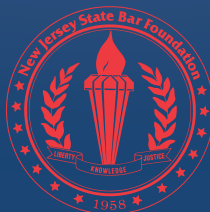


Mock Trial EXERCISES

for Grades 3-6

**Featuring Winning Cases from the New Jersey
State Bar Foundation's Law Fair 2007 Competition**



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Preface

Since 1992, the **New Jersey State Bar Foundation** has sponsored a unique, law-related education opportunity for elementary school students — the Law Fair Competition.

Students in grades three through six are invited to create original mock trial cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Fair programs in the spring. The third- through sixth-grade audiences serve as juries.

Following are the winning students' cases from the Law Fair 2007 Competition. They may be used as a guide to prepare a submission to the Law Fair Competition or as a classroom exercise. Please note that some of the cases may contain "laws" created by the students for the purposes of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

These exercises were created by children and are intended for school use only. Any resemblances to characters, names, events and circumstances are

intended only for the purpose of education, and all characters, names, events and circumstances described herein are fictitious.

Because this booklet contains cases written by students from third through sixth grades, teachers should review the cases written by students in the upper grades before distribution in order to determine whether they are appropriate for younger children.

Law Fair has won national recognition for educational excellence from the American Bar Association and the American Society of Association Executives.

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

If you would like to participate in the Law Fair Competition, please call 1-800-FREE LAW or 732-937-7519 for a free copy of the State Bar Foundation's Law Fair Competition booklet, e-mail sboro@njsbf.org or write to Law Fair, New Jersey State Bar Foundation, One Constitution Square, New Brunswick, NJ 08901-1520.

For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at www.njsbf.org.

The Case of the Flying Bat

SCHOOL

Mount Pleasant Elementary
Livingston
Grade 3, First Place

TEACHER

Marcia Napolitano

STUDENTS

Pardis Abdollahnejad, Lainie Eisner, Sam Farer,
Jake Langberg, Yifei Li, Ashley Miller,
Chase Walker, Emily Wu

FACTS

On the evening of May 22, 2006, Patrick Hedman attended a baseball game at Jackals Stadium in Montclair, NJ. He was excited about taking his eight-year-old son Jake to his very first baseball game. His wife and Jake's friend also attended. It was a perfect night for a game. The weather was mild, not a cloud in the sky. Mr. Hedman managed to get second row seats for the four of them, right behind third base. Jake had worn his baseball glove and was eager to catch a ball. Before the game began, Mr. Hedman bought a bag of popcorn for the two boys to share and they settled down to enjoy the game.

In the bottom of the ninth inning, Joe Swinger, second baseman for the Jackals, came up to bat. There were two outs and a man on second. The score was six to five with the Jackals down one run. Joe had two strikes on him already when the pitcher pitched the ball. Suddenly, Mr. Hedman noticed a large wooden object heading directly towards his son in the stands. He moved in front of Jake to stop it from striking him. The bat struck Mr. Hedman in the head and he was knocked unconscious.

Mr. Hedman was rushed by ambulance to the hospital. There he was diagnosed with a fractured skull, as well as broken bones above and below his right eye. Mr. Hedman is suing the Jackals baseball team and Joe Swinger for all medical expenses related to this injury.

ISSUE

Are Joe Swinger and the Jackals baseball team liable for Patrick Hedman's medical bills?

WITNESSES

For the Plaintiff

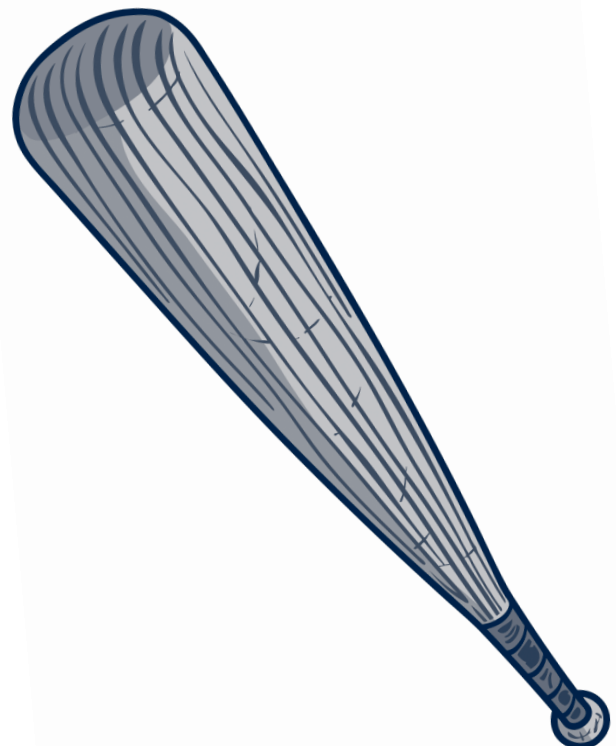
Patrick Hedman

Alex C. Batt

For the Defense

Joe Swinger

Max Striker



WITNESS STATEMENTS

Testimony of Patrick Hedman

My name is Patrick Hedman. I live with my wife and my son Jake. Jake has been a baseball fan for a long time. He watches baseball on TV regularly. He had been asking to attend a live game for months. That is why I decided to take him to see a live Jackals game.

On the evening of May 22, 2006, I brought Jake, his friend Justin, and my wife Karen to Jackals Stadium in Montclair, New Jersey. We stopped to pick up some popcorn and sodas and headed to our seats right behind third base. Jake and Justin were very excited to be attending their first baseball game.

It was an exciting game, with several batters on both teams hitting the ball into the stands. The boys were enjoying themselves even though Jake had not caught a ball.

It was the bottom of the ninth when Joe Swinger came up to bat. The score was six to five, with the Jackals one run behind. There was a man on second and two out. The fans cheered words of encouragement as Joe swung at the ball and missed...strike one and strike two. The pitcher wound up again and threw the ball.

Suddenly, I noticed an object coming towards us. I thought at first it was a ball and was hoping that Jake had his mitt ready. But then I realized that it was a wooden object, and it must be a bat!! Jake still thought it was a ball coming towards him, so he jumped up to try to catch it. Realizing that a wooden baseball bat was about to strike my son in the head, I pushed Jake out of the way.

I don't remember what happened next, but they told me that I was taken to the hospital by ambulance and I was unconscious for several hours. My wife and the boys waited in the hospital waiting room until I had regained consciousness.

I blame Joe Swinger for the incident that caused my head injury. I found out later that he struck out right before the bat went flying through the air. He is known for throwing bats when he strikes out and he has been warned many times to control his temper.

The Jackals also did not provide adequate protection at their stadium. The third base line is a common area for line drive foul balls and should have been screened.

I believe that Joe Swinger and the Jackals should not only pay for all my medical expenses and continued treatment, but that Mr. Swinger should be permanently removed from the team for his irresponsibility.

Testimony of Alex C. Batt

My name is Alex C. Batt. I have been attending baseball games at Jackals Stadium for about 17 years and consider myself to be a big fan. I have seen Joe Swinger strike out many times. He is known for having a bad temper. The Jackals manager has come very close to firing him on several occasions.

On the night of May 22, 2006 I was hoping that Joe would hit a home run. The team was behind by one run and there was a man on second. There were two outs. It was up to Joe to score. A home run would have won the game.

As the pitcher pitched the ball, I could see that Joe was tense and eager to hit a home run, or at least a single or double. It was a fastball and it went right past Joe. Strike three!!

I was watching Joe at that moment and he clearly took that bat and threw it with all his might. I'm sure he did not intend for it to land in the stands and injure someone, but that is exactly what happened. It was headed right towards that little kid sitting behind third base. It ended up hitting his father instead.

I can understand Mr. Swinger's frustration at striking out. It was such a close game and all the fans were disappointed too. But that was no excuse for throwing a dangerous object into the stands. Mr. Swinger must learn to control his temper if he is going to be successful in his career.

I also do not understand why that area is not protected with a screen like the area behind home plate. Line drives frequently enter the stands there, as well as the occasional bat.

Testimony of Joe Swinger

My name is Joe Swinger and I am the second baseman for the Jackals baseball team. I have been playing professional baseball for five years. I am hoping that someday I will make it to the major leagues. But for now, I play in the minor leagues.

In all the years I have played this game, I have never thrown a bat into the stands. Even when I strike out and feel frustrated, I would still never throw a bat. On this particular day, the score was six to five when I came up to bat. Our team was behind by only one run. There was a runner on second base, and I knew that if I hit a home run, we would win the game.

Anyone who knows me will tell you that I have a very strong swing. With two strikes on me, I knew that this was my last chance to win the game for my team. I swung with all my might and tried to make contact with the pitcher's fastball. I missed the ball and the bat went flying into the stands. It flew right out of my hands. I ran over to see if anyone had been struck. That's when I saw a man lying there, unconscious.

I feel so badly about what happened. But it was clearly an accident, and NOT a temper tantrum that caused Mr. Hedman's head injuries.

There is always a risk when one comes to a baseball game, and the area where the family was seated is not required to be covered with safety screening.

Testimony of Max Striker

My name is Max Striker and I am a relief pitcher for the Bears baseball team. I have been with the team for three years. On the evening of May 22, 2006 we were playing a game at Jackals stadium in Montclair, NJ. The coach had brought me in during the bottom of the ninth inning. We were ahead by one run and there were two outs. There was a man on second.

I was worried when I saw that the next batter was Joe Swinger. He is an excellent player and a strong hitter. He is known for hitting home runs, especially in tight situations like this one. I prepared to give him my most difficult pitch.

The first two pitches went right by Joe for strikes one and two. I knew that we only needed one more strike and the game was ours. I wound up slowly, thinking as I did about what pitch would be best for Joe. I decided on the fastball. You can imagine my delight and surprise when Joe swung as hard as he could but missed the ball. The Bears had won the game!!

The next second, I saw that the bat that Joe had just swung so hard had flown out of his hands and was going straight into the stands. I could see the look of shock on Joe's face. Knowing him as long as I have, I could tell he was as surprised as I was to see that bat flying. There is no way that he threw it intentionally. It was traveling in the same direction that he had been swinging it. It slipped out of his hands.

It is unfortunate that Mr. Hedman was injured in this accident, but that is what it was – a freak accident. There is no one to blame for it. People must take a certain amount of risk when they attend a professional baseball game. That's all there is to it.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the defendant was personally responsible for the plaintiff's injuries and must pay for all medical expenses, both past and future, related to this injury.

SUB-ISSUES

1. Did Joe Swinger throw the bat intentionally as a result of a temper tantrum?
2. Must the plaintiff assume a reasonable risk of harm or injury by attending a sporting event?

CONCEPTS

1. Preponderance of the evidence.
2. Witness credibility.
3. Liability.
4. Assumption of risk.
5. Reckless endangerment.
6. Negligence.

LAWS

1. Limited duty of care doctrine – Fans agree to assume a risk of injury, such as from a foul ball or a thrown bat, as part of the experience of attending a baseball game.
2. *Maisonave vs. Newark Bears* – Public policy and fairness require application of negligence principles in all areas of the stadium.
3. Owners of a baseball field must provide protective screening from foul balls in dangerous places, but injuries sustained in unprotected areas should not be denied recovery as a matter of law.
4. NJ Baseball Spectator Safety Act of 2006 – Spectators of professional baseball games are presumed to have knowledge of and to assume the inherent risks of observing professional baseball games. These risks are defined as injuries which result from being struck by a baseball or baseball bat anywhere on the premises during a baseball game.
5. Negligence – Negligence is a failure to exercise that degree of care for the safety of others, which a person of reasonable prudence would exercise under similar circumstances.

No Joke This Time

SCHOOL

Riker Hill Elementary
Livingston
Grade 3, Second Place

TEACHER

Donna Richter-Maschio

STUDENTS

Daniella Alter, Ryan Dallow, Jason Diviney,
Delaney Gonik, Remi Karp, Annie Lien,
Leah McGann, Jordan Nachwalter, Lexi Narotzky,
Justin Patel, Cole Slavitt, Eric Svetnikov,
Jeri Walkow, Olivia Wellington

FACTS

On the sunny afternoon of July 3, 2006 Sunnyside Beach was full of both swimmers and people working on their tans. Laurence Lifeguard was in charge of Sunnyside Beach. He had been in charge of Sunnyside Beach for the past three summers. He really enjoyed lifeguarding and everyone in the community really appreciated him. The children liked to kid around with him and Jack Joker often liked to kid around with Lawrence.

On that afternoon Jack was playing around in the water. He started to yell that he had a cramp in his foot and needed help getting out of the water. The lifeguard did not go into the water to help Jack. A woman, Justine Time, who was sitting on the beach ran into the water and brought Jack out of the water.

Dan Joker, the father of Jack, is suing Lawrence Lifeguard for negligence, for not helping his son out of the water and for Jack's pain and suffering. His son is now frightened to go near the ocean and is going to a therapist.

ISSUE

Is Lawrence Lifeguard liable for the cost of Jack Joker's therapy sessions as well as pain and suffering because Lawrence Lifeguard neglected to go into the ocean and rescue Jack Joker?

WITNESSES

For the Plaintiff

Dan Joker
Justine Time

For the Defense

Lawrence Lifeguard
Taylor Taffy

WITNESS STATEMENTS

Testimony of Dan Joker

My name is Dan Joker. I am Jack's dad. On the afternoon of July 3, 2006 I received a phone call from a woman telling me that she had just saved my son's life! She told me how my son was in the ocean yelling for help and how the lifeguard, who heard my son yelling, just ignored his cries. Luckily, this wonderful stranger was a good swimmer as well as a responsible person and ran into the ocean to save my son.

Usually Lawrence Lifeguard has been very good to my son, spending time with him. My son often told me how they were buddies and how Jack liked to play around with Lawrence. I never thought that Lawrence was a very good lifeguard. I often saw him talking on his cell phone and flirting with the girls on the beach instead of watching the water.

How could anyone, especially a lifeguard, ignore a boy who was crying for help from in the ocean? How could Lawrence act so cruel as well as so lazy!

It doesn't matter that my son had sometimes fooled around and pretended to be in trouble in the water. It is the job of lifeguards to answer every single call for help.

Now, my son is afraid to go into the water. We live near the ocean so that he can enjoy the wonderful beach and play in the water supervised by lifeguards who are paid their salaries by me, the taxpayer! Many people agree with me that the right thing to do is to sue Lawrence Lifeguard for negligence. My poor son may never get over his fear of the water. He may need to see a therapist for the rest of his life! It is all the fault of that lazy Lawrence Lifeguard.

Testimony of Justine Time

My name is Justine Time. During the summer I try to go to the beach to relax and read a book. On the afternoon of July 3, 2006 I decided to try Sunnyside Beach since it was near the ice cream snack bar.

Around 3:30 p.m. I heard a boy yelling from the water that he was in trouble and needed help. He was screaming that he had a cramp in his leg. I couldn't believe my eyes when I saw the lifeguard look, laugh, and then ignore him! I also couldn't believe it when no one else on the beach seemed to pay attention to the boy's cries. I thought about going over to the lifeguard stand and dragging him down into the water and forcing him to save the boy. Instead, I just dropped my book and ran into the water to save the boy myself.

I was able to get the boy out of the water and onto the beach. The boy started to cry. At this point, the lifeguard finally ran over to us. When the lifeguard realized that the boy was in trouble, he started to apologize to the boy and to me. I scolded the lifeguard for ignoring this poor, frightened boy.

I took Jack Joker's phone number so that I could call his parents and explain to them what had happened to their son on the beach that day.

Lawrence Lifeguard acted shamefully. It is the job of a lifeguard to check out any and every call for help. A real tragedy could have happened on the beach that day.

Testimony of Lawrence Lifeguard

My name is Lawrence Lifeguard. I have been working as a lifeguard for three years. I was really happy to be assigned to work at Sunnyside Beach again. It is nice to continue to work at the same beach year after year because I have really gotten to know many of the people who regularly come to Sunnyside Beach. I even give private swimming lessons to many of the children in the neighborhood.

Jack Joker has been coming to my assigned piece of the beach ever since I have been working there. His parents come with him only once in a while. Usually he comes by himself. I think that children should not be allowed to stay at the beach without adult supervision. I know that both his parents work a lot, so I just watch him without complaining. I do feel sorry for him. He is always looking for someone to play with him. He often tries to play tricks on me, pretending to be drowning. I have run into the water several times over the years thinking that I had to save him. It has always been just a joke.

On the afternoon of July 3, 2006 I did hear Jack yelling for me from the water. He said that he had a cramp and needed my help to get out of the water. Since every other time has just been a false alarm, I didn't even answer him this time. I just ignored him. He kept calling, louder and louder.



A woman from the beach pulled him out of the water. When Jack was brought to the shore, instead of laughing like he usually does, he started to cry. I realized that this time he truly had been in trouble. I ran over to help. I then felt terrible about ignoring his cry for help. The woman who had saved him started yelling at me, saying that she was going to tell Jack's parents how I did not do my lifeguarding job.

How was I to know that this time Jack was not joking around? Jack has never gotten punished for tricking me. I do not think I should lose my lifeguarding job as well as get sued for not believing a child who has lied to me over and over again. The boy suffered no physical injuries.

Testimony of Taylor Taffy

I am Taylor Taffy. I have been selling snacks on Sunnyside Beach for over 40 years. I own the candy and ice cream stand, right on the beach. My stand is located very near Lawrence Lifeguard's lifeguard chair. I have often seen little Jack Joker trying to trick Lawrence. Sometimes Jack has actually tricked Lawrence, making him look a little foolish in front of the other beach people. Lawrence has gone out on what has turned out to be false alarms only to reach Jack in the water and have Jack spit water in his face! I think that Jack really annoys Lawrence too much. If Jack were my child, I would tell him to stop telling Lawrence silly stories and just let him do his job in peace. Unfortunately, Jack is usually on the beach by himself, without adult supervision.

From my snack stand, I have heard Jack tell many fibs to Lawrence. On the afternoon of July 3, 2006 there was a terrible misunderstanding. Jack was playing around in the ocean and started to yell that he was in trouble and needed Lawrence's help. Jack has done this same kind of thing so many times to Lawrence, so it wasn't a surprise to me that Lawrence didn't race into the water to rescue Jack. I, too, thought that Jack was just fooling around again, as usual!

Unfortunately, it was not a joke this time. How was Lawrence to know this time was different from all the other times? I feel very badly for Lawrence. I miss seeing him on the beach. I do not think that

Jack Joker's parents should be suing him. They are negligent parents. They shouldn't be depending on others on the beach to supervise their child.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence whether Lawrence Lifeguard was negligent.

SUB-ISSUES

1. Did Jack Joker contribute to his fear of the water and the need to have therapy by continually pretending to be in trouble out in the ocean?
2. Is Dan Joker correct in asking for compensation for therapy bills for his son?

CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Burden of proof.
4. Credibility of witnesses.

LAWS

1. Negligence is established when:
 - a. the defendant had a duty to protect the plaintiff from harm,
 - b. the defendant fails to fulfill that duty, even if unintentionally, and
 - c. the defendant's failure causes mental trauma to the plaintiff's person.
2. If the plaintiff's acts contribute to the injury, such acts may reduce, but not necessarily eliminate, the responsibility of the defendant.

The Ice Break Headache

SCHOOL

Southampton Township No. 2
Vincentown
Grade 3, Honorable Mention

TEACHER

Cheryl Friedman

STUDENTS

Colton Adams, Blaine Atkisson, Taryn Atmore,
Dakota Cassise, Amber Garthly, Bethany Gindhart,
Michael Goos, Ryan Groves, Pedram Haresign,
Jennifer Hegelein, Caleigh Hoskins, Jake Mackara,
Michael Miller, Sydney Ott, Kylie Penta,
Roger Rockhill, Leah Wisniewski

FACTS

On January 15, 2007, two sisters, Lauren and Heather Icemen, wanted to go ice skating. Their neighbors, the Barns Family, had a pond in their back yard that was used for skating in the winter. The sisters were allowed to skate on the pond as long as an adult was present.

Lauren and Heather went to the Barns' home, but they were not there. The girls went into the back yard and started skating. Heather got tired and left soon after. Lauren stayed but had a nasty fall and cracked her head open. Her injuries were serious and the hospital bill was expensive.

Her parents are suing the Barns' for the cost of their daughter's medical bills. They say the Barns' were negligent and that their daughter's injury happened because the pond was not fenced in. The Barns Family says the girls were on private property, and that they should not have to pay.

ISSUE

Who is responsible for Lauren's medical bills?

WITNESSES

For the Plaintiff

Heather Icemen

Albert Icemen

For the Defense

Hayley Barns

Greg Kringle

WITNESS STATEMENTS

Testimony of Heather Icemen

My sister Lauren and I were bored on a Saturday morning. It was around 11 a.m. We decided to go over to the Barns' house because they had a pond for ice skating. They were not home, so we went out back and had fun skating. I was cold so I went home for some hot chocolate. Lauren kept skating. About 30 minutes later, Mrs. Barns was knocking on our door saying that Lauren was unconscious and bleeding. Dad called for an ambulance as Mom and I rushed out. I feel so bad that I wasn't there when my sister got hurt.

Testimony of Albert Icemen

My wife and I were having a lazy Saturday morning. The girls said they were going over to the Barns' house to ice skate. We told them to make sure the Barns' were home and to be careful. Heather came home soon after to get a hot drink.

About 30 minutes later, Mrs. Barns pounded on our door, saying Lauren was hurt and needed an ambulance. I called 911 as my wife ran out with Mrs. Barns. We found Lauren unconscious and bleeding badly from her head. The ambulance took her to the hospital where she was unconscious for several days.

She bruised her brain and is still having trouble with dizziness and coordination. She is having physical therapy. The medical bills are up to \$50,000 and Lauren is not finished with treatment yet.

Testimony of Haley Barns

My family had gone out that morning for breakfast and bowling. We returned home around 11:30 a.m. My husband looked out the back window and saw someone lying on the pond. We ran outside and found Lauren unconscious and bleeding from her head.

He stayed with Lauren while I ran to get her parents. Mr. Icemen called 911 while Mrs. Icemen and I raced back to the pond. The paramedics took her to the hospital. I felt so bad that she got hurt but all the neighbors knew they were supposed to have an adult with them.

Testimony of Greg Kringle

I am a neighbor of the two families. I was in my back yard chopping firewood when I saw the two Icemen girls on the pond. I knew they had permission to skate on the pond. I assumed the Barns' were inside the house. I did not know they had gone out or I would have told the girls to leave and come back later when someone was home. I saw one of the girls leave. I did not see anything else until the ambulance arrived. It was a terrible accident!

INSTRUCTIONS

The jury must decide if the defendant was negligent and was the cause of the plaintiff's injuries.

SUB-ISSUES

1. Were the Barns' negligent because the pond was not fenced in?
2. Did the girls have permission from the property owners to skate at any time?
3. Are the girls old enough to make responsible decisions?
4. What are the parental obligations in this situation?

CONCEPTS

1. Preponderance of evidence.
2. Credibility of witnesses.
3. Limits of parent's responsibility for actions of a minor child.
4. Negligence.

LAW

1. The defendant will be found negligent if the plaintiff can prove that the defendant's conduct was the cause of injuries.
2. Parental responsibilities.

The Case of the Mistaken Taken Flash Drive

SCHOOL

Riker Hill Elementary
Livingston
Grade 3, Honorable Mention

TEACHER

Donna Richter-Maschio

STUDENTS

Sarah Behrouzian, Mallika Reddy,
Gabby Sirota, Gregory Yampolsky

FACTS

As an end of the year gift, Mike B. Manager, the manager of the Kool Cell Company, gave each of the employees in his department a flash drive. They were red and had the Kool Cell Company logo design on them. Mike B. Manager thought that it would be a great place for everyone to keep all of their important information as well as a place to file creative ideas. His employees no longer had to lug around heavy paper piles. Everyone liked the flash drives and used them. Everyone brought them to meetings instead of bringing paper piles. Each room in the company had a computer, so employees could just plug in their flash drives and see or print their paperwork!

In early January, Mike B. Manager asked his employees to design a new cell phone. The best idea would receive a prize.

Two employees, Donna D. Mixer and Ima Taker, decided to work together to create a new idea for a cell phone. They both saved their work to their flash drives.

A few days before the due date for the cell phone ideas, both employees were asked by Mike B. Manager's secretary, Jennifer D. Filer, to give their flash drives to her so she could print copies of some of last month's reports. These flash drives also contained their new cell phone ideas.

On January 5 at 11:30 a.m. Donna D. Mixer accidentally took the wrong flash drive from Jennifer's desk, left the office and went out for lunch. Ima Taker came by the secretary's desk at approximately 11:50 a.m. and took the flash drive that was left on the desk. As Ima Taker was putting it in her pocket, the manager came in. He had to leave for an emergency meeting and asked for Ima Taker's new cell phone idea. Ima Taker told him that she was almost finished with the project. The manager insisted he wanted a copy of it right now even if it wasn't perfect. The secretary took back the flash drive, put it into her computer, printed a copy of the cell phone project and gave it to the manager.

Later that afternoon, Donna D. Mixer discovered that she had accidentally taken Ima Taker's flash drive from the secretary's desk, and that Ima Taker had Donna D. Mixer's flash drive.

The next day the manager sent an e-mail to all employees stating that Ima Taker had created a fantastic cell phone idea and would be the new assistant manager.

Donna D. Mixer is suing Ima Taker for misrepresentation and future loss of salary because Ima Taker took credit for her idea.

ISSUE

Is Ima Taker liable for Donna D. Mixer's loss of wages because she misrepresented herself when she took credit for the new cell phone idea?

WITNESSES

For the Plaintiff

Donna D. Mixer

Jeff E. Ter

For the Defense

Ima Taker

Jennifer G. Filer

WITNESS STATEMENTS

Testimony of Donna D. Mixer

My name is Donna D. Mixer. I work at the Kool Cell Company. I am a good worker and always think up great new ideas for the company. I often work with Ima Taker, another Kool Cell employee, on projects. On January 2, 2007 we started working on a new cell phone idea. Things were going pretty well. On the evening of January 4, 2007 I was at home thinking about our project. I came up with some great changes to our project, so I sat down at my computer and added them to my flash drive.

At work the next day the secretary needed my and Ima's flash drives to print out some paperwork. That was nothing unusual. Before lunch, I picked up what I thought was my flash drive and then went out to lunch.

Later that afternoon I realized that I had Ima's flash. We exchanged them. The following Monday everyone in the office was told that Ima Taker was going to be the new assistant manager because she had come up with a great new cell phone idea. That was my idea! We had worked on the beginning part of the ideas together, but the rest of the ideas were all mine! I tried to tell Mike B. Manager, but he told me that I was just being a sore loser.

It's not fair that I didn't get the prize or the assistant manager job. That is why I am suing Ima Taker for misrepresenting herself as the only creator of the cell phone idea.

Testimony of Jeff E. Ter

My name is Jeff E. Ter. I have been Donna D. Mixer's friend for 24 years. We went to high school and college together. On the afternoon of January 5, 2007 I went to pick up Donna for lunch. I work three blocks away from her office. When I got there, Donna was talking to Jennifer D. Filer about something. I saw Donna take a flash drive from Jennifer's desk. I know that Donna had been working on a special project and was very excited about it. At lunch she told me about it. It was a great idea.

I know that some parts of the new cell phone were Donna's ideas. I tried to call her boss Mike B. Manager to tell him, but his secretary Jennifer D. Filer repeatedly told me that he was busy.

I convinced Donna D. Mixer to sue Ima Taker for misrepresenting herself. The assistant manager's job really belongs to Donna.

Testimony of Ima Taker

My name is Ima Taker. I am assistant manager for the Kool Cell Company. My former friend Donna D. Mixer is suing me. She thinks that I misrepresented myself to our boss, Mike B. Manager. We both had been working on a new cell phone idea. Before we had the chance to complete the project, Mike B. Manager asked for our ideas. I had been keeping my notes on my flash drive. It's such an easy way to carry around paperwork...I mean work. People no longer need to carry around the paper part of the work!



At that time Jennifer D. Filer had the flash drive and she printed a copy of the cell phone idea for Mike B. Manager. He was in a really big hurry. I didn't know that she was actually copying Donna D. Mixer's ideas. We had mistakenly switched flash drives for a few hours. It really didn't matter because we both had been working together on the same idea!

It was a wonderful surprise that I became the office's new assistant manager. Mike B. Manager often told me how much he likes my work and the way I work with the people in the office. It was a coincidence that he announced my new job around the same time he saw Donna D. Mixer's and my new cell phone idea.

Donna is looking for a million reasons why she should have gotten the assistant manager's job instead of me. She is a good worker but needs to learn to get along better with people.

I did not misrepresent myself about the cell phone idea. I told Mike D. Manager that Donna D. Mixer and I worked on the idea together. I cannot believe that she is suing me.

Testimony of Jennifer G. Filer

I am Jennifer D. Filer. I am secretary to Mike B. Manager. He is a great boss. He is a very fair man. I love working for him.

On the morning of January 5, 2007 I needed to see some reports from everyone in the office. Since everyone kept their work on the great flash drives that Mike gave them, I borrowed a few at a time, printed the copies, and then called them to pick up their flashes.

Later in the morning I printed Donna D. Mixer's and Ima Taker's reports. As with everyone else, I called them when I finished with their flash drives. Unfortunately, Donna D. Mixer accidentally picked up the wrong flash drive. A little later, Ima Taker came to my desk to pick up her flash drive. While she was at my desk, Mike ran by and asked her for her cell phone ideas. I printed it for him. Mike then left the office to go to an important meeting.

A few days later, Mike announced that Ima Taker was going to be the office's new assistant manager. I was so happy to hear that. I just love working with Ima. She does such a great job and she is helpful

to everyone, especially me. Mike B. Manager really enjoys working with her too.

I can't believe that Donna D. Mixer is suing Ima Taker for misrepresenting herself. It is true that the flash drives did get switched and it is true that Mike loved the new flash drive idea, but Mike had to decide who would be the best person to be assistant manager. Donna D. Mixer wasn't the best person for that job, but Ima was. It may be true that Donna D. Mixer had added great ideas to the new cell phone plan. It is not true that Mike B. Manager chose Ima Taker over Donna D. Mixer for the job over just one project. Donna D. Mixer should not be suing Ima Taker.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence whether Ima Taker misrepresented herself to Mike B. Manager about the new cell phone ideas, causing Ima Taker to be selected for the assistant manager position instead of Donna D. Mixer.

SUB-ISSUES

1. Did Donna D. Mixer contribute to her not being selected for the assistant manager position because her people skills were weak?
2. Is Donna D. Mixer correct in asking for compensation for loss of future salary?

CONCEPTS

1. Misrepresentation.
2. Burden of proof.
3. Credibility of witnesses.
4. Formation of contract.

LAW

A contract is a voluntary obligation rising from an offer and acceptance, each part agreeing to perform, or not to perform, a function that they are not otherwise obligated to do.

Caught Red-Handed

SCHOOL

Laning Avenue Elementary
Verona
Grade 4, First Place

TEACHER

Connie Petner

STUDENTS

Mira Braneck, Natalie De Rosa, Olivia Feiger,
Thanasi Grillias, Rachel Gumbrecht,
Cole Mc Connachie, Nicola Perzichilli,
Michele Robson, Heather Smith, Alysia Vega,
Daniel Watabe

FACTS

Patty Picasso and Molly Monet, two 10-year-old friends from school, were playing at the Monet's house. They wanted to create a work of art on the driveway with their new pail of colored chalk. With the permission of Molly's mom, they were soon hard at work creating their masterpiece on the blacktop driveway.

When the driveway started to fill up with doodles, Molly went inside to finish her homework. Patty got bored and decided to head home. She walked by her former school, Cold Dale Elementary. She glanced at the building and noticed the graffiti on its gray, concrete walls. She didn't remember that the school looked like that. Patty headed for the school with her pail of chalk. Excitedly, she transformed the front school wall into her own work of art.

Just as she was finishing, the principal, Wyatt Happen, ran from inside the school building. He had been on the lookout for the vandals who had been covering the walls of the school with graffiti over the past months. He was sure that he had now caught the vandal, right in the act. He detained Patty and called the local police.

Officer Gotcha came to the scene and told Patty that she was under arrest for destruction of school property. Patty claimed that she did not destroy anything! In fact, she claimed, she was making the school beautiful with her artwork. The officer notified police headquarters and drove Patty home to the custody of her parents. She is now

charged with vandalism for the destruction of school property.

ISSUE

Is Patty Picasso guilty of vandalizing Cold Dale Elementary School?

WITNESSES

For the Prosecution

Wyatt Happen

Officer George Gotcha

For the Defense

Patty Picasso

Catherine Crayola



WITNESS STATEMENTS

Testimony of Wyatt Happen

I am the principal at Cold Dale Elementary School. We have been the target of some bad graffiti over the past six months. Vandals have been coming when no one is around and making a nasty mess of the school walls. Every time we get the walls cleaned up, it happens again. My custodian puts too many overtime hours into cleaning up that dirty work. I'm wasting good money that could go to better things. The problem is so bad that I had to notify the police, and I've been on the lookout to catch these vandals myself.

It was Friday afternoon and I was working late in my school office when I heard some noises outside the building. I looked out my window and saw Patty Picasso defacing the front walls of the building. Quickly I made my way to the front of the school and detained her. She was so startled that some one had caught her in the act of vandalism that she dropped her pail of chalk. I kept her in my office and called the police.

I knew if I kept watch I would finally catch the vandal. Frankly, I wasn't surprised that it was Patty Picasso. She always did whatever she felt like doing. I want Patty Picasso to learn that she can't destroy property and get away with it!

Testimony of Officer George Gotcha

I am Police Officer Gotcha and I've been a township officer for 15 years. I was on duty late Friday afternoon when a call came in from Wyatt Happen, Cold Dale's principal. He advised me that he had finally found the vandal that has been defacing his school. I was glad to hear it. We've been on the lookout for these vandals for six months now. I headed right over to Cold Dale.

When I reached the school, it was starting to get dark. I used my flashlight to inspect the damage to the walls. I saw what appeared to be heavy chalk drawings all over the front walls of the school. In fact, there were pieces of chalk strewn all over the ground and an empty tin pail was rolling around.

I headed into the school building to talk to Mr. Happen and the suspect. He and Patty were

sitting there quietly. I checked Patty's hands that were covered in chalk. I told her that she was being detained and arrested for malicious destruction of the school property. I called the report into the station and drove the girl home and released her to her parents. All the time, Patty kept protesting that she didn't destroy anything. But I think that she knew just what she was doing.

Vandalism has been a real problem over the past year in our town. We decided that we were going to crack down real hard on these vandals. I am glad that we were able to catch Patty Picasso right in the act!

Testimony of Patty Picasso

Hello, my name is Patty Picasso. I am 10 years old. My friend Molly Monet and I were playing outside of her house. We decided to draw with chalk on Molly's driveway. Molly and I love to draw. We go to summer art classes together. I brought the pail of chalk we got as an award at summer art school over so Molly and I could draw. Molly's mom gave us permission to do our chalk art on the driveway. Pretty soon we filled the whole driveway up with our drawings. Molly had to go do her homework so I took my pail of chalk and walked home.

On the way home I passed by Cold Dale Elementary School where I went to school when I was in the younger grades. I noticed all the ugly writing spray-painted on the walls. I remember Cold Dale being a beautiful place, but now it looked dreadful. I thought what a great place to make some beautiful artwork to cover up that graffiti. I put down my chalk and once I got started I couldn't stop drawing. I made bunnies and trees and a beautiful, life-size beach scene over the wall.

Next thing I knew Principal Happen came running out of the school screaming that he had caught me red-handed. I was shocked and dropped my chalk all over the ground. When Principal Happen said that I had destroyed school property, I couldn't believe my ears. How could he accuse me of vandalism? I was only trying to make those ugly walls into something beautiful. Besides, Principal Happen never liked me. He used to say that all I ever wanted to do was draw and never pay

attention to my school work. I guess Principal Happen never did like art. He didn't even give me a chance to explain and immediately called the police. I wasn't making graffiti. I was trying to cover it up with art!

Testimony of Catherine Crayola

I am Catherine Crayola. I teach art during the summer at the recreation center and give private lessons all year round from my art studio and gallery. Patty Picasso and Molly Monet are students of mine in the summer art program. Patty has taken some private drawing lessons with me. She is quite a fine young artist. In fact, I have displayed some of her artwork in my gallery. Her work is often admired by my customers. Patty loves to work with chalk, so I gave her a pail of chalk of her own at the end of the summer classes.

I have always encouraged my students to express themselves and to appreciate beauty. Patty wasn't destroying school property. She was beautifying it. Patty would never destroy anything. She was expressing her sense of beauty by trying to cover up all that ugly graffiti with her artwork. In fact, she did the school a service by sharing her beautiful drawings. Her art could encourage the children who go to Cold Dale School to do positive things.

INSTRUCTIONS

The jury must find beyond a reasonable doubt whether Patty Picasso is guilty of vandalizing Cold Dale Elementary School.

SUB-ISSUES

1. Did Patty's artwork disrespect the school or make it more beautiful?
2. Should Patty's artwork be considered destructive graffiti?
3. Was Patty expressing herself or being a vandal?
4. Was Principal Wyatt Happen overreacting?
5. Did Patty and Principal Happen have negative encounters before?

CONCEPTS

1. Malicious intent.
2. Credibility of witnesses.
3. Damages.

LAW

Vandalism is the intentional destruction, damaging or defacing of someone else's property. Vandalism is called "malicious destruction of property" or "malicious mischief." The crime can be either a misdemeanor or felony depending upon the amount of damage.

The Case of the Cookie Catastrophe

SCHOOL

Mount Prospect
Basking Ridge
Grade 4, Second Place

TEACHER

Sloan Scully

STUDENTS

Alessandro Brognara, Jamie Chou, Patrick Clark,
Michela Gatto, Yunhee Kang, Victoria Lai,
Tiffany Lin, Jeremy Mazumder, Makenzie Rupert,
Alison Shim, Saloni Singhvi, Ashley Son,
Celine Vu, Christine Wang

FACTS

August 21, 2006 was Katie Krumble's first day of work at Bobby Baker's Broadway Bakery in Bernards Township. Albert Allergy came into the bakery, followed by Eve S. Dropper. Mr. Allergy pointed at the sugar cookies and asked Katie Krumble if they contained peanuts. Katie Krumble said they did not contain peanuts, which was correct. Katie was not aware that the sugar cookies contained peanut oil. Eve S. Dropper was behind Mr. Allergy in line and overheard the conversation.

On his way out Albert Allergy took a bite of the cookie. He quickly went into anaphylactic shock in the parking lot of the bakery. Albert's wife, who was waiting in the car, administered an EpiPen injection to Albert. She immediately drove him to the hospital where he stayed for two weeks recovering. Dr. Anna Falactik took care of him during his hospital stay.

Albert Allergy missed two weeks of work and had enormous medical bills. Albert Allergy holds Katie Krumble responsible and is suing her for the cost of his medical bills and the loss of his wages. Katie Krumble claims Albert Allergy is responsible for his allergy attack, as he did not mention an allergy and only asked about peanuts and not peanut oil.

ISSUE

Was Katie Krumble negligent for not informing Albert Allergy there was peanut oil in the cookies?

WITNESSES

For the Plaintiff

Albert Allergy

Dr. Anna Falactik

For the Defense

Katie Krumble

Eve S. Dropper

WITNESS STATEMENTS

Testimony of Albert Allergy

My name is Albert Allergy. On August 21, 2006, I went to get some cookies at Bobby Baker's Broadway Bakery. It was my daughter's birthday and I wanted to bring her a treat. When I got to the bakery, there were many cookies in the case. I did not want to buy anything with peanuts in it, as I am very allergic to peanuts. The sugar cookies looked like they did not have any peanuts in them. So I asked the salesperson, whom I found out later was Katie Krumble, if there were any peanuts in the cookies. She very clearly said no so I bought a dozen of the cookies.

The cookies looked so good that I took a small bite of one as I was walking out the door. As soon as I swallowed the cookie, I started to feel my throat close up. Fortunately, my wife was nearby in the car. She saw me struggling, so she ran over and gave me an EpiPen injection. My wife drove me the hospital where I ended up staying for two

weeks. In addition, I could not go to work for two weeks and I did not get paid!

Katie Krumble said there were no peanuts in the cookies but there was peanut oil. Katie should have known I meant peanuts in any form. Why else would I ask about peanuts if I were not allergic? If she did not know about all the ingredients in the cookies, she should have asked Bobby Baker. Because of this I am suing Katie Krumble for the cost of my medical bills and my loss of wages. She is responsible for this terrible situation! Her negligence nearly cost me my life.

Testimony of Dr. Anna Falactik

I am Dr. Anna Falactik, Albert Allergy's doctor. Mr. Allergy has been my patient for several years. I help him stay healthy despite his severe peanut allergy. Albert Allergy is allergic to peanuts and any byproduct of peanuts, such as peanut oil.

On August 21, 2006, Mrs. Allergy called to tell me that her husband had eaten a cookie that contained peanut oil. He was in the hospital being treated for anaphylactic shock. I met Mr. and Mrs. Allergy at the hospital where I treated him so he could recover from his very serious allergic reaction. Albert Allergy was so sick that he had to remain in the hospital for two weeks and could not return to work. He is very fortunate that he even survived!

I know Albert is very responsible about taking care of his health because he comes to see me every month for a checkup. He always asks about any new information I have regarding allergies to nuts. So I am quite sure this is not his fault. He never would have eaten anything that contained peanuts, as he knows it could kill him! Katie Krumble was very negligent for not telling Albert about the ingredients in the cookies and is responsible for this terrible situation!

Testimony of Katie Krumble

I am Katie Krumble. August 21, 2006 was my first day working Bobby Baker's Broadway Bakery. I am 15 years old and this was my very first job. I had just arrived at work and was standing behind the counter when Albert Allergy walked in. He was looking at the different selections of cookies for a few minutes. Then he asked if there were any

peanuts in the cookies. I told him no because they were sugar cookies. The peanut butter cookies and the almond cookies had nuts, but the sugar cookies did not. Then he bought a dozen of the sugar cookies.

After I gave him the cookies, he walked out the door. I heard a commotion and went out to the parking lot with another customer. There I saw Mr. Allergy on the ground and a woman was giving him an injection. Then they got in the car and drove away. I was very upset to see him so sick.

I feel terrible that Mr. Allergy got sick from the peanut oil in the cookies. But it is not my fault because Mr. Allergy never told me he had an allergy to peanuts. If he had I would have asked Bobby Baker if there was anything in the cookies that came from peanuts. He only asked me about peanuts, not peanut oil. I assumed that Mr. Allergy did not like peanuts, and I knew there were no nuts in the sugar cookies. Also, Mr. Allergy never asked me for a list of ingredients in the cookies. If he had, we both would have found out that there was peanut oil in the cookies and then this whole terrible situation would not have happened! Albert Allergy should be more responsible about his own health.



Testimony of Eve S. Dropper

My name is Eve S. Dropper. On Saturday, August 21, 2006 I went into the Broadway Bakery down the street. I was in line behind a man who I later found out was Mr. Allergy. I heard Mr. Allergy ask the new person behind the counter if there were any peanuts in the cookies. She said no. Mr. Allergy did not ask her anything else about peanuts or about the cookies. Then he bought some of the cookies and left the store.

A minute later I looked out the bakery window and saw Mr. Allergy on the ground. Katie Krumble and I ran out to the parking lot. Then his wife got out of her car and gave Mr. Allergy his EpiPen injection. It was awful! Right after that Mrs. Allergy drove away with Mr. Allergy in the car. Katie Krumble was very upset. I felt bad for Mr. Allergy but I heard everything he said to Katie and he never told her he was allergic to peanuts. Mr. Allergy should have explained more to Katie Krumble. I do not think it is Katie's fault that Mr. Allergy had an allergic reaction to the cookies. He never told Katie that he was allergic to peanuts and he *never* asked her if there were any peanut byproducts in the cookies. He should have been more clear about his allergy. If he had told Katie about his allergy, he might not have gotten sick!

INSTRUCTIONS

The plaintiff, Albert Allergy, must show by a preponderance of the evidence that Katie Krumble's negligence was responsible for Mr. Allergy's allergic reaction.

SUB-ISSUES

1. Is Bobby Baker at fault for not informing his employee, Katie Krumble, about the ingredients in all the food?
2. Is Katie Krumble responsible because she did not give Albert Allergy a list of the ingredients in the food?
3. Is Albert Allergy responsible for his allergy attack because he did not give Katie Krumble any information about his allergy?
4. Is Albert Allergy responsible for his allergy attack because he did not ask if the cookies contained byproducts of peanuts?

CONCEPTS

1. Negligence.
2. Preponderance of the evidence.
3. Personal responsibility.

LAW

The Bernards Township Board of Excellent Health Ordinance 6.12 states that all food-related businesses must provide customers with a list of all food ingredients when asked to do so by a customer.

This ordinance is fictitious and was created for this case.

The Case of the Copyright Caper

SCHOOL

Cedar Hill
Basking Ridge
Grade 4, Honorable Mention

TEACHER

Sloan Scully

STUDENTS

Jillian Falduto, Soo Jeong Han, Jennifer Haskel,
Renee Hastings, Derek Huber, Caitlin Mahoney,
Kyle Mallia, Megan Mikutsky, Samantha Post,
Benjamin Raff, Ariel Salomon, Valerie Tan,
Gladys Teng, Ryan Walsh, Peter Wang

FACTS

Kathy Kopy had an eleventh birthday party and invited her class of 25 students to attend. Her party theme was music so she burned 25 CDs, with some songs from three of her favorite singers. The CD included music from Anita Band, who is a new recording artist, Annie Clef, and Mike Rafone, both of whom are well-known and popular singers.

During the birthday party, Kathy and her friends attended a Mike Rafone concert. At the end of the concert they all lined up for autographs. When they finally met Mike Rafone, they asked him to sign their CDs. Mike Rafone asked them where they got the CDs and Kathy told him that she burned the CDs from one of his recordings that she purchased. She gave them out as party favors.

Mike Rafone was not happy about this and, after discussion with his manager, Bob Bux, decided to sue Kathy for copyright infringement. He claims Kathy is stealing his profits and does not have the right to make 25 copies of his music. Kathy claims she had the right to copy Mike Rafone's CD from the original she purchased, as it was for her own personal use. In addition, Kathy claims she is helping Mike Rafone by sharing his music and thus increasing the number of fans who will buy his music. Anita Band, who is a neighbor of Kathy, agrees with Kathy. Anita Band is pleased about the prospect of attracting more fans and thus selling more music.

ISSUES

1. Is Kathy Kopy guilty of copyright infringement because she made 25 copies of Mike Rafone's music, rather than one copy?
2. When Kathy Kopy gives away copies of Mike Rafone's music, is that her personal use, or the personal use of her friends?

WITNESSES

For the Plaintiff

Mike Rafone

Bob Bux

For the Defense

Kathy Kopy

Anita Band

WITNESS STATEMENTS

Testimony of Mike Rafone

My name is Mike Rafone. You have probably heard of me because I am a very famous rock star. At my concert last summer I was nice enough to sign autographs after the show. After I signed a few autographs, a girl asked me to sign her CD. I found out later her name was Kathy Kopy. I was going to sign Kathy's CD until I noticed it was a copy of some of my songs. Then I realized many kids had the same CD. When I asked them where they got the CDs, Kathy said she made them for her

friends as a party favor. They were burned CDs with *my* music on them. I do not like people copying my music. That is stealing. I make a lot of money for each CD I sell. I would not mind one or two copies, but 25 are way too many.

I am suing Kathy Kopy for copyright infringement. The law says she can only make copies for her own personal use. Those copies were for the personal use of her friends! She owes me compensation for the loss of my profits from those CDs. She made those copies without my permission and that is stealing!

Testimony of Bob Bux

I am Bob Bux, the manager of Music Money Recording Studio. One of my most popular clients is Mike Rafone. He came to see me to discuss the problem he had with Kathy Kopy. She made 25 copies of some songs from his latest CD, along with some songs from other artists.

Kathy did not ask me for permission and Music Money Recording Studio has the copyright on that music. Not only is Kathy stealing from Mike Rafone but she is also stealing from me. My company makes profits each time we sell a Mike Rafone CD. We spend a lot of money to make those CDs. Music Money Recording Studio would go out of business if we let everyone copy our music and did not get paid for it.

When Kathy gave away 25 copies of those songs, she stole from us about 25 times. Kathy can make one copy of our music for her own personal use, but she cannot make copies for the use of her friends. Mike Rafone is right to sue her and get back the money we lost from those stolen CDs.

Testimony of Kathy Kopy

My name is Kathy Kopy, and I just turned 11 years old. For my birthday my friends and I went to a Mike Rafone concert. I burned 25 CDs for all my friends, with music from three different singers on them. One of the musicians, Anita Band, happened to be at my house and saw all the copies. She thanked me for sharing her music with my friends. I thought the other two musicians would feel the same way.

Everyone brought the CDs to the Mike Rafone's concert to get his autograph. When we lined up to get his autograph, he signed a couple of CDs and then stopped and asked me where we got them. I told him that my friends and I love his music, so I copied a few of his songs onto a CD and gave them to my friends as a party favor. I was very surprised when Mike Rafone got really mad and would not sign the CDs.

I have the right to make copies of some music I bought. I was not going to sell it; I was just giving it to some of my friends. I didn't even copy all the music on his CD, just a few songs. If someone wants to hear his entire CD, they still would have to buy it.

I thought I was helping Mike Rafone because some of my friends had not heard his music before. Now that they heard it, they might go out and buy some of his CDs for themselves. Mike Rafone said I was stealing but I was not stealing from him. The copies I made were a "fair use" of the CD I purchased! I think he was really rude and now I refuse to buy any more of his music.

Testimony of Anita Band

My name is Anita Band. I am a singer and I just produced my first CD. I am very excited about selling many copies, but that may take some time because many people have not yet heard of me. I live down the street from Kathy Kopy.

One day, I was at Kathy's house having coffee with her mother. I saw a stack of CDs on the table. When I took a closer look, I noticed every CD was labeled "Super Songs by Anita Band, Annie Clef, and Mike Rafone." I asked Mrs. Kopy what the CDs were for. She said they were party favors for Kathy's 11th birthday party.

Though Kathy had not asked me if she could copy my music, I was very happy. If Kathy shared my music with her friends, they might buy my CD from the store. They also might tell their friends about my music and then I would get even more fans to buy my music. I thanked Kathy for helping me to share my music with the public. Hopefully, I will get many more customers, and one day I will become famous. I am fine with Kathy making 25 copies of my music. Several weeks later, the sales

of my CDs went up. I owe Kathy many thanks because of that. Now I am more popular.

INSTRUCTIONS

The plaintiff must show, by a preponderance of the evidence, that Kathy Kopy is guilty of copyright infringement by making copies of music that went beyond her own personal use.

SUB-ISSUES

1. Is Kathy helping the musicians increase their number of fans?
2. Is it copyright infringement if Kathy did not copy the entire CD and did not sell the CDs?
3. When Kathy Kopy gave away copies of Mike Rafone's music, is that her personal use, or the personal use of her friends?

CONCEPTS

1. Fair use.
2. Preponderance of the evidence.
3. Personal use.

LAW

Article 3, Section 9, Clause 4, also known as the Copyright Regulation, states that it is unlawful to copy any copyrighted material without permission from the owner. Any copyrighted item that is purchased may be copied for the purchaser's own personal use but may not be used for monetary gain.

This law is fictitious and was created for the purpose of this case.

The Museum Mishap

SCHOOL

Angelo L. Tomaso Elementary
Warren
Grade 4, Honorable Mention

TEACHER

Susan Kline

STUDENTS

Tuhina Bhat, AJ Bisci, Mikaela Brandon,
Frederick Chang, Karen Chi, Danielle Coven,
Alexander Duncan, Allison Ivan, Harrison Napell,
Benjamin Overzat, Claudia Przybylski,
Jonathan Zeitels

FACTS

On August 28, 2006 Mrs. McGee took her two sons Bob, 10, and Charlie, 13, and their 12-year-old friend Max to the Museum of Extinct Animals. Max, who loved football, brought a nerf football with him because he was going to tryouts straight after visiting the museum. Mrs. McGee knew this and let him bring it in as long as he didn't play with it.

When they were going through security, the security guard asked for their tickets. Mrs. McGee forgot that the tickets were in the car with her purse. She went to get the tickets while the security guard checked the boys. While he was checking the boys' backpacks, he felt the nerf football but he didn't take it out because it was soft. The security guard let them in because he knew the mom was coming back with the tickets.

The boys got bored and decided to practice for football tryouts. The kids sneaked in the room of the plesiosaur exhibit, which was under construction, so no one could see them playing. The boys began to toss the football. Bob kicked a long punt and the football got stuck in the dinosaur's long, sharp teeth. Charlie went to get the football back. He saw a ladder next to the dinosaur. He climbed the ladder, and as he reached for the football, the ladder began to tip. Charlie began to fall so he reached out to grab the dinosaur's head. Both Charlie and the dinosaur fell with a crash.

Mrs. McGee and the security guard heard the loud crash and found Charlie in a heap of bones. All three boys were trying to look innocent. The

security guard called the museum's paleontologist on the walkie talkie to assess the damage. The museum is suing Mrs. McGee for \$15,000 for the cost of reconstructing the dinosaur.

ISSUE

Is Mrs. McGee responsible for the damages to the plesiosaur?

WITNESSES

For the Plaintiff

Fut Bull

Dr. Din O. Sawyer

For the Defense

Jane McGee

Charlie McGee

WITNESS STATEMENTS

Testimony of Fut Bull

My name is Fut Bull. I've been working here as chief of security for over 25 years. I am German, and I'm not very familiar with English. On August 28, 2006 the McGees and their friend arrived around 11:30 a.m. Mrs. McGee did not tell me to watch the boys while she went to go get the tickets. The boys ran off without my noticing. When Mrs. McGee came back, she was concerned that her boys were gone. She accused me of letting the

boys go, but I protested that I didn't.

Then we heard a loud crash. We both ran to the source of the sound, which was in the construction room. I called the paleontologist, Dr. Sawyer. I don't understand how the football could cause such huge destruction.

Testimony of Dr. Din O. Sawyer

My name is Din O. Sawyer. I've been working for the state for two years. I've been working on this project for five months now. I have a lot of experience in building dinos. I was working in the plesiosaur room for five hours that day. Since I had been working so hard, I decided to go to the employee lounge to take a 10-minute lunch break. Before I left, I was working on the high parts of the dino so I needed a ladder. I left it there because I was coming back soon. Even though I didn't lock the door, I put a sign up that clearly stated: "Construction Site. Authorized Personnel Only."

While I was eating a great sandwich my mother made for me, the guard called me and told me to rush back to the site. I was very mad at these youngsters because they had single-handedly taken down the entire dino in seven minutes flat. It will take months at the cost of \$15,000 to glue all the bones back together. No offense, Mrs. McGee, but I think your boys need reading lessons.

Testimony of Jane McGee

My name is Jane McGee. I took my two sons, Bob and Charlie, and their best friend Max to the Museum of Extinct Animals. I knew that Max was bringing a football because after visiting the museum, he was going to tryouts. I spoke with him before we left and told him not to take out the football.

When we got the front gate, the security guard said, "Tickets please." Then I realized I left the tickets in the car. I left Charlie to watch the kids. I told the boys to stay with Charlie. I trusted Charlie to watch the boys because he's watched them before.

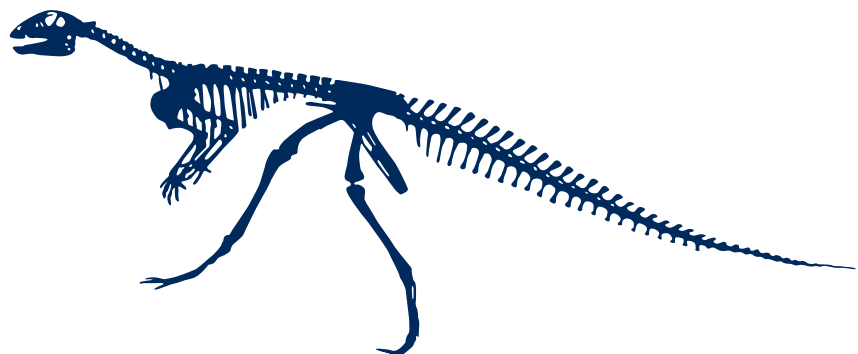
Ten minutes later I went back to the front gate. There was a long line. It took about five minutes to get to the gate. When I got there, I noticed the boys were gone. I was extremely worried. Then I heard a loud crash. I ran into the room where the crash came from. I saw my little Charlie in a heap of bones. I was furious at the security guard for letting the boys go. I don't understand why the museum is suing me for damages when it is clearly the security guard's fault.

Testimony of Charlie McGee

My name is Charlie McGee. I am 13 years old. On August 28, 2006, my mom took my brother Bob, my best friend Max, and me to the Museum of Extinct Animals. When we got to the museum, the security check line was long and my mom forgot that the tickets were in the car with her purse. My mom told the security guard to watch us. The security guard told us to go play around.

My brother Bob ran into a big, empty room. My friend and I went in too, because there was nobody or nothing blocking the door. We thought that there was nothing in the room, so we started passing the football in the open space. After a while, Bob kicked a punt and it landed into the dinosaur's teeth. We remembered seeing this dinosaur in one of our *Weekly Readers*, but didn't remember its name.

I was brave enough to go get the football. I climbed up the ladder. As I reached for the football, the ladder started tipping. I grabbed the dinosaur's head but I fell with the bones onto the floor. There was a loud crash as I fell onto the ground, but luckily I landed on the football. I didn't hurt myself but I was scared.



Everybody came rushing in. My mom was the first one to break the silence. She started yelling at me, and then she yelled at the security guard. The paleontologist, Dr. Sawyer, was angry. I did feel ashamed of what I did but thought that it was the right thing to do. I really don't think it was my fault, because I was trying to get the football down so the security guard wouldn't get in trouble. He was the one who let us bring the football into the museum.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Mrs. McGee was negligent when she left her children in the museum unsupervised and that this negligence was the proximate cause of the damage to the plesiosaur.

SUB-ISSUES

1. Was putting up the sign on the door enough to protect the public from the danger in the plesiosaur room under construction?
2. Was Mrs. McGee acting responsibly when she left her children with the security guard?
3. Should the security guard have foreseen that the unsupervised boys could cause damage with the football?
4. Is a 13-year-old responsible enough to supervise a 12- and a 10-year old even for a short period of time?

CONCEPTS

1. Negligence.
2. Comparative negligence.
3. Parental responsibility.
4. Burden of proof.
5. Damages.
6. Credibility of witnesses.

LAW

1. Negligence is established when:
 - a. the defendant had a duty to protect the plaintiff from harm;
 - b. the defendant fails to fulfill that duty, even if unintentionally; and
 - c. the defendant's failure causes injury to the plaintiff's person or property.
2. Comparative negligence – when both sides have a part in the damage that was caused.
3. Parents have an obligation to properly supervise the activities of their minor children.
4. Persons operating a public facility such as a museum have a responsibility to maintain their premises in a safe condition.

The Case of the Trampoline Trespasser

SCHOOL

Hilldale Elementary
Pine Brook
Grade 5, First Place

TEACHER

Joanne Cartabona

STUDENTS

Sara Borrello, Jordan Buren, Tyler Chin, Roy Darrah, Gianna Florio, Zachary Geffner, Nicole Giordano, Abby Haimson, Kevin He, Timothy Higgins, Lindsay Hill, Robert Jackson, Cara Jensen, Todd Lawrence, Emily Marrero, Jen Orris, Matt Picon, Brittany Presto, Michael Rinaldo, Trevor Tarnoff, Jesse Warech, Eileen Yu

FACTS

On Friday, October 13, 2006, Kevin Haughse and his family left their home at 12 Boing Boulevard in Trampton, New Jersey. They were on their way to their daughter's soccer game at the nearby township field. Shortly after they left, their next door neighbors, six-year-olds Betsy and Becky Bouncer, decided to go outside to play.

Betsy wanted to go to the Haughse's yard and use their trampoline. She tried to talk Becky into joining her, stating that they had permission to use the trampoline. Becky refused because she had seen the family leave for the soccer game. At this point, Becky went home to tell her parents what Betsy was doing.

Betsy entered the Haughse's back yard through an open gate. She began jumping on the trampoline when Sam C. Everything, who was leaf blowing the yard, told her to get off. She ignored him and continued jumping for about 10 minutes. She attempted a flip and landed the wrong way. As a result, she broke her leg.

Meanwhile, Becky told her parents what was happening. They were on a conference call, and it was several minutes before they responded to Becky. When Mr. and Mrs. Bouncer arrived in the back yard, they saw their daughter screaming in agony because of her injury. At the same time, the Haughse Family returned from the soccer game. Betsy was taken to the hospital and had to have a cast put on her leg. She had to be on crutches for at least two months. The Bouncer Family is suing

the Haughse Family for the cost of Betsy's medical bills and for her pain and suffering.

ISSUE

Did the Haughse Family act negligently with regard to the use of their back yard trampoline? Should they therefore be held responsible for Betsy Bouncer's medical bills and for her pain and suffering?

WITNESSES

For the Plaintiff

Tiki Turner

Betsy Bouncer

For the Defense

Sam C. Everything

Clara Cleaner

WITNESS STATEMENTS

Testimony of Tiki Turner

My name is Tiki Turner. People call me Tiki. I am the local barber. I live at 14 Boing Boulevard in Trampton, New Jersey. I own and work at Snips Barber Shop at 25 Main Street. I was out in the yard raking leaves on October 13, 2006 when I saw the Haughse's back yard gate open and Betsy Bouncer walked through. I also saw her sister Becky leave.

My neighbors, the Haughses, are somewhat careless because the wooden gate has been rotting for over a month. I have constantly reminded them to fix it but they have not done so. Then I heard a scream and saw Betsy lying on the trampoline moaning in agony. I ran through the gate to help her and saw that there were a few springs missing from the underside of the trampoline. I also noticed that her leg appeared broken and it was badly swollen. I think the Haughse Family is liable for her injuries because of the missing springs and the opened gate. Their property is not well kept.

Testimony of Betsy Bouncer

My name is Betsy Bouncer. I am six years old. I live at 10 Boing Boulevard, Trampton, New Jersey. I live next door to the Haughse Family. In the afternoon on Friday, October 13, 2006, my sister and I were sitting in our house. We were so bored but then I saw that the Haughses' gate was open. I told my sister Becky that we should go jump on their trampoline. She said OK.

We crossed the gate and Becky said, "No, we can't go on because I saw them leave." The Haughse Family said I can go on if they are at home. It looked like they were home because there was a person inside. It turned out to be Clara Cleaner, but I didn't know that at the time. So I went on.

I was jumping and having so much fun. Sam C. Everything was waving at me so I waved back. He was saying something to me but I couldn't hear it over the sound of his leaf blower. I tried to do a flip, but I landed wrong and broke my leg. It hurt a lot! Now I am on crutches for about two months. The Haughses are responsible for my injuries and they should pay!

Testimony of Sam C. Everything

My name is Sam C. Everything. I am a landscaper for the Haughse Family. I live on 8 Springbrook Road, Trampton, New Jersey. On October 13, 2006, I saw both of the Bouncer daughters by the Haughses' gate. Becky went home and Betsy went on the trampoline. I shouted at Betsy and told her to get off. I was also waving my arms trying to tell her to get off. She just waved back!

I know for a fact that when the Haughses are not home, the Bouncer girls are not allowed to jump on the trampoline.

About 10 minutes later, she did a flip and landed the wrong way. I saw her lying on the trampoline and she was in agonizing pain. I tried to call her parents on the cell phone, but they didn't come right away. When the Haughses got back from the soccer game, I told the Haughses and the Bouncers what had happened. After that I went home. The Bouncers really have to worry more about what Becky and Betsy do. I think it's the Bouncers' fault for not supervising their daughter properly.

Testimony of Clara Cleaner

My name is Clara Cleaner and I live at 82 Germaway Street, Trampton, New Jersey. I am the Haughses' housekeeper on Mondays, Wednesdays, and Fridays. On Friday, October 13, 2006, the Haughses were out at a local soccer game while I was cleaning the upstairs bedroom. I was working up a sweat fluffing pillows and vacuuming so I went to open the window. When I opened the window, I realized a little girl was outside jumping on the Haughses' trampoline.

I knew that the Haughses told the little girls they could go on the trampoline when they were home, but they weren't home. I yelled at the little girl to get off. I guess she didn't hear me because she kept on jumping. I shut off the vacuum and tried again. Again she just kept on jumping. When I was done, I took out the trash and saw the little girl lying on the trampoline in a weird position. I figured that she was tired of jumping, but I went over to check on her anyway. I saw the girl screaming in agony and then her parents finally came rushing over to the trampoline. At the same time, the Haughses returned from the soccer game.

I explained to her parents and the Haughses that I didn't see what happened to her, but I knew she was hurt. The Bouncers rushed her to the emergency room. The next time I saw her she had a broken leg and was in a cast. I do not think the Haughses should get sued because the girl trespassed on their property.

INSTRUCTIONS

You, the jury, must decide whether or not the defendants, the Haughse Family, should be required to pay damages to the plaintiffs, the Bouncer Family, for Betsy Bouncer's medical bills and pain and suffering due to her accidental injury on the Haughses' trampoline. In order to find for the plaintiff, you must determine that it was the Haughses' negligence that caused the injuries, and that they didn't properly maintain their trampoline nor did they properly supervise it.

Keep in mind that the Bouncers are the plaintiffs in this case who bear the burden of proof by a preponderance of the evidence. The Haughses, as defendants, do not need to prove that they exercised reasonable care.

SUB-ISSUES

1. Why didn't Mr. Turner tell Betsy to get off of the trampoline?
2. Why was Mr. Turner at home and not at work on a Friday?
3. Why was Mr. Turner so concerned about the Haughse's gate and yet he wouldn't say anything to stop Betsy from jumping on the trampoline?
4. Did Mr. Turner hear Becky say anything to Betsy when she left?
5. How clear was Mr. Turner's view of the trampoline considering there is a fence around the yard?
6. Why is Mr. Turner such a nosy neighbor?
7. How does Mr. Turner know that there is something wrong with the trampoline? Is he some kind of trampoline expert?
8. Did Mr. Turner do anything to help Betsy?
9. Why was Betsy trying difficult tricks on the trampoline? At six years old, was she properly trained?
10. Why did Betsy go on the trampoline instead of leaving with Becky? Did she ask Becky to explain how she knew that the Haughse Family wasn't there?

11. Why didn't Betsy stop jumping and go find out what Sam C. Everything was saying?
12. Did the Haughses give Betsy permission to go on the trampoline without anyone supervising in the yard?
13. What were Betsy's parents doing at the time? Did she have their permission to go on the trampoline?
14. Why didn't Betsy go back with Becky and confirm whether the Haughses were at home or not?
15. Why didn't Mr. Everything turn off his leaf blower and tell Betsy to get off? Why did he let her jump for 10 minutes and not try to stop her?
16. How well does Mr. Everything know the Bouncer girls?
17. How does Mrs. Cleaner know that Betsy trespassed?
18. When Betsy didn't hear her the first time, why didn't Mrs. Cleaner stop cleaning and go outside to make sure Betsy got off the trampoline?

CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Burden of proof: preponderance of the evidence.
4. Proximate cause.
5. Damages.
6. Credibility of witnesses.

LAWS

1. In the State of New Jersey, trampoline owners and users must abide by the following regulations:
 - a. Children under the age of 12 must be supervised by an adult.
 - b. Users must not attempt tricks that require advanced skills without proper training.

- c. Owners should secure their trampolines against unsupervised use by fencing their property.
 - d. Trampolines must be properly maintained; in the event that the trampoline is defective, access to the trampoline should be denied until such defect is fixed.
 - e. Trampolines must have proper trampoline safety pads.
 - f. Anyone waiting to use the trampoline should remain at a safe distance from the trampoline.
 - g. Anyone under the influence of drugs or alcohol should not use the trampoline.
2. Negligence: Negligence is the failure to exercise reasonable care thus causing damage to property or injury to another. A person may also be considered negligent if, as a result of his or her actions, another person is injured.
3. Damages: If a person is found negligent in causing injury or damage, that person will be responsible for the payment of all bills and payment to relieve the plaintiff's pain and suffering.
4. Burden of proof: by a preponderance of the evidence. In a civil case, the burden of proof rests on the plaintiff. It must be established that the claim the plaintiff is making is true. Preponderance means the greater part of such evidence. That does not mean the greater number of witnesses, but refers to the quality of the evidence. In order for the plaintiff to recover, the evidence that supports his or her claim must seem to more nearly represent what took place than the evidence against the claim.

T-Shirt Tangles with First Amendment

SCHOOL

John Y. Dater Elementary
Ramsey
Grade 5, Second Place

TEACHER

Luci Goldberg

STUDENTS

Melinda Chen, Alexa Colon, Chrissy Long,
Steven Mones, Derek Nelson, Sydne O'Connor,
Thomas Sebastiano, Corby Williams,
Kyler Williams, Christian Zitelli

FACTS

Johnnie Johnson, a fifth-grade student, wore a t-shirt to school one day with the words, "Vice President Cheney is a Bully and a Cheat" printed on it. The t-shirt caused many arguments at the school and one resulted in a fistfight between two students. Johnnie received a black eye in the altercation. He went to the nurse and she put ice on his eye.

Ms. Moodie, the principal, called Johnnie into her office and told him that his t-shirt violated the school's dress code and he must change his shirt immediately or he would be suspended from school. The section of the school dress code that Ms. Moodie claimed the t-shirt violated states: "No student shall wear any clothing that is offensive to any other student, teacher or school official." Believing that he had a First Amendment right to wear the t-shirt to school, Johnnie refused to change his shirt. Ms. Moodie suspended Johnnie for one week.

Mr. and Mrs. Johnson are suing the Middletown School District arguing that his First Amendment right to freedom of speech was violated. The parents are also suing for injury.

ISSUES

1. Can a public school have a dress code?
2. If the Constitution Elementary School has a dress code that states: "No student shall wear any clothing that is offensive to any other student, teacher or school official," who determines what is "offensive"?

WITNESSES

For the Plaintiff

Johnnie Johnson
Shelley Schultz

For the Defense

Ms. Moodie
Jason Jurque

WITNESS STATEMENTS

Testimony of Johnnie Johnson

My name is Johnnie Johnson. This is my first year at Constitution School and it is very different from my old school in California. This never would have happened in my old school. There they gave students the freedom to question and express our opinions. It was a great way to learn. I feel like I am in the army at Constitution. If it wasn't for my good friend Shelley, I wouldn't have any friends. When I wore that t-shirt to school to demonstrate free speech, I never thought it would lead to my

suspension. I knew some people would disagree with it, but not to the extent Jason did! As soon as Shelley and I went to school, kids started harassing me, saying I had no right to say that about our vice president. Someone told me I should move to another country if I don't like him.

Well, about 10 a.m., our class took a bathroom break. I went to the water fountain, which is around the corner from the bathrooms, and did not see Jason behind me. He blocked me and started saying some nasty things. I tried to move him aside so I could get back to class and that is when he punched me. He told his friends that I hit him first, but I just tried to move him aside so I could get back to the classroom.

Testimony of Shelly Schultz

Johnnie is new to Constitution School. This is his first year and we are in the same classes. We became friends almost immediately. He is smart and not afraid to say what he feels. I like that.

In history class, we are studying the Constitution. Our homework was to bring in some examples of how the First Amendment affects our lives. Well, Johnnie called me up the night before the homework was due and told me that he was not going to write his homework, he was going to wear it. He told me what his shirt said and I thought that was a great idea. We both thought Mrs. Wright, our history teacher, would like it also.

Johnnie and I walk to school together and as soon as we got in the door and hung up our coats, the trouble started. Kids started saying mean things and calling us names like "traitor" and "terrorist." Some said we had no right saying anything mean about the vice president or president. We started arguing about how we did have the right but no one listened. I guess no one was listening when Mrs. Wright was talking about freedom of speech.

Anyway, the school bully, Jason Jurque, started poking Johnnie and threatening him. One thing led to another and before we knew it, Jason punched Johnnie, knocked him down and gave him a black eye. Johnnie had to go to the nurse.

Testimony of Ms. Moodie

My name is Martha Moodie and I have been principal of Constitution Elementary School for six years. I pride myself on running a very good school. All students know there are consequences for not following school rules. An altercation in my school is very rare. Also, our school test scores are very high. I believe that is because this is a no-nonsense school.

I have very strict rules. One of the rules I instituted five years ago was a dress code. It very clearly states that no student may wear anything that is offensive to other students, teachers or officials. I think it is obvious that Johnnie Johnson has violated that dress code. I cannot run a school when students are yelling and fighting in the halls. I asked Mrs. Heale, our nurse, to send Johnnie to me after she iced his eye.

Testimony of Jason Jurque

My name is Jason Jurque. I have been a student at Constitution Elementary since first grade. I usually like everybody but this kid Johnnie thinks he is better than everybody else. He is always bragging about his grades and thinks he knows everything.

We are in the same history class. Our homework was to write something about the First Amendment. When I saw Johnnie's shirt, I admit I did not like it one bit. My cousin is fighting over in Iraq. I support the war and think it is wrong to say bad things about the president or vice president. But that does not mean I started the fight with Johnnie. He knew how I felt and he kept putting that shirt in my face.

When the class went for drinks, Johnnie and I were the last ones. At the water fountain, he started flaunting the shirt again. I told him to get out of my face. He then stood in my way and I told him to move. He said, "Make me." So I did. He started it. What could I do?

INSTRUCTIONS

The plaintiff must set out such a convincing case against the defendant that the jury finds by a preponderance of evidence that the defendant has violated Johnnie's First Amendment right of freedom of speech.

SUB-ISSUE

Who is responsible for Johnnie's injury, the school or his parents for buying him the shirt?

CONCEPTS

1. Credibility of witnesses.
2. Burden of proof.
3. First Amendment of the U.S. Constitution: freedom of speech.

LAW

The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Broadville School Nut Case

SCHOOL

Alexander Hamilton
Morristown
Grade 5, Honorable Mention

TEACHER

Mary Trezza

FACTS

Al Ergy and Tracy Wetmore have been friends for three years. The date was October 20, 2006. The time was 12 p.m. The location was the Broadville School cafeteria. There was a new cafeteria lady named Sue Mee. She was fired from her former job as a cafeteria lady at Lakewood School. The weekly menu was listed although the ingredients were not included. There was a 5"x7" sign that read, "Some foods may contain peanuts." This sign is only displayed on the lunch counter when food containing peanuts is served.

Al got in line and decided to buy pizza, a brownie, and milk. The lunch was served by Sue Mee. Al sat down with Tracy and they began to eat their lunch. He ate part of the brownie and he liked it so much he ate the whole thing. Al immediately had an allergic reaction and difficulty breathing. Al was immediately brought to the hospital. He spent the remainder of October 21 and 22 in the hospital. He then spent October 23 and 24 at home recuperating.

Al and his family then went on a previously planned trip to Disney World in Orlando, Florida. The Ergy family stayed there from October 25-27, returning home on Saturday, October 28, and Al then returned to school on Monday, October 30. The Broadville School is being sued by Mr. and Mrs. Ergy. They want the school to pay for medical bills of \$1,000 and Al's pain and suffering in the amount of \$5,500.

ISSUE

Was the school negligent in –

1. How they served food to their students in general?
2. How they served food to Al Ergy on October 20?

WITNESSES

For the Plaintiff

Al Ergy

Tracy Wetmore

For the Defense

Sue Mee

Linda Racher

WITNESS STATEMENTS

Testimony of Al Ergy

My name is Al Ergy. I have always had peanut allergies. I am 10 years old and in the fourth grade. On October 20 I bought lunch, like I do everyday. On that day my mom gave me extra money to buy dessert. I bought a delicious-looking brownie, which appeared not to have nuts in it. I did not see a sign about peanut products. After I ate my pizza, I took a bite of my brownie. It tasted really good so I ate the entire brownie. Suddenly, I felt short of breath, and my face and arms were red and swollen.

Linda Racher, the lunch monitor, saw that I was sick and called 911 and the paramedics rushed me to the hospital. I stayed in the hospital for the weekend, then stayed home for a few days, then went to Florida with my family for a few days. I had really been looking forward to my trip, but I was so tired and run down that when we went I couldn't really enjoy it. I didn't even go on all the rides I had planned to do; I was just too exhausted.

Testimony of Tracy Wetmore

My name is Tracy Wetmore. I have been friends with Al for three years. I know he can't eat peanuts. We are in the same fourth-grade class. I was with Al on October 20, 2006. We were sitting in the cafeteria eating our school lunch. I did not buy lunch that day so I was never on line and obviously would not have seen the sign if it was there. Al and I were talking about video games and were having a good time. But after he ate the brownie, he could not speak anymore. His face and arms were swollen. I yelled for the lunchroom monitor, Mrs. Racher, and she called 911.

Testimony of Sue Mee

My name is Sue Mee and I am the cafeteria lady at Broadville School. I started working there on October 1, 2006. I used to work at another school but I had to leave. My English is limited. I was born in Thailand and we cook with a lot of peanuts. Peanut allergies are uncommon in my country.

When I arrived at the cafeteria on October 20, one of the first things I did was to open the door and put up the sign that says, "Some foods may contain peanut products." I placed the sign right at the front of the food line. I don't tell the students what is in the food. I know fourth-graders can read a simple sign like that. I don't feel that I am responsible for Al's food reaction because he should have read the sign and should know what he is allowed to eat.

Testimony of Linda Racher

My name is Linda Racher. I help a lot of the children at Broadville School. I work in the cafeteria, but I don't serve lunches and I don't go by the lunch line. I am Mrs. Mee's neighbor. I helped her

find the job at Broadville School after she lost her last job.

Al and Tracy were reminded three times about lowering their voices, which is why I had my eye on Al the day he turned red and swollen. I don't know why he got sick, but I saw Al was in distress. I first heard a loud scream and he was unable to talk and had difficulty breathing. I called 911 because I did not know what to do to help Al.

INSTRUCTIONS

The plaintiff has to create a convincing case that the school was negligent in how it provides lunch for the students.

SUB-ISSUES

1. Is the school responsible for not listing the ingredients?
2. Should Al be expected to ask the servers the ingredients?
3. Should Al know what foods he can eat?
4. Was the sign there when Al was in the cafeteria?
5. Should Mrs. Mee or Al's friend Tracy have made sure he wasn't eating peanuts?

CONCEPTS

1. Credibility of witnesses.
2. Contributory negligence.

LAW

1. Negligence occurs when a person does not exercise the reasonable care that an ordinary person would exercise under the circumstances.
2. The FDA addressed the requirements for food labeling. Food labeling is required for most prepared foods, such as breads, cereals, and snacks. Nutrition labeling for raw foods and fish is voluntary.

Explosive Chemistry

SCHOOL

Normandy Park
Morristown
Grade 5, Honorable Mention

TEACHERS

Wendy Gilson, Ellen Kraskouskas

STUDENTS

Emily Marks, Joey Murphy,
Jamie Viotto, Laura Weiss

FACTS

Hi Drogen is a sixth-grade science teacher at Thomas Edison Middle School. The students are studying the periodic table of elements and chemical reactions. Students and parents sign a permission form in September for the students to participate in chemistry experiments. The permission form states that students will wear safety goggles during science labs and that they will follow all instructions exactly during the experiments.

On Monday, September 23, at 9 a.m., the first sixth-grade class arrives to do their first chemistry lab. All the students handed their permission slips in the previous science class. Hi Drogen arrives right before the class begins. He then asks Molly Curie, the first student to enter the room, to unpack the box of new goggles while the children are settling into their seats. Molly continues to unpack the goggles as Hi Drogen explains that the students will be mixing three chemicals to create a new substance. He gives the exact measurements of the chemicals that they will be using.

While he is talking, there is a little thump. It is the box of goggles falling to the floor. Hi Drogen doesn't think that it is very loud, so he doesn't bother turning and taking a look at Molly. By the time he finishes talking, he goes to help Molly, but she is already finished unpacking the goggles. The students are assigned lab partners, told to get measuring scales, flasks, and to put on their goggles.

Molly Curie is assigned to work with Frank N. Stein. Molly gets the scales and chemicals while Frank N. Stein grabs two pairs of goggles. They set up the experiment, put on their goggles, mix the chemicals and there is an explosion at their table. The chemical mixture shoots straight up out of the flask while Frank N. Stein is looking over the experiment. The mixture goes all over Frank N. Stein including his goggles, and some of the mixture gets into Frank N. Stein's eyes. Hi Drogen immediately calls for the school nurse, who washes Frank N. Stein's eyes with saline solution and then calls Frank N. Stein's parents to take him to an eye doctor.

Frank N. Stein's eyes were damaged by the chemical explosion and he will need special glasses for the rest of his life. He is unable to play sports and requires an aide to help him with schoolwork.

Mr. and Mrs. Stein are suing the school for negligence in not having a properly supervised lab and the Iseeyou Goggles manufacturer for faulty goggles. They are asking for payment for all of Frank's medical bills and for pain and suffering for the son who can no longer play his beloved sports. They are also asking for financial support to provide an after-school tutor to assist Frank in his schoolwork.

ISSUES

1. Was the Thomas Edison Middle School negligent because Hi Drogen did not unpack and check the goggles himself?
2. Was the school negligent because Molly and Frank mixed the wrong proportion of chemicals that caused the explosion?
3. Was the Iseeyou manufacturer guilty of sending defective goggles?
4. Is it Molly's fault that she dropped the goggles?

WITNESSES

For the Plaintiff

Frank N. Stein

Molly Curie

For the Defense

Hi Drogen

Red Cornea

WITNESS STATEMENTS

Testimony of Frank N. Stein

This is what happened on the day my eye went bad. I walked into the science lab on the first day of my chemistry unit. I handed in my permission slip while Mr. Drogen explained that we'd be mixing three new chemicals on the periodic table of elements. He told us the exact amount of chemicals we were to put in each flask. Next he said my lab partner would be Molly Curie, the girl who unpacked the new box of Iseeyou goggles.

As carefully as we could, we tried to measure the exact amount of chemicals as Mr. Drogen had instructed. Everything was going perfectly fine until we started to mix the last chemical into the concoction. I carefully added the last ingredient. I must admit, I was a little nervous, so my hand was shaking. Mr. Drogen made what would happen if some of the concoction got in our eyes sound so horrible. He made it very clear that the measurements had to be perfect. I wouldn't be able to do my sports anymore if they weren't. Anyway, my hand was shaking as I poured the chemical into the

mixture. I think I might have poured a drop or two too much, because, when I bent over to see what was happening, the substance was bubbling like crazy, and then, BAM! The concoction had exploded in my face! My left eye was searing with pain and I felt woozy.

Mr. Drogen quickly called the nurse so she could take a look at me. I ended up at an eye doctor. She said I would have to wear special glasses for the rest of my life! Can you believe that! And now I can't play sports, I can't read well, and I won't be able to drive when I'm older! I won't be able to do a lot of things. Also I have to have a special aide to help me with my schoolwork! My parents and I have a right to want financial support for my medical bills and tutoring. I think that Hi Drogen or the salesperson at Iseeyou Goggle Company should be sued!

Testimony of Molly Curie

It was September 23; we were going to do an experiment. I was asked to unpack some goggles. First I had to get them down from the shelf, it was very tall. I am also tall so it was no problem at all. The box was very heavy, so heavy that it would barely budge. So I tried to pick it up, and I did. But right after I picked it up, I dropped it. One of the goggles fell out. I put it back. I took all of the goggles out and put two at each table. I never checked any of the goggles, not even the one that fell on the floor. I thought that they were new and were packed very well and they wouldn't have any cracks. Mr. Drogen went over to help me, but I was already done. I went and took a seat.

Frank N. Stein is not very smart, and is a sports jock. I wasn't glad that I was paired up with him. We were dealing with chemicals; Mr. Drogen told us that it wouldn't be a pleasant feeling if it got into our eyes. He also told us that we need to tighten and loosen our goggles until they fit us so that it wouldn't get into our eyes. We needed to put the exact measure of chemicals in, or else it might have a bad reaction if we didn't.

Frank N. Stein and I were very serious about this project. We put in the exact measure and all of a sudden, WHAM! It exploded. Somehow it got into the goggles of Frank N. Stein. He now is required

to wear special glasses for the rest of his life. He can't play sports, and has to have an aide help him with schoolwork; it's just not right.

Testimony of Hi Drogen

It was approximately 8:50 a.m., right before my session with the first sixth-grade class, when a student of mine walked in the door. The student was Molly Curie. I had just received a new box of goggles from the Iseeyou manufacturing company that I was planning to use during that class. I asked Molly to unpack the box because I was busy setting up some tables. I noticed that the goggles were on a high shelf, but she was tall and I figured that she could get them herself.

While I was introducing the students to the lab, I heard a slight thump, but did not notice where it had come from. I decided that it was the box of Iseeyou goggles Molly was unpacking. When I went to help her, she was already done taking them out of the box. The last few students were walking in and it was 9 a.m., the start of class. Molly quickly went to find a seat.

I explained to the class that we were dealing with three different chemicals to make a new substance and the exact measurements they were to put in their flasks. I also recall telling them that if these chemicals got in their eyes, it wouldn't be a pleasant feeling. I then advised them that they were to make sure that their goggles were on correctly and to tell me if there was anything wrong with them. I did not go around checking everyone's goggles thinking that they would speak up if there was something wrong. I do acknowledge that they were sixth-graders and that they might have been scared since it was their first time.

Next I paired them with partners. I put Frank N. Stein with Molly Curie. I thought that they would be a good pair. From what I had heard from the other teachers, Frank was a sports jock and a slacker too. But Molly was a star student and I thought Frank could learn from her.

I told them to start and as soon as I did, the room was buzzing with excitement. About 10 minutes into the experiment, I heard a loud bang from across the room while I was checking out another group that seemed to be having trouble. I noticed

that it was Molly's and Frank's group. I saw that Frank was clutching his eyes, so I immediately called the school nurse who quickly washed them.

This event is not my fault. It is Frank's problem that he put the wrong amount of chemicals in after I told him how much to pour. Even though I feel sorry for the Stein Family, this event was not my fault.

Testimony of Red Cornea

It is not the Iseeyou Goggles Manufacturing Company's fault. We carefully check every pair of goggles twice, and we even check for bacteria. All of our goggles are made of a very hard plastic. They are packed with bubble wrap and packing peanuts. I am a safety freak. I make sure that all of the boxes are packed the right way in the truck, and if the boxes aren't, I switch it around so that they are. As I said, the goggles are made of a very hard plastic, but they are not invincible. It would take a very long drop to break them.

The girl dropped the box of goggles. She said it was high up on a shelf. It would probably take a four-foot six-inch drop to break a pair of goggles. One of the goggles fell out. It was probably broken. Molly Curie said she put it right back in the box. It may have been the one that Frank N. Stein wore.

This has never happened in the 25 years that I have been the sales representative for the Iseeyou Goggles Manufacturing Company, and it would be odd for it to be the first time. That is why the Iseeyou Goggles Manufacturing Company is not liable for Frank N. Stein's injury.



INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the Thomas Edison Middle School was negligent because Hi Drogen had a student unpack the goggles and that the students were unsupervised in the chemistry lab when measuring the chemicals.

SUB-ISSUES

1. Were the goggles defective?
2. Is it possible Frank N. Stein did not use the goggles correctly?
3. Who is responsible for the students measuring and mixing the wrong proportion of chemicals?
4. Was the accident Hi Drogen's fault?
5. Was the accident partly Molly Curie's and Frank N. Stein's fault?

CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Pain and suffering.
4. Burden of proof.
5. Product liability.

LAWS

1. Contributory negligence - If the plaintiff's negligence contributed to his/her own injury and if he/she failed to exercise the responsibility of someone that age, then his/her carelessness may reduce the responsibility of other parties.
2. Damages for Personal Injury - Plaintiff is to be compensated for all his damages, both special and general. This includes fair and adequate compensation for medical expenses, and additional school support services and pain and suffering.
3. Responsibilities of a chemistry student - All students and their parents sign a permission slip for students to participate in chemistry experiments and to follow all safety rules.
4. Product Liability - Is the manufacturer responsible if a product arrives at a school damaged and the school does not realize that the product is damaged?

Vile Vials

SCHOOL

West Ridge Elementary
Park Ridge
Grade 6, First Place

TEACHER

Kathy Elia

FACTS

On July 2, 1997 Angelica Cause was born. She was perfect, a beautiful 7-pound 8-ounce baby girl. Angelica had grown and progressed normally in the first few months of life. She received the recommended immunization schedule for the normal child from her pediatrician, Dr. Vac Zine. After each set of vaccinations, Angelica seemed to get side effects. Dr. Zine told her mother, Carrie A. Cause, that this was to be expected even though the baby's reaction seemed to be getting worse and worse after every vaccination.

At one year, after her fourth Diphtheria, Pertussis and Tetanus (DPaT) shot and her first Measles, Mumps and Rubella (MMR) immunization, Angelica had a severe reaction. She had a fever of 105 degrees accompanied by high-pitched screaming and severe swelling and redness at the injection site. Afterward, Angelica started behaving differently. Her parents noticed that she was not developing at the same pace that she had been before. She had developed the odd habit of biting her arm. Angelica's language development began to fall further and further behind. She developed problems with memory and ability to pay attention to her surroundings. Angelica often became obsessed with one idea, and could not let it go.

A year later, Angelica was diagnosed with the neurological disorder of autism by renowned neurological specialist, Dr. Ino A. Lotte. Dr. Lotte informed Mrs. Cause that the vaccines given to Angelica by Dr. Vac Zine had come from the Best At Drugs Pharmaceutical Company or B.A.D.

Pharmaceuticals. He told her that they added a preservative called Toxicol to the vaccine to prevent bacterial contamination. Toxicol contains large amounts of mercury, which can be toxic to the brain when given in very high doses. Dr. Lotte informed Mrs. Cause that the mercury poisoning from the Toxicol in B.A.D. Pharmaceutical's vaccine was the cause of Angelica's autism. The worst part, he informed her, was that the use of Toxicol was unnecessary. B.A.D. Pharmaceuticals could have manufactured individual vaccine vials that would not have needed preservatives. However, it was more cost effective for them to use 10 dose vials, to which they added the mercury-containing preservative Toxicol.

The owner of Best at Drugs Pharmaceuticals, Ebenezer Provit, claims that his vaccines had nothing to do with Angelica's autism. He claims that the theory that Toxicol causes neurological disorders such as autism has never been fully proven. He states that many children have been given B.A.D. vaccines safely and that his vaccines protect children against terrible diseases.

Mrs. Carrie A. Cause, on behalf of her daughter Angelica, is now suing Mr. Ebenezer Provit, owner of Best at Drug Pharmaceuticals, and pediatrician Dr. Vac Zine for supplying and administering the DPaT and MMR vaccines containing Toxicol, which she contends is the direct cause of Angelica's autism. She further contends that they were aware of the dangers of Toxicol before the vaccines were given to Angelica and did nothing about it.

Mrs. Cause first filed her claim with the “National Vaccine Injury Compensation Program,” where you cannot sue for more than \$250,000 against a vaccine manufacturing company. She won her case there, but as permitted by law, she is now suing in state court, which does not have the \$250,000 limit. She is suing for \$2 million because that is what it has been estimated it will take to raise and care for a person with autism for life.

ISSUE

Did the Toxicol in Angelica Cause’s childhood vaccinations directly cause her to develop the neurological disorder of autism?

WITNESSES

For the Plaintiff

Carrie A. Cause

Dr. Ino A. Lotte

For the Defense

Dr. Vac Zine

Ebenezer Provit

WITNESS STATEMENTS

Testimony of Carrie A. Cause

My name is Carrie A. Cause and I am Angelica’s mother. In 1997, Angelica was born a healthy child and all the tests she went through at birth were normal. At two months of age I brought her to her pediatrician, Dr. Vac Zine, for her normal checkup. There she received her first vaccination against the diseases Diphtheria, Pertussis and Tetanus, called the DPaT shot. After the vaccination, I noticed a change in her behavior. Angelica became very fussy and had a high fever. Our doctor told us that this was a normal reaction and to give her children’s votrin.

After her next two DPaT shots, she was also fussy, screaming a high-pitched scream, and had a fever. I consulted with Dr. Vac Zine each time and I was again told to give Angelica votrin. After her final DPaT shot, which was also given with the first

Measles, Mumps and Rubella (MMR) shot, Angelica’s reaction was even worse. I was panicked. Angelica started choking. She had a fever of 105 degrees, and would not stop screaming in this high-pitched screech. Her leg was red, hot and swollen from her hip to her knee, and there was a clear liquid coming out. Again, Dr. Zine just told me this was normal, to give her votrin, and put her in a cool bath to bring down the fever. I found out too late that this reaction was anything but normal. After another month she was hospitalized with seizures and the tests taken showed an increase in head size. Angelica would never be the same.

Before the last series of vaccinations, Angelica had already been crawling and taking a few steps. She was beginning to speak. However, after these vaccinations, she suddenly stopped speaking. She also stopped walking. She could not remember things she had known before. She could not focus on some things, but would become obsessed with others. I also noticed that Angelica would bite her arm when she was upset or angry.

I took Angelica to see Dr. Ino A. Lotte, who is a renowned neurologist. Dr. Lotte diagnosed Angelica with autism and told me that there is a preservative in the vaccines called Toxicol that contains mercury, a substance that is known to cause serious problems in young children whose brains are just developing. When I learned that the vaccines were the cause of Angelica’s autism, I wanted to fight for her rights. We applied to the “National Vaccine Injury Compensation Program,” which handles cases of injury from childhood vaccines. We won our case and were offered the maximum of \$250,000 for Angelica’s injuries, but



rejected this offer because the lifetime cost for caring for an autistic child is over \$2 million. We are now suing the B.A.D. Pharmaceutical Company and Dr. Vac Zine in the state court because it does not have maximum damage limits. We are suing for the \$2 million it will cost to properly care for our child.

Testimony of Dr. Ino A. Lotte

My name is Dr. Ino A. Lotte. I have been a neurologist for the past 25 years and am an expert in the neurological disorder of autism. I have been studying the effects of vaccines for a while and am coming to the aid of the Cause Family as I feel that their daughter's autism was caused by the Toxicol in the vaccinations she received.

Autism is a disorder which affects the brain's development. We believe a cause of it is mercury poisoning. Mercury is an element which, when given in high doses, can damage the brain. A large amount of mercury is present in Toxicol, which is added by some vaccine manufacturers to prevent spoilage and bacterial contamination. This Toxicol contains 49% mercury and so is a neuro-toxin, or toxic to the brain. It damages the nervous system, causing the symptoms of autism.

Angelica's is a classic case. Angelica received her first DPaT shot at two months of age. She started having small symptoms, such as a high fever, which was expected. Then at one year of age, when she received her fourth DPaT vaccination and her first MMR shots, which are both known to be very high in Toxicol, she started having severe symptoms. Because Angelica was so young when she received the vaccine, the mercury was able to surpass the brain sheath and enter her brain. Angelica has had symptoms of mercury poisoning. These symptoms include biting her arm, high-pitched screaming, and inability to pay attention. She has difficulty with her memory, and has lost her ability to speak. She also has a tendency to become obsessed with one specific thing. These are all symptoms of autism and are consistent with the poisoning caused by the mercury in the vaccine preservative Toxicol.

Vaccine manufacturers, such as B.A.D. Pharmaceuticals, add Toxicol to vaccine vials

which contain 10 doses of vaccine. If a doctor administers an injection from the vaccine in that multi-dose vial, the rest of the vaccine in the vial might get bacterially contaminated. So B.A.D. Pharmaceuticals adds Toxicol as a preservative. The problem is that the mercury in the Toxicol tends to sink to the bottom of the multi-dose vial, so the child who gets the vaccine at the bottom of the vial will get a high dose of mercury. It is the children receiving those last doses in the 10 dose vials who are at most risk for developing autism, as the high dose of mercury damages their brains. The sad and most outrageous fact is that if vaccine companies manufactured single dose vials, they would not have needed to add Toxicol. However, the single dose vials were more costly to produce.

The vaccines given to Angelica came from Best At Drugs Pharmaceutical Company, known as B.A.D. Pharmaceuticals. These vaccines came from multi-dose vials containing mercury from Toxicol. In 1996, even before Angelica was given her series of vaccinations, the owner of B.A.D. Pharmaceuticals, Mr. Ebenezer Provit, filed a memo stating that six-month-olds given their vaccinations would receive 87 times the safe and allowable amount of mercury in the vaccines he was manufacturing. Mr. Ebenezer Provit clearly knew that he was manufacturing harmful vaccines, but did nothing about it.

In June 2000, there was a meeting of America's top scientists and health officials, which I attended. The meeting was about the vaccine situation and the serious health risks related to them, including autism. The pharmaceutical companies were fighting hard against the link between vaccines and autism as they were afraid of lawsuits. Later in 2002, a senator who had received almost \$900,000 from B.A.D. Pharmaceutical Company attached a small law called the "Vaccine Company Protection Act" to a major homeland security bill. When the Senate was voting for this homeland security bill, they were also voting for this rider law. The rider made it so a person could not sue a pharmaceutical company about Toxicol for more than \$250,000, and would have to first file their claim with the "National Vaccine Injury Compensation Program." Only after a judgment in the national program

could families sue for damages in state court where there is no limit. In addition to this law, Congress is constantly changing the guidelines for symptoms of mercury poisoning so fewer and fewer people can sue as well as setting time limits on filing cases. Who is more important, these innocent children or the drug companies' profits?

It is clear that the mercury-filled Toxicol in the DPaT and MMR vaccinations administered by Dr. Vac Zine and manufactured by Best At Drugs Pharmaceutical Company caused Angelica's autism. Both B.A.D Pharmaceuticals and Dr. Vac Zine say that there is no link between Toxicol and the neurological problems of autism. However, the Food & Drug Administration tells pregnant mothers not to eat tuna fish because of the danger of mercury poisoning to the brains of their babies. If the mercury in tuna fish is dangerous, so is the mercury in Toxicol. Even knowing the dangers of mercury poisoning, the B.A.D. Pharmaceutical Company still includes Toxicol in their flu vaccine, which is given to pregnant women and children. This shows that they do not care about these women and children. They did not care about Angelica. They only care about making a profit.

Testimony of Dr. Vac Zine

My name is Dr. Vac Zine. I have been a pediatrician for 20 years. I received my medical training at Johns Hopkins University. Angelica Cause had been one of my patients since she was born. As her physician, I followed the recommended immunization schedule for the regular child. I gave her a series of Diphtheria, Tetanus, and Pertussis (DTaP) vaccinations at 2, 4, 6, and 12 months of age. At 12 months Angelica also received the Measles, Mumps, and Rubella (MMR) vaccine.

Children must be vaccinated because it protects them from diseases that have serious consequences. Diphtheria causes difficulty breathing and swallowing and can lead to paralysis and even heart failure. The symptoms of tetanus are muscle spasms in the jaw and neck, breathing difficulties, painful convulsions, and abnormal heart rhythms. Pertussis is mostly dangerous to young babies. Its symptoms include a terrible cough, hemorrhage, convulsions and coma, pneumonia, inflammation of

the brain, and permanent brain damage. Measles, mumps and rubella can also be extremely dangerous, with the potential for causing serious brain damage. Rubella, otherwise known as German measles, can cause serious harm to babies still developing in their mothers' bodies. I vaccinate because I do not want any of my patients to develop these terrible diseases. I believe that there is more risk from these diseases than from the vaccines.

In Angelica's case, her mother reported what I consider to be mild reactions after the first few DPaT vaccinations. After Angela received her last DPaT along with her first MMR vaccination at 12 months of age, Mrs. Cause reported that Angelica was having a severe reaction. She said that Angelica had a fever of 105, high-pitched screaming, and redness at the injection site. I told her to give her children's votrin and a cool bath to lower her fever.

Overall, at Angelica's checkups she looked relatively normal. By the age of two, however, Angelica still could not speak. Her mother reported that she could not sit down or stay in one place and would also scream and yell at random times. Mrs. Carrie A. Cause blamed us for the fact that Angelica was no longer developing normally because of the mercury in the Toxicol used in the vaccinations I gave her.

I have done a lot of research on vaccinations to see if there was a link to autism. All of the research I found shows that there is no link between the Toxicol in vaccines and autism. I tried telling Carrie A. Cause that autism sometimes appears on its own around the same time kids get vaccinations, but she insisted that it was the Toxicol in the vaccine that caused Angelica's case of autism.

The reason I wanted to become a pediatrician was to help children, not hurt them. I would never want to harm a child, especially one of my patients. I feel badly for Angelica and her family, but I truly believe that there is no link between the vaccines and Angelica's autism.

Testimony of Ebenezer Provit

My name is Ebenezer Provit, and I am the owner and chief executive officer of Best at Drugs

Pharmaceutical Company. We manufacture vaccines that are designed to protect children from the deadly diseases of diphtheria, pertussis and tetanus called the DPaT vaccine and from the diseases measles, mumps and rubella called the MMR vaccine. We also manufacture flu vaccines.

When Angelica was given our DPaT and MMR vaccines, we were using the preservative Toxicol to make sure that our medicines stayed fresh and effective. Toxicol has been used in most vaccines since we invented it way back in 1930, with no problems. Toxicol does contain mercury, but mercury has not been proven to be a leading cause of autism.

Angelica's parents are blaming the Toxicol in our vaccine for causing Angelica's autism, but this simply is not true. Some parents of children with autism, like Angelica, believe that there is a direct link between autism and the DPaT immunization or MMR vaccines. However, there is no sensible reason to believe that any vaccine could cause autism or any kind of behavioral or neurological disorder. It just so happens that DPaT and MMR vaccines are given to children during the first 12 months of life. Typically symptoms of autism are first noticed by parents as their child begins to have difficulty with delays and speaking around the age of one or two. When autism is diagnosed, it is not surprising that some parents think that the autism is caused by the vaccination. It is true that in some cases the diagnosis of autism does come after the vaccinations. However, by far the most logical explanation is coincidence, not cause and effect.

A recent study in Canada has shown mercury exposure does not cause autism. It showed that children who were exposed to zero amounts of mercury were actually more likely to develop autism than those who were exposed to mercury. Autism cases have been increasing since 1979, but there was no jump in autism after the introduction of DPaT vaccine in 1988. Years of scientific studies of autism prove that our drugs are not a leading cause of autism. We here at B.A.D. stand by our products and truly believe any link between autism and the DPaT and MMR vaccines is truly coincidental.

INSTRUCTIONS

To find for the plaintiff, Angelica Cause, the jury must decide by a preponderance of the evidence that the Toxicol in the DPaT and MMR vaccines was the direct cause of Angelica's autism. The jury must find that the B.A.D. Pharmaceutical Company and Dr. Vac Zine had a duty to protect Angelica, that they breached that duty, and that this breach is the direct cause of her injuries.

SUB-ISSUES

1. Should Dr. Vac Zine have administered the vaccination, knowing it might contain high mercury amounts and that this might be damaging to children?
2. Did Mr. Ebenezer Provit know that the vaccines contained high mercury amounts and that this mercury could damage children's brains?
3. Did Dr. Vac Zine and Mr. Ebenezer Provit have to be 100% sure that the vaccines were safe?
4. Should B.A.D. Pharmaceuticals have made single dose vials of vaccine if there was any chance that the preservative Toxicol in their multi-dose vials could harm children?
5. Did B.A.D. Pharmaceuticals choose profit over the health of children?
6. Should Carrie A. Cause have taken more action after noticing Angelica was getting worse and worse after each vaccination?
7. Would the fact that Carrie A. Cause won a judgment with the "National Vaccine Injury Compensation Program" affect the outcome of this case in state court?
8. Does it matter that B.A.D. Pharmaceuticals still manufactures flu vaccines with mercury containing Toxicol even after the U.S. Government has warned against the dangers of mercury to pregnant women and their babies?

CONCEPTS

1. Burden of proof - preponderance of the evidence.
2. Causation.
3. Negligence.
4. Damages.
5. "Good Faith" business practices.
6. Credibility of witnesses.

LAW

1. Tort Law- Personal Damage Law.
2. "Vaccine Company Protection Act" (Eli Lilly Protection Act) - Prevents from suing a drug company for damage caused by a vaccine for more than \$250,000 and requires filing with the "National Vaccine Injury Compensation Program."
3. Negligence Law - A person must have a duty to protect, breach his or her duty, and this breach must be a direct cause to the problem in order to prove negligence.

The Bug Bomb Bust

SCHOOL

Pine Brook
Manalapan
Grade 6, Second Place

TEACHER

Phyllis Ostrega

STUDENTS

Alex Hwang, Sravya Jasti, Justin Ng, Jonathan Pang,
Hailey Pensky, Ananya Sureshkumar, Michael Yu

FACTS

On October 24, 2006, at 6:00 p.m., Mr. Vic Tym was waiting on line at Bush International Airport to pass through security before boarding a plane to England. He was due at an important business meeting the next morning, where he was looking forward to clinching a \$3-million business deal, which he had been working on for some time. The outcome of this meeting depended on a presentation he was going to give. Although his competitor would also be there to make a presentation, Mr. Vic Tym had been told that his company was favored to receive the contract, and that his presentation was merely a necessary formality.

At the airport, security had been raised to the highest alert level due to information that had been received, which stated that there was a terrorist somewhere on the premises. Security had also been sent a sketch of the terrorist.

While he was waiting on line, Vic Tym answered a call on his cell phone. At this time, the Transportation Security Administration (TSA) Officer, who was standing a few feet away from him, overheard parts of Mr. Tym's conversation and thought that she heard him use the word "bomb." She immediately checked the sketch of the terrorist that she had just received, and compared it to Mr. Tym. She thought the two looked very similar. When Vic Tym came up to the gate, the TSA officer told him to step off the line. He was searched and then taken to a room at the airport, where he was detained for four hours, and then released. In the

meantime, Mr. Tym called England to inform his client about what had happened to him, since by this time, he had missed his plane. The next plane leaving for this destination was not scheduled to depart until the following morning.

Mr. Tym arrived in England later the next day, having missed the meeting. He was informed that his client would not reschedule and that the contract had been awarded to his competitor. Upon investigation, he was told that his client had felt reluctant to do business with a suspected terrorist, and consequently, had eliminated Mr. Tym from the competition.

Mr. Tym is suing Bush International Airport for infringements on his civil rights, damages resulting from the defamation of his character and reputation as a businessman, all costs associated with his trip, and loss of profits resulting from his failure to win the contract.



ISSUES

1. Did Bush International Airport act appropriately in detaining Mr. Vic Tym?
2. Did his detention defame his character and reputation as a businessman?
3. Is Mr. Tym entitled to be compensated for his monetary losses?

WITNESSES

For the Plaintiff

Vic Tym

Max A. Million

For the Defense

Shakira T. Offiser

Derek Tor

WITNESS STATEMENTS

Testimony of Vic Tym

My name is Vic Tym. On Oct. 24, 2006, I was at Bush International Airport on my way to England to clinch a multi-million-dollar business deal. I was about to pass through security before boarding my plane, when a TSA officer took me off the line. She searched me, even though I had no weapons at all, not even a penknife! Then, I was taken to a room where I was interrogated for four hours. They kept asking me about a bomb. I tried to explain that there was no bomb.

I had been speaking to my brother, who lives in a New York City apartment, and was having a problem with insect pests. He had been unsuccessful in solving the problem, so when he called me at the airport to wish me good luck with my business deal, and he mentioned that he was fed up with those insects, I had suggested that he use an insect bomb to rid himself of the pests. That was the only bomb I was referring to, and I kept trying to explain this, but they wouldn't believe me!

I was treated like a criminal, and it was all very humiliating! Later, I saw a picture of the terrorist that they had mistaken me for. This man had a beard and mustache, whereas I did not and never

have worn a beard or a mustache! I don't see how I looked anything like him.

After four hours, I was finally released. Not only did I miss my flight, but I couldn't get another flight until the next day. I called my client in England to explain what had happened, and I told him that I'd be on the next plane in the morning. However, that flight was delayed, so by the time I got to my destination the next day, I had missed the important meeting. The following day, I learned that I had lost out on the deal. Apparently, my client believed that I could have been a terrorist, and he didn't want to take any chances with me.

Since I was not carrying any weapons, didn't even look like the terrorist, and was only talking about "an insect bomb," there was no reason why I should have been detained. Because of mistaken identity, my character and reputation as a businessman were defamed, and I missed out on clinching a multi-million dollar business deal. I feel that my civil rights were violated because I was detained without cause. Therefore, I feel that I am entitled to be compensated for my financial losses and for the damage to my reputation.

Testimony of Max A. Million

My name is Max A. Million, and I am the C.E.O. of Royal Software Systems, a computer software company located in London, England. I had been communicating with Mr. Vic Tym, a representative of the Gil Bates Company of New York, and I had scheduled a meeting for October 25, 2006 in London, so that Mr. Tym could make his final presentation of his proposal for a \$3-million contract with my firm. I had considered several other firms, but at that point, Mr. Tym's firm was clearly our company's first choice.

However, when we were informed of Mr. Tym's difficulties with Homeland Security, it raised doubts in our minds as to whether we should give a contract to his firm. We then reevaluated the situation and decided it would be in our best interests to award the contract to one of his competitors. I felt very badly when I learned that Mr. Tym had been cleared of all charges and that we had acted on the incorrect impression caused by his being detained at the airport. By this time,

however, we had already signed a contract with the other company, so it was too late. Not only was what happened to Mr. Tym extremely unfair, but it was also unfair to my company, because it caused us to award our contract to the company of our second choice.

Testimony of Shakira T. Officer

My name is Shakira T. Officer. On October 24, 2006, at 6:00 p.m., I was at Bush International Airport working as a Transportation Security officer, as I always do on weekdays. On this particular day, it was extremely crowded, which meant that many people were waiting in line to go through security. There was a lot of pressure to move the people quickly, so they would not miss their flights. However, that afternoon, we had just received a document from the Police Commissioner containing a sketch of a terrorist who was thought to be somewhere in or near the airport. Security was elevated to the highest alert level.

Meanwhile, on one of the security lines, there was a man who had just picked up his cell phone. Since he was just a few feet away from me, I overheard bits of his conversation. I could not really understand much of it, since he was talking softly, but I was certain that I heard him say the word “bomb.” I compared this passenger to the sketch of the terrorist, and I thought the man in line looked just like the man in the sketch, except that the man in the picture had a beard and a mustache. The suspected terrorist did not have any facial hair, but it seemed reasonable to me that he could have shaved off his beard and mustache.

I asked the suspected terrorist to step out of the line. He was searched and detained for a short period of time. After a thorough investigation, we learned that he was not the terrorist, so we released him. I’m sorry that he missed his flight, but I was concerned about the safety of hundreds of passengers. I was only doing my job.

Testimony of Derek Tor

My name is Derek Tor, and I am the director of the Transportation Safety Administration (TSA) at Bush International Airport. On October 26, 2006, around 6 p.m., I was notified by one of my TSA

officers, Shakira T. Officer, that she was detaining a suspicious person. That afternoon, we had received a sketch of a known terrorist who was believed to be somewhere in or near the airport. Our officers are required to detain for questioning any passenger that fits our profile of a suspicious person, as well as anyone whose conversation contains language which may lead the officer to believe that the person might be involved in committing a terrorist act.

Vic Tym was detained by Shakira T. Officer in accordance with TSA regulations under the National Homeland Security Act. The use of the word “bomb” was overheard by the security officer during a cell phone conversation, as well as Mr. Tym’s appearance, which according to Shakira T. Officer, resembled the sketch of the terrorist, and certainly fulfilled the requirements for detaining this passenger.

Our security officers are well trained and experienced. Shakira T. Officer had been recently transferred to our airport, after having most recently participated in the successful apprehension and prosecution of a major terrorist suspect at another airport. Without doubt, she has proven herself to be one of our agency’s most alert and expert officers, which is why we had her transferred to Bush International Airport.

Although it turned out that Mr. Tym was not a terrorist, the fact that he was inconvenienced is a small price to pay, knowing that the safety of hundreds of passengers was protected.

INSTRUCTIONS

The plaintiff must convince the jury that Bush International Airport acted inappropriately in detaining Mr. Vic Tym and violated his civil rights. The plaintiff must also prove that his detention resulted in the defamation of his character and business reputation, which caused monetary damages, for which he is entitled to be compensated.

SUB-ISSUES

1. Was the TSA officer justified in detaining Mr. Tym?
2. Was Mr. Tym detained for an inappropriate length of time?
3. Was Vic Tym negligent in using the word “bomb” in a cell phone conversation while waiting to pass through security at an airport?
4. Does the evidence establish that Mr. Tym would have been awarded the contract if he had not been detained, thereby causing him monetary damages?

CONCEPTS

1. Homeland Security vs. rights of the individual.
2. Defamation of character.
3. Due process of law; misuse of authority.
4. Negligent security.
5. Contributory negligence.

LAWS

1. The Homeland Security Act provides for the establishment of rules and procedures, including the detention of individuals, in order to insure the safety and security of American citizens at airports and other transportation facilities.
2. The First Amendment of the U.S. Constitution guarantees the right to freedom of speech.
3. The Fourteenth Amendment to the Constitution guarantees equal protection to all citizens.
4. Defamation of character is defined as injury to a person's reputation caused by misleading or false statements about the individual.
5. Compensatory damages are damages that may be awarded to compensate a plaintiff for actual loss of income, travel expenses, and for pain and suffering.

The Case of the Halloween Hassle

SCHOOL

Radcliffe
Nutley
Grade 6, Honorable Mention

TEACHER

Nancy Szura

STUDENTS

Kelly Lynn Chagnon, Alyssa DiNapoli, Ian Hearn, Patrick Koslecki, Jonathan Little, Lauren Mattia, Gabe Miller, Sydney Pannella, Liana Pasquariello, Stephanie Rubinstein, Thomas Viola, Angela Zangari, Michael Zeitler

FACTS

It has been a tradition in the town of Hallow Hills to celebrate Halloween in school. After an extended lunch, the students of the only elementary school in town return dressed in their costumes for an hour of fun. Each class has a party and afterwards participates in a parade around the school. This parade is observed by parents, friends, and neighbors of the school's children.

However, this Halloween, Tuesday, October 31, 2006, several girls came into school wearing revealing and inappropriate costumes. There was also a sixth-grade boy who came to school dressed as Adolph Hitler, which was very offensive to several families of the school community.

Previously, when this occurred, the child's parents were notified and the child was sent home to change into a more appropriate costume or remained at home. Although this rule has worked in the past, the new principal, Mr. Hal O'Mean, has now convinced the Hallow Hills Board of Education to ban the celebration of Halloween in the school for the future.

Several parents and students are very upset and are trying to convince the court that the tradition of Halloween should be reinstated in Hallow Hills Elementary School. Other parents say that Halloween is a day for worshipping the devil and represents, "the full expression of an occultic viewpoint." Many religious parents in particular have become very vocal about their belief that

Halloween is both a dangerous and religious holiday and agree with the banning of Halloween.

ISSUE

Does the Board of Education of Hallow Hills have the right to ban the celebration of Halloween in its public school?

WITNESSES

For the Plaintiff

Eileen Towardsit

Ima Prez

For the Defense

Hal O'Mean

Christopher Chin

WITNESS STATEMENTS

Testimony of Eileen Towardsit

My name is Eileen Towardsit, and I have lived in Hallow Hills all of my life. I am presently serving as the PTO president at the Hallow Hills Elementary School. We have never had a problem with Halloween, and when I heard that our town wouldn't be celebrating it in my daughter's school next year, I was appalled! My daughter is also disappointed that the school won't be celebrating her favorite holiday because next year will be her last year in Hallow Hills Elementary School.

I think Mr. Hal O'Mean should reinstate the Halloween festivities. The entire town of Hallow Hills loves Halloween and the kids should be allowed to celebrate it. Let them have their 60 minutes of costumes, parties and parades. The town is so worried about being politically correct, they won't let the children have fun anymore!

The town doesn't understand that Halloween is just a part of childhood. Halloween may have started out as a religious holiday, but American tradition has changed it. The Board of Education should allow the kids to be kids and dress up for Halloween. I am speaking for the majority of the parents and we feel strongly about this.

Testimony of Ima Prez

I, Ima Prez, love Halloween. I think it is unfair that Mr. O'Mean has banned the celebration of Halloween from Hallow Hills Elementary School. Halloween is an American tradition and has been a part of our town's cultural heritage for over 100 years. In our school Halloween has evolved into a day where kids can party, have a parade, and have fun. Next year will be my final year at Hallow Hills Elementary School and I would love to march in my last parade and play games at my last classroom party with my friends. For the last time on Halloween we will all be together.

If a family chooses not to celebrate Halloween, they may keep their children home for the extra hour. It is not fair to the other kids who enjoy Halloween to ban this holiday! I don't see the harm; it doesn't make sense to ban the celebration of this exciting holiday from the Hallow Hills School District. I am not only speaking for myself, I also represent the entire student body.

Testimony of Hal O'Mean

I am Hal O'Mean, the new principal of Hallow Hills Elementary School. On Tuesday, October 31, 2006, our school had its traditional Halloween celebration. The students went home at lunchtime and came back to school at 2:00 p.m. dressed in their costumes. I could not believe what some of these children were wearing! Many girls came to school dressed scantily and inappropriately. They were wearing too much makeup, extremely short skirts, dangerously high-heeled shoes, and were

even exposing their stomachs. Another student came to school dressed as Adolph Hitler, which many people found offensive and in very poor taste.

I know that in my previous position there were many Muslims, Jehovah's Witnesses, and Evangelical Christians who do not celebrate Halloween. In that town, Optout, Texas, the celebration of Halloween in their public schools has been banned for many years. That is why I'm surprised it is still celebrated here in Hallow Hills. Parents have been complaining that Halloween is devil worship and this celebration is a waste of valuable school time.

I believe that we should ban all Halloween celebrations from the town of Hallow Hills for both religious purposes and safety precautions. These children are tripping on their costumes and getting hurt. We must ban Halloween now, before it gets even more out of hand!

Testimony of Christopher Chin

My name is Christopher Chin, but my friends call me Chris. I am a fifth-grade student at Hallow Hills Elementary School. I am an Evangelical Christian and my family and I are very upset by the devil worship in my public school. I have suffered from the celebration of this wretched holiday, Halloween, for six, long miserable years. I am a very religious person, but I also have school spirit. Celebrating Halloween creates an awkward situation for me with my fellow students. Many other towns have already banned the celebration of Halloween and I am ecstatic that our new principal has finally put an end to this holiday in our school.

I am not the only one upset with the celebration of Halloween. Many of my Muslim friends believe that Halloween represents the "shaytan" or devil. It is a barbaric holiday.

The celebration of Halloween in school has wasted valuable study time in preparation needed for the statewide testing. I am an A student and I think parties and parades are a misuse of necessary school study periods. It is my personal opinion that the principal has made the right decision for our town. If people want to celebrate Halloween, they should do it after school.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Halloween is not a religious holiday, instead that it is an American tradition and should be reinstated in the school.

SUB-ISSUES

1. Is Halloween a religious holiday?
2. Is the celebration of Halloween in a public school a violation of the separation of church and state?
3. Did the school board overreact to a single incident when they banned the celebration of Halloween in the public school?
4. Are children expressing their freedom of speech by wearing Halloween costumes?

CONCEPTS

1. Separation of church and state.
2. Freedom of speech.
3. Preponderance of the evidence.
4. Burden of proof.
5. Standing.

LAW

1. The school district of Hallow Hills will no longer celebrate the holiday of Halloween in their public elementary school.
2. School policy: The principal and other school officials have the responsibility to maintain a safe environment when school is in session.

The Clash of the Bully and Bash

SCHOOL

Pine Brook
Manalapan
Grade 6, Honorable Mention

TEACHER

Phyllis Ostrega

STUDENTS

Tyler Ahlf, Lauren Bangs, Lara Brindisi,
Sara Friedfertig, Jackson Lenz,
Joseph Maybloom, William Moed

FACTS

On Sunday, March 27, 2006, 12-year-old Bash Indeehead had a birthday party. Although he invited all the boys in his class, he chose not to invite Ben Tisbones. The next day at lunch, Ben Tisbones approached Bash Indeehead and challenged him to a fight because Ben was angry that he had been the only boy in the class who had been excluded from the party. It is school policy that anyone involved in a physical confrontation will be suspended or detained from school. Bash told Ben that he wasn't interested in fighting him.

At the end of the school day, as the children were walking to their school buses, Ben approached Bash and began to punch him in the face. Teachers rushed over to break up the fight, but by that time, Bash had started bleeding profusely from his nose. He was taken to the hospital, where it was later determined that Bash's nose had been broken by Ben.

Mr. and Mrs. Indeehead are suing the Pine Creek School District for the medical expenses, pain and suffering of their son Bash. They are claiming that the school knew that Ben Tisbones had been transferred to West Pine Creek School because he had a history of bullying, and that the school had failed to take adequate measures to protect their son from a known bully. They also want the "No Physical Confrontations Policy" changed, because they feel that it caused their son not to defend himself, therefore resulting in greater injury to him.

ISSUES

1. Was Pine Creek School negligent in protecting Bash Indeehead from Ben Tisbones, and therefore, should the school be held liable for Bash's medical expenses, pain and suffering?
2. Should the school be required to change their "No Physical Confrontations Policy"?

WITNESSES

For the Plaintiff

Bash Indeehead
Mr. Indeehead

For the Defense

Sky Kologist
Sue Meenot

WITNESS STATEMENTS

Testimony of Bash Indeehead

My name is Bash Indeehead, I am 12 years old, and I attend West Pine Creek School. On March 28, 2006, Ben Tisbones, a boy in my class, brutally assaulted me. Earlier that day, he had approached me and challenged me to a fight because I did not invite him to my birthday party the day before. I think I have the right to invite whomever I please to my birthday party, but I saw he was really mad, and there was no way to calm him down. Knowing the

school policy of detention or suspension if you get into a physical confrontation, I chose not to accept his challenge. I know kids who were just defending themselves, but got suspended because they had been involved in a fight.

Then, Ben called me a chicken and said that if I told the school counselor about this, he would hurt me even more, so I got scared and I didn't tell anyone.

At the end of the day, on the way to the buses, Ben confronted me again, but this time he punched me in the nose. I collapsed, and witnesses at the scene tell me that he continued punching me. Immediately, the teachers came rushing over to stop him. The fight was over quickly, but my face and nose were gushing with blood. It turned out that he had broken my nose.

I did not fight back, because I did not want to receive detention or suspension. Now, I dread going to school every morning. My family is asking the school to change their unfair policy of punishing any student who is involved in a physical confrontation, regardless of whether or not it was his or her fault. They are also suing the Pine Creek School District for my medical expenses, pain and suffering.

Testimony of Mr. Indeehead

My name is Mr. Indeehead, and I am the father of Bash Indeehead. I received a phone call on March 28, 2006; it was West Pine Creek School. They had called to tell me that my son Bash had gotten into a physical confrontation at school and had been taken to the emergency room. My wife and I rushed to the hospital, and when we got there, we found our son lying helplessly in a hospital bed, with bandages over most of his face. We asked what had happened, and were told that a student, Ben Tisbones, had punched our son in the face and that Bash had suffered a broken nose from the incident.

My brother is a teacher at East Pine Creek School, which is on the other side of town. Ben Tisbones had attended this school before he was transferred to West Pine Creek School. One day last month, I had to stop by at my brother's school to leave something for him. I specifically recall a

police car parked outside the school. My brother later told me that, at the time, the police had been called up to school to investigate threats made by a student. The student who made those threats happened to be Ben Tisbones. I heard that he was known as "The School Bully." That's why he was transferred to my son's school.

West Pine Creek School knew that this student had been a dangerous bully in the former school. Why didn't they take stronger measures to protect my son?

West Pine Creek School also has a ridiculous policy of punishing all students who are engaged in physical confrontations, regardless of who started the fight. My son Bash is a conscientious student who tries to stay out of trouble, because to him, getting detention or suspension would be devastating. Maybe if the school didn't have this foolish policy of punishing all students who are involved in a fight, perhaps my son might have been able to stand up to this bully. Instead, he was badly beaten, and is now suffering from nightmares and tremendous anxiety about attending school. That is why we are suing the Pine Creek School District for our son's medical bills and for his pain and suffering.

Testimony of Sky Kologist

My name is Sky Kologist, and I have been a school psychologist at West Pine Creek School for five years. When Ben Tisbones recently transferred to our school, in light of his history of bullying behavior, I began taking proactive measures by counseling him. He seemed to be responding well, and it was my impression that he was exhibiting satisfactory behavior. I was not aware of any problems before the incident with Bash Indeehead occurred.

At our school, we encourage peer mediation to settle disputes peacefully. The students know that there are severe penalties for getting involved in physical confrontations, such as detention or suspension. We also have an anti-bullying policy, in which students are taught to stand up for themselves and not to tolerate bullying. The guidance counselors at school present anti-bullying workshops to all the classes and teach

strategies for dealing with bullies. Students are taught to tell an adult if they are threatened.

If Bash Indeehead had told me that Ben Tisbones had challenged him to a fight, I would have taken direct measures to prevent what happened. However, he did not tell anyone at school. It is very unfortunate that Bash was injured, but I feel that the school took all reasonable measures to prevent what occurred, and I do not feel that West Pine Creek School should be held responsible.

Testimony of Sue Meenot

My name is Sue Meenot, and I am the principal of West Pine Creek School. I feel that our school takes reasonable measures to ensure the safety of our students. What happened to Bash Indeehead should not have happened, but it is not our fault.

Our school has guidance counselors who go into the classrooms to teach the children how to handle bullies. Students are taught to tell an adult if they are being threatened. Unfortunately, Bash Indeehead told no one that he had been threatened.

Our very experienced guidance counselor, Sky Kologist, has been counseling Ben Tisbones since he was transferred to our school. She checks up on Ben on a daily basis, counseling him. Until this incident with Bash Indeehead, she was unaware of any problems with Ben.

The path the students take to go from the building to the waiting buses at the end of the school day has teachers stationed along the way to supervise the students. As soon as Ben Tisbones hit Bash Indeehead, teachers rushed right there to stop him. Since Bash never told anyone that he had been threatened, there was no way for us to prevent what happened. We did the best we could. I think all responsible measures were taken.

Our policy of non-violence, where all students involved in physical confrontations are punished, has always worked well, and our school has a fine reputation for being a safe place. Because of our strict policy, fights at school are extremely rare. I do not believe we should change this policy of non-violence. We are very sorry about what happened, but the blame should not rest with the school.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Pine Creek School was negligent because it did not protect Bash Indeehead from Ben Tisbones, and should therefore be held liable for Bash's medical expenses, pain and suffering. The plaintiff must also convince the jury that Pine Creek School's policy regarding students involved in physical confrontations should be changed.

SUB-ISSUES

1. Was Ben Tisbones receiving proper supervision and counseling at Pine Creek School?
2. Did Pine Creek School take adequate measures to protect Bash?
3. Did Bash Indeehead take appropriate measures to protect himself from Ben Tisbones?
4. Was Bash negligent in not telling an adult about the threat he had received from Ben?
5. Is the school justified in having a policy that states that any student involved in a physical confrontation will be detained or suspended?

CONCEPTS

1. Negligence.
2. School safety.
3. Responsibilities and policies of the school.
4. Responsibilities of the student.
5. Foreseeability.

LAW

1. Negligence is the failure of an individual or agency charged with the duty of care to exercise the proper degree of care that a reasonable person would exercise under similar circumstances.
2. All schools must maintain a safe and secure environment for all their students.
3. All schools must have in place a school safety plan, which provides for a mediation and anti-bullying program.



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The New Jersey State Bar Foundation, a nonprofit educational and philanthropic organization, offers a wide variety of free law-related education programs and services for New Jersey teachers and their students such as:

- **"CONFLICT RESOLUTION AND PEER MEDIATION TRAINING"** for teachers as well as unique conflict resolution and peer mediation guides available for elementary, middle and high school classes. Volume II guides containing lessons on such topics as cultural awareness and unity, stereotypes and gender equity are also available;
- An **"INTRODUCTION TO TEASING AND BULLYING"** training session, which educates teachers and administrators about the myths and facts of bullying. Developing a school-wide approach to bullying is also explored;
- **BILL OF RIGHTS BULLETIN**, a newsletter for elementary and middle school students that explains the Bill of Rights in plain language;
- **VINCENT J. APRUZZESE HIGH SCHOOL MOCK TRIAL COMPETITION**;
- **THE LEGAL EAGLE**, a newspaper for middle school students;
- **RESPECT**, a newsletter about law and diversity for middle and high school students.
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