,069,368</u>	<u>\$ (88,278)</u>	<u>\$ 6,999,122</u>	<u>\$ 6,402,229</u>
Liabilities and Net Assets					
Liabilities					
Accounts payable	\$ 388,878	\$ 20,431	\$ (88,278)	\$ 321,031	\$ 391,852
Due to Notre Dame	417,283	-	-	417,283	199,305
Royalty payable	227,282	-	-	227,282	199,444
Deferred program revenue	580,415	-	-	580,415	522,629
Accrued liabilities and other	<u>161,436</u>	<u>-</u>	<u>-</u>	<u>161,436</u>	<u>177,123</u>
Total liabilities	1,775,294	20,431	(88,278)	1,707,447	1,490,353
Net Assets					
Unrestricted:					
Unrestricted net assets	1,055,031	2,537,364	-	3,592,395	2,977,446
Board-designated net assets	<u>187,707</u>	<u>1,224,189</u>	<u>-</u>	<u>1,411,896</u>	<u>1,660,489</u>
Total unrestricted net assets	1,242,738	3,761,553	-	5,004,291	4,637,935
Temporarily restricted net assets	<u>-</u>	<u>287,384</u>	<u>-</u>	<u>287,384</u>	<u>273,941</u>
Total net assets	<u>1,242,738</u>	<u>4,048,937</u>	<u>-</u>	<u>5,291,675</u>	<u>4,911,876</u>
Total liabilities and net assets	<u>\$ 3,018,032</u>	<u>\$ 4,069,368</u>	<u>\$ (88,278)</u>	<u>\$ 6,999,122</u>	<u>\$ 6,402,229</u>

2004—NITA and the NITA Foundation

Combining Statement of of Activities and Changes in Net Assets, Year Ended December 31, 2004 and 2003

					Totals	
	NITA	NITA Foundation	Eliminations	2004	2003	
Unrestricted Revenue and Gains						
Contributions—Unrestricted	\$ -	234,129	\$ -	\$ 234,129	\$ 192,580	
In-kind donations—Unrestricted	2,150,250	-	-	2,150,250	2,371,090	
Public programs	4,099,741	-	-	4,099,741	3,843,594	
In-house programs	3,413,041	-	-	3,413,041	2,700,916	
Sale of materials—Net	2,998,791	-	(270,471)	2,728,320	2,546,280	
Net realized and unrealized gains and losses on investments	49,785	343,057	-	392,842	510,940	
Investment income— Unrestricted	40,639	23,923	-	64,562	60,121	
Other income	\$ 56,484	\$ -	\$ -	\$ 56,484	\$ (5,436)	
Total unrestricted revenue and gains	12,808,731	601,109	(270,471)	13,139,369	12,220,085	
Net Assets Released from Restrictions	<u>-</u>	<u>259,307</u>	<u>-</u>	<u>259,307</u>	<u>62,989</u>	
Total unrestricted revenue, gains, and other support	12,808,731	860,416	(270,471)	13,398,676	12,283,074	
Unrestricted Expenses and Losses						
Program:						
Consultants	3,315,000	-	-	3,315,000	2,716,949	
Staff	2,046,325	-	-	2,046,325	1,774,414	
Contributed services	2,150,250	-	-	2,150,250	2,371,090	
Travel	1,103,938	-	-	1,103,938	1,062,350	
Advertising	787,436	-	-	787,436	684,718	
Occupancy	262,151	-	-	262,151	218,019	
Production costs	436,005	-	-	436,005	396,566	
Office costs	261,118	-	-	261,118	270,146	
Designated scholarships	-	378,722	-	378,722	-	
Teaching materials	270,471	-	(270,471)	-	70,105	
Depreciation	54,625	-	-	54,625	53,348	
Equipment maintenance and repair	53,321	-	-	53,321	60,467	
Professional fees	66,716	-	-	66,716	51,046	
Bad debts	14,349	11,239	-	25,588	18,482	
Insurance	7,856	-	-	7,856	5,691	
Total program service expenses	10,829,561	389,961	(270,471)	10,949,051	9,753,391	
Support services	1,916,609	166,660	-	2,083,269	1,593,065	
Total unrestricted expenses and losses	12,746,170	556,621	(270,471)	13,032,320	11,346,456	
Increase in Unrestricted Net Assets—Before transfer	62,561	303,795	-	366,356	936,618	
Transfer of Unrestricted Net Assets	<u>(3,457,758)</u>	<u>3,457,758</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Increase (Decrease) in Unrestricted Net Assets	(3,395,197)	3,761,553	-	366,356	936,618	
Changes in Temporarily Restricted Net Assets						
Contributions— Temporarily restricted	-	272,750	-	272,750	280,245	
Net assets released from restrictions	<u>-</u>	<u>(259,307)</u>	<u>-</u>	<u>(259,307)</u>	<u>(62,989)</u>	
Increase in Temporarily Restricted Net Assets	<u>-</u>	<u>13,443</u>	<u>-</u>	<u>13,443</u>	<u>217,256</u>	
Increase (Decrease) in Net Assets	(3,395,197)	3,774,996	-	379,799	1,153,874	
Net Assets – Beginning of year	<u>4,637,935</u>	<u>273,941</u>	<u>-</u>	<u>4,911,876</u>	<u>3,758,002</u>	
Net Assets – End of year	\$ <u>1,242,738</u>	\$ <u>4,048,937</u>	\$ <u>-</u>	\$ <u>5,291,675</u>	\$ <u>4,911,876</u>	

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NITA Public Programs in 2004

January

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

February

Basic Trial Skills	Chicago, IL
Basic Trial Skills	Fort Lauderdale, FL
Deposing the Expert Witness	San Diego, CA
Taking & Defending Deposition	Houston, TX

March

Advocacy Teacher Training	Cambridge, MA
Basic Trial Skills	Indianapolis, IN
Basic Trial Skills	Philadelphia, PA
Expert Witness Deposition	Louisville, CO
PowerPoint for Litigators	Chicago, IL
PowerPoint for Litigators	Philadelphia, PA
Taking & Defending Deposition	Cleveland, OH
Taking & Defending Deposition	Durham, NC

April

Basic Trial Skills	New York, NY
Essential Elements of Trial Advocacy	Louisville, CO
Persuasion Through Technology	Louisville, CO
Persuasive Personal Style in Trial Advocacy	Louisville, CO
PowerPoint for Litigators	Louisville, CO
Trial Testimony of Financial Experts	Louisville, CO

May

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	Albuquerque, NM
PowerPoint for Litigators (twice)	New York, NY
Taking & Defending Deposition	Boston, MN
Taking & Defending Deposition	Dallas, TX
Taking & Defending Deposition	New Orleans, LA
Technology in the Courtroom Demonstration	Albuquerque, NM

June

Advocacy Teacher Training	Louisville, CO
Advocacy Teacher Training	New York, NY
Basic Trial Skills	Dallas, TX

Basic Trial Skills	San Francisco, CA
Basic Trial Skills	Seattle, WA
Expert Witness Deposition	Louisville, CO
Robert F. Hanley Advanced Trial Skills	Louisville, CO
Taking & Defending Deposition	Chicago, IL
Taking & Defending Deposition	Hempstead, NY
Taking & Defending Deposition	Los Angeles, CA

July

Basic Trial Skills	Denver, CO
Developing Supervisory Skills	Louisville, CO
National Session	Louisville, CO
Taking & Defending Deposition	Newark, NJ
Taking & Defending Deposition	Orange, CA

August

Advanced Deposition Skills	Louisville, CO
Basic Trial Skills	Hempstead, NY
Taking & Defending Deposition	Washington, DC
Trial Skills Using Courtroom Technology	Louisville, CO

September

Advanced Negotiation & Mediation	Louisville, CO
Case Development	Louisville, CO
Control in the Courtroom	Louisville, CO
Taking & Defending Deposition	Seattle, WA
Taking & Defending Deposition	Topeka, KS

October

Basic Trial Skills	San Diego, CA
Expert Witness Deposition	Louisville, CO
Taking & Defending Deposition	Fort Lauderdale, FL
Taking & Defending Deposition	New Haven, CT
Taking & Defending Deposition	San Francisco, CA
Taking & Defending Deposition	Tempe, AZ
Trial Testimony of Financial Experts	Louisville, CO
Writing Persuasive Briefs	Louisville, CO

November

Advocacy Teacher Training	San Francisco, CA
Taking & Defending Deposition	Indianapolis, IN
Taking & Defending Deposition	New York, NY

December

Basic Trial Skills	Boston, MA
Case Development Skills	Louisville, CO
Taking & Defending Deposition	Denver, CO

Co-Sponsored and Public Service Programs in 2004

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Law Society of Ireland	Kilkenny		
Legal Services Advocacy Program	Louisville, CO	Training the Lawyer to Represent the Whole Child	Hempstead, NY
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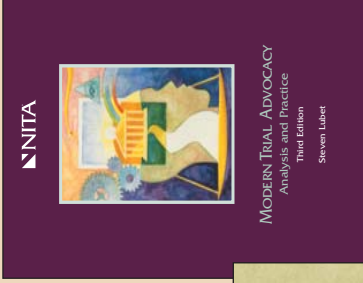
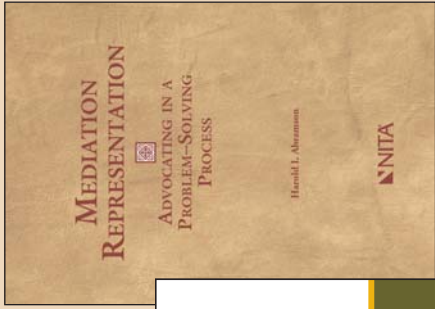
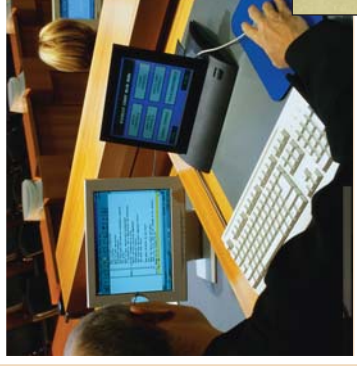
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