

FOR GRADES 3–6

MOCK TRIAL EXERCISES

Featuring Winning Cases from the
New Jersey State Bar Foundation's Law Fair 2010 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 2010 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 732-937-7519 or e-mail sboro@njsbf.org.

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 Peanut Problem

SCHOOL

Mill Lake Elementary
Monroe Township
Grade 3, First Place

TEACHER

Bethanne Augsbach

STUDENTS

Tegh Aiden, Jenna Banks, Tara Beachem,
Evan Cimmino, Nicole DeGregorio, Kevin Fallon
Amanda Hernandez, Mehdi Jaffery, Sydney Jett,
Nathan LaDuke, Salma Lentini, Sohan Madimsetty,
Ashley Mann, Julia Minerva, Ria Patel,
Alyssa Spector, Andrew Steenvoorden,
Krish Verma, Jacob Volastro, Connor White

FACTS

On the afternoon of July 13, 2009, at approximately 4:00 p.m., elephant lover Harry Hortalot and his parents, Herbert and Heather Hortalot, arrived at the Silly Three Rings Circus.

Several weeks prior to the show, the Hortalots had purchased all access passes to view all three rings of the extravaganza and to tour backstage from 2:00 p.m. to 3:45 p.m. to see the trainers working with the circus animals. Harry and his parents were tardy, so they didn't have any time to see the elephants and their trainers up close.

Sometime after the Hortalots started watching the show, Harry left his parents and strolled backstage to see the elephants. When he got backstage, he passed through the passageway that separated the animals from the three ring stages. The barriers had been moved when the show started so that the animals could enter the three rings.

Upon locating the elephants, Harry took a handful of peanuts out of his pocket to feed the elephants through the corral. A baby elephant was attracted to the peanuts and moved towards Harry to get them. As the elephant charged at Harry, he was so frightened that he leaped out of the way, falling hard and fast on his leg. The elephant trainer, Elizabeth Traynor, called for help for Harry, as he was injured as a result of his jump. Then Ms. Traynor calmed the young elephant.

Harry broke his leg as a result of his startled leap from the baby elephant. Harry's parents are suing the Silly Three Ring Circus for all of Harry's

medical expenses, stating that the circus is liable because they did not properly secure the backstage area enabling Harry, a minor, to gain access to the elephants.

The Silly Three Ring Circus believes the Hortalots should be held responsible, as they were not properly supervising their child. They claim that they had proper signage leading backstage that were clearly marked "DO NOT ENTER" and were supervising their animals at all times.

ISSUE

Is the Silly Three Ring Circus liable for Harry Hortalot's medical bills?

WITNESSES

For the Plaintiff

Heather Hortalot
William Watcher

For the Defense

Rico Ringer
Elizabeth Traynor

WITNESS STATEMENTS

Testimony of Heather Hortalot

Hello, I am Heather Hortalot, mother of Harry. On the afternoon of July 13, 2009, at approximately 4:00 p.m., my husband Herbert, my son Harry and I arrived at the Silly Three Ring Circus late as we were caught in traffic. We had purchased VIP tickets to have full access to the animals backstage and to view the show. We missed the backstage tour. When we inquired as to whether or not we would be able to see the animals later, we were assured we would be allowed.

It was dark, loud and teeming as we entered the tent and we were instantly engrossed in the trapeze act that had just begun. Sometime during the next 30 minutes we asked Harry a question but he never answered, so we peeked over and discovered that he was gone! We looked around and didn't see him, so we hurried to the front desk to report our lost child. The front desk told us they would alert security. They also asked us questions about Harry. We told security that we missed the backstage tour, and Harry was disappointed because he wanted to see the elephants.

Minutes later, security got a call from backstage about a little boy who was lying on the ground with an injured leg. We rushed back and looked in disbelief as we realized it was Harry!

This wouldn't have happened if the circus had properly secured the open barrier and had good lighting to see the signs. Also, the signs were too high for a child to see them. The circus should have used a universal "STOP" sign, rather than a "DO NOT ENTER" sign, so that it would be more clear for a child to understand. Furthermore, the circus should have a security person at the barrier at all times. Therefore, we are suing The Silly Three Ring Circus for negligence and improper display of signs and security.

Testimony of William Watcher

Good afternoon, my name is William Watcher. I follow The Silly Three Ring Circus wherever it goes. On the afternoon of July 13, 2009, I saw someone small strolling to the backstage entrance. At first,

I thought it was a circus performer returning backstage after his act. But then I saw that it was a little kid!

I realized that he probably could not see the sign that stated "Do Not Enter" because it was as dark as night and the sign was up too high for a kid, so I rushed out of my seat to go stop him. Then I paused to look around for the kid's parents, and when I turned back, the kid was gone. I assumed that his parents already found him, so I just plopped myself back down in my seat to watch the show. I do love the trapeze!

I'm really surprised the circus doesn't have security posted at the backstage entrance. Animals are an "attractive nuisance" to children, meaning the circus had a duty to keep a guard at the barrier to stop excited, wandering children from the source of their exhilaration... the animals. I feel horrible that the kid got hurt.

Testimony of Rico Ringer

My name is Rico Ringer and I have been the Ringleader of the Silly Three Ring Circus for 25 years. On the afternoon of July 13th, the show began at 4:00 p.m. as usual. I did not witness the accident because I was conducting the center ring.

I'm also responsible for the security and safety rules for the circus. We have "DO NOT ENTER" signs posted throughout the area that clearly identifies places that are not safe for guests. We also have physical barriers in place to further deter curious visitors. The backstage is properly lit to allow for safe passage as required by all state and county codes.

All of our animals are accompanied by their trainers and staff, when leaving the corrals and heading to the rings, and then again from the arena to the backstage area.

What happened to the little boy was an accident, but we are not liable because the parents should have been supervising their child at all times. The bottom line is that the parents should have known where their child was at all times; they have an obligation to protect their child.

Testimony of Elizabeth Traynor

My name is Elizabeth Traynor and I have worked for the Silly Three Ring Circus as an elephant trainer for the past 15 years. On July 13, 2009, I was helping prepare the animals backstage. On or about 4:50 p.m., I saw a child walk into the backstage area. I was shocked to see the child because only circus staff members are permitted backstage, which is why we have signs posted everywhere and a large concrete barrier.

Much to my surprise, the child took a handful of peanuts out of his pocket to feed the elephants. I shouted "Stop!" but he could not hear me over the boisterous cheers of the crowd. Then, the baby elephant slowly moved towards the boy, which startled him and caused him to leap out of the way. I immediately called security for help and tried to calm the baby elephant. The boy was never in danger as the elephant was corralled. Our animals are secured in the cages with locks, and the keys are with the animal trainers at all times.

Where were the parents? It is the parents' responsibility to know where their child is at all times. The boy should not have been able to leave his seat to sneak backstage; a responsible parent would have noticed the child missing immediately. The animal did not injure Harry. It was Harry who was startled, jumped back and hurt himself. So judging by that, I believe the circus is not liable for the child's injury.

INSTRUCTIONS

The plaintiffs, the Hurtalot family, must prove by a preponderance of the evidence that the defendant, the Silly Circus, was negligent and that the defendant's negligence caused Harry's injuries so it must pay for all medical expenses related to this injury (i.e. "but for" the fact Silly Circus failed to safely secure the backstage area for wandering children, Harry would never have gotten hurt.)

SUB-ISSUES

1. Should Silly Three Ring Circus have kept the backstage area secured at all times in light of the fact that this was a public place that caters to children?
2. Were the signs put up on the walls and barrier sufficient enough to protect the public, especially children, from danger?
3. Was Silly Circus negligent when they left the open barrier unsupervised during show times?
4. What are the parental obligations in this situation?

CONCEPTS

1. Negligence.
2. Duty.
3. Breach of duty.
4. Preponderance of evidence.
5. Parental responsibility.
6. Comparative negligence.
7. Attractive nuisance.
8. Causation.
9. Damages.

LAWS

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. There can be no liability in negligence unless the claimant establishes both that they were owed a duty of care by the defendant, and that there has been a breach of that duty. The defendant is in breach of duty towards the claimant if their conduct fell short of the standard expected under the circumstances.
3. Comparative negligence is considered if the plaintiff has contributed to cause the damages by his own negligence, then the plaintiff's recovery will be reduced by the percentage he contributed, as long as it is less than 50%.
4. Parents have an obligation to properly supervise the activities of their minor children.
5. The Attractive Nuisance doctrine should be applied if it was proven that there was a condition at the circus that was dangerous to a young child because he or she is unable to understand the peril, and this condition attracts the child...then the defendant had the duty to exercise reasonable care to protect the child from the dangers of that attraction.

This Case Is on a Peel

SCHOOL

Yantacaw
Nutley
Grade 3, Second Place

TEACHER

Lawrence Weiss

STUDENTS

Brielle Arias, Liana Buckley, Kathryn Fulton,
Connor Genitempo, Tyler Genitempo,
Anthony Gingerelli, Ben Giordano,
Gabrielle Hinz, Danae Hollingsworth,
Gianna Joyce, Will Kavlick, Thomas Ku,
Genevieve McClean, Chloe Nardone, Hana Oh,
Keya Patel, Charlie Williamson, Igin Yildiz

FACTS

On the morning of June 29, 2009, Suzie Tripp overslept and was running late for work. Mrs. Tripp had to drop off her 16-year-old daughter Jenny, a camp counselor, and 8-year-old son Maksim at the nearby day camp before going to her job as a data entry clerk. Because she was in a hurry, Mrs. Tripp forgot to bring the lunches she packed for her children the night before, so on the way to camp she decided to run quickly into the StopnGo grocery store to pick something up for their lunch. The store entrance is near the produce aisle. As they entered the store, Mrs. Tripp began to put some fruit in her shopping cart and began to quickly make her way down the produce aisle.

Mrs. Tripp and Jenny were busy talking and walking through the produce section and didn't notice when Maksim took a banana from the bunch in the cart and started to eat it. Maksim knew he would get in trouble for this, so he lingered behind his mom and sister. As Mrs. Tripp and Jenny rounded the corner at the end of the produce section, Mrs. Tripp called out to her son to hurry up and catch up with them. Maksim looked around for a place to put the peel and quickly put it on the edge of the apple display and ran to catch up with his mother.

Just before getting in line to pay, Mrs. Tripp realized she had wanted to buy some apples to make a pie for the upcoming Fourth of July picnic. She told Maksim and Jenny to start placing the groceries on the checkout belt while she rushed over to the produce section to get the apples. As

she turned down the aisle, Mrs. Tripp did not see a banana peel and stepped on it, sliding down hard and breaking her arm as she landed.

Mrs. Tripp was taken by ambulance to the hospital where they x-rayed her arm and put it in a cast. Mrs. Tripp is suing StopnGo for her medical expenses related to the injury as well as lost wages.



ISSUE

Is the StopnGo responsible for Suzie Tripp's medical bills and lost wages?

WITNESSES

For the Plaintiff

Suzie Tripp

Jenny Tripp

For the Defense

I. M. DeBosse

Ida C. Saul

WITNESS STATEMENTS

Testimony of Suzie Tripp

I am Suzie Tripp. On June 29, 2009, I took my daughter Jenny and my son Maksim with me into the StopnGo supermarket to buy something for them to take to camp for lunch. The entrance to the store takes you down the produce aisle so we started shopping there first. I like to make sure my children have something healthy to eat so I put some fruit in my shopping cart. We quickly went through the store because I didn't want my children to be late for the first day of summer camp and I still had to get to work.

As we neared the checkout line, I realized I forgot to pick up some apples to make a pie for the upcoming Fourth of July picnic. Since the produce aisle was right there, I told my children to start placing the groceries on the belt while I ran over to get a bag of apples.

As I headed up the produce aisle, I slipped on a banana peel that I did not see. Suddenly, my feet gave out under me and I was mid-air. I landed very hard on my right arm. I tried to get up but the pain in my arm was too great. Before I knew it there was a crowd of people around me, including Mr. DeBosse, the store manager.

The store manager called for an ambulance and asked me a lot of questions while I was lying there in

pain. At that time, my children came over and I told them I didn't think they would make it to camp on time.

Mr. DeBosse arranged for an ambulance to take me to the hospital for x-rays, which indicated my arm was broken and I would need to wear a cast for six to eight weeks. Because I work as a data entry clerk, I need to be able to type. Being in a cast, I was not able to work for two months.

While StopnGo paid for the ambulance to take me to the hospital, they have refused to pay any medical expenses. Mr. DeBosse claims my own son left the peel on the floor so the store should not be liable for my own negligence. He also claims it is my employer's responsibility to provide a temporary accommodation for my inability to type, and therefore the store is not responsible for any lost wages. Since the only witness claiming my son dropped the peel is an employee of the store, I believe StopnGo should pay all of my medical expenses and compensate me for the lost wages.

Testimony of Jenny Tripp

My name is Jenny Tripp. On June 29th my Mom, my brother, and I went into the StopnGo grocery store to buy something for lunch. We were in a hurry so we started in the produce aisle, then went to the deli counter and right to the checkout aisle. When we got on the checkout line, my mom suddenly remembered she wanted to buy apples to make a pie. She told me to start putting the groceries on the belt in the checkout line with my brother while she ran to get the apples.

My mom had just walked away when I heard her yell out. Maksim and I ran over to see what happened. My mom was lying on the floor in pain; her foot was on a banana peel. My mom said she thought her right arm was broken. The next thing I knew the manager was there with a rescue squad to take my mom to the hospital for x-rays.

I think StopnGo should pay for my mom's medical expenses and lost wages because they should take better care of the store and not leave banana peels on the floor.

Testimony of I.M. DeBosse

My name is I.M. DeBosse and I am the general manager of the StopnGo supermarket. On the morning of June 29, 2009, I opened the store at usual time of 8:00 a.m. Like I do everyday, I walked through the aisles of the store to inspect just before opening the doors to shoppers. I always have my custodian, Stu Sweeper, sweep and mop the store between 7:30 and 7:55 to make sure the store is clean and safe for our customers, and this morning was no different.

At approximately 8:15 I received a call over the loudspeaker to report to the produce aisle. There I found Mrs. Tripp on the floor in pain, having slipped and fallen. I immediately asked her what happened. Mrs. Tripp said she thought she slipped on something and that she was afraid her arm was broken. I called 911 to arrange for an ambulance to take her to the hospital, which it did, and where Mrs. Tripp was diagnosed with a broken arm as a result of her fall. StopnGo paid for the ambulance but does not feel responsible for any further damages because Mrs. Tripp's insurance paid her hospital expenses. I do not think StopnGo should be responsible for her lost wages because, as you will hear in additional testimony, I believe her son is the one who dropped the banana peel.

Testimony of Ida C. Saul

I am Ida C. Saul and I work as a checkout clerk in the StopnGo supermarket. On June 29, 2009, I was working the express lane, which is at the end of the produce aisle. Right after we opened that morning, Mrs. Tripp entered the store with her children. I observed the family walking down the produce aisle rather quickly. Since the store had just opened, the only other customer in the store at that time was an elderly woman who shopped in one of those driveable carts.

As I was watching Mrs. Tripp and her children, I saw the boy take a banana from the shopping cart and begin to eat it. It was obvious he did not want to get caught by his mother because he was lingering behind them and facing the other direction.

When the mother called the boy to catch up with her, I saw the boy toss the peel on one of the fruit

stands and run down the aisle. I wanted to let the custodian know about it but just then the elderly woman came through my line to pay.

A few minutes later, I saw the plaintiff run over to the apple display and slip and fall. I quickly called for the manager and ran over to see what happened. There, by her feet, was the banana peel her son had left a few minutes earlier.

INSTRUCTIONS

To find for the plaintiff, Suzie Tripp, the jury must decide by a preponderance of evidence that the StopnGo grocery store was negligent by leaving a banana peel on the ground. The plaintiff must prove that through their negligence StopnGo is responsible not only for the plaintiff's medical expenses but also her lost wages.

SUB-ISSUES

1. Is StopnGo responsible for any damages because a banana peel was left on the floor?
2. Is Suzie Tripp responsible for her own injuries because she did not maintain proper supervision of her son in the store?
3. As an employee of StopnGo, is Ida C. Saul a credible witness?

CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Burden of proof/preponderance of evidence.
4. Damages.
5. Credibility of witnesses.

LAW

1. **Slip and Fall Law:** Any business or individual, whose property is open to the public, can be liable for a slip or trip and fall, including private homeowners and many government agencies. If the property's owner knew or should have known there was a danger and failed to remedy the hazard within a reasonable amount of time, the owner is legally responsible for any injury resulting from that hazard.
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 or institution is found negligent in causing injury or damage, that person or institution will be responsible for the payment of all bills and payment to recover the plaintiff's lost wages.
4. **Burden of Proof/Preponderance of 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. 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.

The Case of the Glowing Eruption

SCHOOL

Harrison
Livingston
Grade 3, Honorable Mention

TEACHER

Karin Pinto

STUDENTS

Michael Chyr, Erin Eagen, Jacob Fuhrman,
Gabrielle Kedrie, Christopher King,
Jason Mooney, Juliet Nangini, John Rosero

FACTS

On Friday, April 21st, Sylvester Sint wanted to make his glowing volcano that he got for his 7th birthday. He was so excited because he waited all week to make it, but it turned out to be a disaster. After school that day, Sylvester and his dad went into the closet to get the box and brought it to the kitchen counter. They laid newspaper out over the counter. Next they carefully opened up the box to make sure they didn't lose any important information. They took out all the pieces. Then, Sylvester and his dad looked at the box to see what the volcano looked like when it was done. Mr. Ina Sint read all of the directions. He paid close attention to the safety messages: "Not suitable for children under the age of seven, adult supervision required, plaster dust may cause injury to eyes, nose and throat."

They started to make the volcano mold. They mixed the ingredients exactly according to the instructions. The phone rang. When Mr. Ina Sint went to take the phone call, the child put in the final ingredient, which was the glowing powder. The volcano suddenly exploded and the child's arm was burned from the hot, burning fake lava. The child, Sylvester, ran to the sink and washed his arm in ice cold water.

Meanwhile, a mail carrier was at the door watching all this. The mail carrier was watching because she did not see a parent/guardian working with the child and she was concerned. She immediately called 911 and told them what had happened.

The ambulance took the child to the hospital. The hospital treated the child for third degree burns and told the family that the child would have scars for the rest of his life. The child's family is suing the Sky High Science Toy Company for \$500,000, which would cover medical bills and pain and suffering.

ISSUE

Who is responsible for the child's injury?

WITNESSES

For the Plaintiff

Ina Sint
K. C. Parks

For the Defense

Toy Man
Saf T. Man

WITNESS STATEMENTS

Testimony of Ina Sint

Hello, my name is Mr. Ina Sint. On Friday, April 21st, my son, Sylvester, opened the package of the Sky High Science Kit and started looking through all the experiments. Finally, we picked the "Glowing Volcano." We laid newspaper out over the kitchen counter. Next we carefully opened up the box to

make sure we didn't lose any important information. We took out all the pieces. Then, we looked at the box to see what the volcano looked like when it was done. I read all of the directions. I read the safety messages in the instructions. They said, "Not suitable for children under the age of seven, adult supervision required, plaster dust may cause injury to eyes, nose and throat."

I watched Sylvester follow each of the first four steps. Then I got a phone call. I did not pick up the phone right away. I measured the last ingredient for him and told him to pour it into the bowl. As I talked on the phone, I heard Sylvester scream. When I ran back into the room, I saw him running cold water over his burned arm. There was a mail carrier at the door who called 911.

My son is permanently scarred, according to the doctors. We followed all directions and therefore, the company should pay for his injuries.

Testimony of K. C. Parks

I am Ms. K. C. Parks. I have delivered the Sint's mail for five years. On Friday, April 21st, I was delivering a package to the door, and I saw the Sint's child in the kitchen through the window. It looked like he was doing an experiment. I thought, "Maybe I'll watch and then deliver the mail." I saw the child working on putting ingredients into a clay volcano. There were measuring cups, beakers, and a sheet, which I think was the directions. The child picked up one of the measuring cups and poured it in. The volcano shot up and burned his arm! I called 911 to tell of the incident. I didn't see any evidence that the child did anything wrong.

Testimony of Toy Man

I am Mr. Toy Man, the President of the Sky High Science Toy Company. Our company makes safe toys for our customers. Our assembly line workers spend many hours testing and making our toys to ensure that they are safe. Each toy box has simple instructions so our customers can easily and safely build their toys. It is impossible for an injury to occur if the directions are followed correctly. The boy must have used too much powder. All customers are responsible for carefully reading and following

the instructions. Parents must supervise children when they are making this science kit. All our products have warning labels to indicate this. This accident could not have happened if a parent was supervising. Therefore, if something went wrong, it was not our company's fault.

Testimony of Saf T. Man

I am the Assembly Line Manager for the Sky High Science Company. When the workers in my factory made the kit, I inspected it. All the correct ingredients were in the kit. The child must have done something wrong. This has never happened to our company before with any of our science kits. Our kits meet the highest quality standards and people love the toys we make. There is no way this accident could have been our fault.

INSTRUCTIONS

The plaintiff, Mr. Ina Sint, must prove that the Sky High Science Toy Company was negligent because they produced and distributed an unsafe product.

SUB-ISSUES

1. Was the child properly supervised by a parent while using this toy?
2. Were all the ingredients included in the kit safe and supplied in the proper amount?
3. Did the father and child follow the instructions?

CONCEPTS

1. Credibility of witnesses – are the witnesses reliable? Do they appear to be telling the truth?
2. Burden of proof (preponderance of the evidence) – the plaintiff must establish his or her case using clear and convincing evidence.
3. Compensatory damages.
4. Liability.

LAWS

1. Negligence – The failure to use reasonable care. The doing of something which a reasonably careful person would not do, or the failure to do something which a reasonably careful person would do under like circumstances. A departure from what an ordinary reasonable member of the community would do in the same community.
2. Contributory negligence – When both sides have a part in the damage that was caused.

The Escape at the S. Cape Zoo

SCHOOL

Wanamassa Elementary
Wanamassa
Grade 4, First Place

TEACHER

Christine Picerno

STUDENTS

Elliott Cassidy, Fiona Coffin, Giana Graziano,
E.J. Hannah, Matthew Ianucilli, Kate Mostow,
Tyler Sapp, A.J. Viola

FACTS

On, November 29, 2009, Mr. Leo Lean brought his 6-year-old daughter, Leann Lean, to the S. Cape Zoo. Meanwhile, Newe Keeper, a recently hired employee, was feeding the exotic monkeys in their cage. When he was done, he closed the cage door. When Mr. Lean and his daughter arrived at the monkey cage, Leann and her father felt hungry. The line was very long, so Mr. Lean did not make Leann wait on it. Mr. Lean told his daughter to stay near the monkey cage, as he was getting ice cream from the concession stand.

Leann could hardly see the exhibit because the fence was rather tall. So, Leann leaned on the gate and stood on her tiptoes to get a better view. Within seconds, the door opened and the exotic monkeys escaped. The monkeys were excited and overwhelmed by their freedom, so the monkeys started to destroy the concession stand. Everyone fled, including Leann's father. Leann stayed there as she'd been told.

When the calamity settled, the zoo manager blamed Leann for causing the damages, because she was the nearest one there and did not flee during the escape. Several reports went to the zoo manager stating that the rare monkeys were not on or near the premises of the zoo. The S. Cape Zoo is suing Mr. Lean for \$400,000, as the monkeys were rare and expensive, and for damages to the concession stand, and loss of revenue, since all the visitors fled.

ISSUE

Were the damages to the S. Cape Zoo a direct result of Leann Lean's actions when she leaned on the gate of the monkeys' cage and should her father, Mr. Lean, be held responsible for the damages?

WITNESSES

For the Plaintiff

Ime N. Charge
Newe Keeper

For the Defense

Leo Lean
Leann Lean

WITNESS STATEMENTS

Testimony of Ime N. Charge

My name is Ime N. Charge and I am the zoo manager of the S. Cape Zoo. From our security cameras, we can see that our new employee, Newe Keeper, shut the gate to the monkey exhibit early in the morning. Our cameras also indicated that Mr. Lean left his daughter unattended at the exotic monkey exhibit, and went to the concession stand. While he was gone, Leann, his daughter, leaned on the gate even though there was a sign on the door that clearly stated, "WARNING! Do not lean on the gate. Keep a safe distance from the gate." We saw

from our cameras that Leann actually looked up at the sign but she did exactly what the sign said not to do!

Soon, the gate opened and within seconds, the monkeys escaped. Everyone saw the monkeys, screamed, and fled in fear and panic. The monkeys got angry from all the noise and started destroying the concession stand.

Now, our zoo is suing Mr. Lean for \$400,000 for the following: compensation due to damage and destruction of property that the monkeys caused, the loss of the rare exotic monkeys themselves, and the loss of revenue due to the closing of the zoo's concession stand and since most of the visitors fled.



Testimony of Newe Keeper

Hi, I am Newe Keeper, the new zookeeper at the S. Cape Zoo. I have seven years' experience working with exotic animals. My seven years' experience has taught me to properly enter and exit animal enclosures. I fed the animals, and then I exited the enclosure and went to get materials to clean the cage. I did not lock the gate because I assumed the gate would close automatically, since the gates at my previous job closed by themselves. I did not receive any information that the gates were not automatic. I then exited the enclosure and went to get materials to clean the cage. I had no sooner picked up my pail and shovel when I heard a large commotion from the monkey cage.

When I realized that the monkeys had escaped, I ran after them in panic. I was unable to catch any of the monkeys, but I did notice a little girl standing by the gate. In my opinion, no child should have been left near the enclosure alone. I was later informed that she leaned on the gate, causing this catastrophe. I feel determined to point out that we have signs posted on each of the animal's enclosures stating, "WARNING! Do not lean on the gate. Keep a safe distance from the gate." We put these signs up to prevent things like this from happening. There is no reason for me to take the blame for Leann's careless actions. Clearly, Mr. Lean is responsible for all the commotion, not me, an experienced zookeeper. Mr. Lean should have made sure that Leann understood the signs' warning.

Testimony of Leo Lean

My name is Leo Lean and I recently visited the S. Cape Zoo with my daughter, Leann. We are constant visitors and visit it whenever there is something new or in construction. We visited the zoo because the online newsletter was posted, including interesting facts about the new monkey exhibit.

After a while of looking at the monkeys, my daughter and I were starting to get hungry, so I offered to get some ice cream. My daughter did not want to wait in line at the concession stand, because the line was quite long. I felt that she was within eyeshot, so I let her look at the monkeys while I bought the ice cream. While I was at the concession

stand, I saw a bunch of monkeys running towards the concession stand I was at, so I fled in alarm. I realized that Leann was probably still at the monkey exhibit, so I started to run to her, but it was too late. The zoo manager was already blaming my innocent daughter for causing the accident.

I believe the catastrophe was caused by the carelessness of the keeper. I believe it was the fault of the zookeeper for not locking the gate. How could a 50-pound, 6-year-old be capable of pushing a locked gate open? I soon learned that a foolish zookeeper left the gate unlocked before this big mess occurred. I believe the zookeeper is responsible. I was only trying to treat my daughter to ice cream. No offense to the manager or the employees, but I think the zoo could definitely use a new zookeeper.

Testimony of Leann Lean

My name is Leann Lean and I am 6 years old. A few days ago, my daddy took me to the S. Cape Zoo to see the new monkey exhibit. We were looking at the monkeys and my dad and I got hungry. So, my dad went to get ice cream at a nearby stand. The line was very long, so Daddy said I could watch the monkeys while he bought ice cream. The fence was very high, so I stood on my tippy toes to get a better look. The gate was not locked, and I didn't unlock it. I tipped forward a little, and the gate opened. The monkeys ran out, and destroyed everything in sight. Before I knew it, everyone fled, and the monkeys were gone.

An angry man stomped over and yelled at me. Soon he pointed to a sign and continued yelling. There was a sign, but I couldn't read it, and the sign was very high. Earlier, I tried to read the sign, but it was too hard to read. It wasn't my fault. Someone should have locked the gate.

INSTRUCTIONS

The S. Cape Zoo must convince the jury by a preponderance of the evidence that Mr. Lean was negligent when he left his child unsupervised at the monkey exhibit and that this negligence was the cause of the damage to the zoo, and therefore Mr. Lean would be responsible for the cost to repair the concession stand, replace the rare monkeys, and compensate the zoo for loss of revenue.

SUB-ISSUES

1. Is the zookeeper responsible for not closing the gate firmly?
2. Was Mr. Newe Keeper aware of all the rules and procedures regarding entering and exiting the animal enclosures?
3. Was Mr. Lean acting responsibly when he left his daughter at the monkeys' enclosure?
4. Was putting up the sign on the door enough to protect the public from the danger of the exotic monkeys?
5. Was Leann able to read and fully comprehend the sign?
6. How far was the concession stand from the monkeys' enclosure?
7. Is the zoo trying to get out of paying for the damages by blaming Leann?
8. Why did Newe Keeper leave his last job?
9. Should the zoo have images on the sign to express the danger of leaning on the gate, so children, who are unable to read, can understand the danger?
10. Was Newe Keeper qualified to work as a zookeeper?

CONCEPTS

1. Negligence.
2. Comparative negligence.
3. Parental responsibility.
4. Supervision of a minor.
5. Burden of proof – preponderance of the evidence.
6. Damages and liability.
7. 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. Parental Responsibility/Supervision: Parents have an obligation to properly supervise the activities of their minor children.
4. Parent Liability is the term used to refer to a parent's obligation to pay for damage caused by negligent, intentional, or criminal acts committed by the parent's child. Parental liability usually begins when the child reaches the age of majority, defined as when the child reaches an age between 6 and 10.
5. Burden of proof: by a preponderance of 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.
6. Damages: If a person is found negligent in causing damages, that person will be responsible for the payment of all bills.

Treasure Trove Trouble

SCHOOL

School #1
Fort Lee
Grade 4, Second Place

TEACHER

Elsa Osso

STUDENTS

Hana Bauta, Alex Cho, Vivian Jou, Grace Kim,
Marin Moore, Teresa Xie, David Yu

FACTS

On Friday, May 22, 2009, a builder was renovating the attic of an old Victorian home. While he was prying wooden panels off of the walls, he noticed a hole. As he looked closely, he saw an old, dusty jewelry box. He polished off the dust and realized that it was encrusted with golden leaves. When he opened the lid, he saw an emerald dragon necklace with diamond eyes and a ruby tail. The builder finished his day's work and presented the owner of the house with his find.

The next day, while conducting a search on Google, the builder accidentally stumbled across a picture of a necklace that looked just like the one he had found. To his surprise, the value of the necklace was listed as \$20,000. The builder then read about a Treasure Trove Law which indicated that the finder is the keeper! He immediately called the owner and asked for the necklace. The owner refused to give it to him, claiming that the treasure was found on his property. The builder is suing the owner for the ownership of the necklace plus the legal fees.

ISSUE

Who is the rightful owner of the necklace?

WITNESSES

For the Plaintiff

Bill Der
Ms. Torian

For the Defense

Mr. Iownit
Gemma Jewel

WITNESS STATEMENTS

Testimony of Bill Der

My name is Mr. Bill Der. I have owned my construction company, Tool Tops Building Blocks, for the last fifteen years, and my clients have always been satisfied with my work. In fact, Mr. Iownit hired me because a friend of his who lives down the street, whose kitchen I repaired last year, recommended me.

On the morning of May 22, 2009, I was working in Mr. Iownit's attic. It was my first day on the job. I was in the process of prying off the old, dilapidated wooden panels from the walls when I noticed an object embedded in the interior of the wall. At first I thought it was a piece of wood that had gotten loose, so I didn't pay much attention to it. But as I pulled off more panels, I noticed that it wasn't an ordinary piece of wood. I reached in and yanked out a dusty, wooden box. I couldn't believe the beautiful details of golden leaves that I saw on the lid once I cleaned

it! But the surprise was even better when I opened the box and found the amazing dragon necklace. I couldn't believe it! I would have loved to have taken it home, but I didn't think it was the right thing to do. When Mr. Iownit arrived home that afternoon, I told him how I found the box, and I gave it to him.

Of course, I couldn't help but wonder how the necklace had gotten into the wall, especially when Mr. Iownit didn't seem to have a clue about the hidden treasure in his house. That night I happened to be on the computer and just for fun I decided to do a search on dragon necklaces. To my complete surprise, I discovered that the necklace was worth \$20,000. I couldn't help to think that if it hadn't been for my work, the valuable necklace would still be in the wall.

That's when I called my friend, Ms. Torian, with the news. She is an historian who believes that the necklace should be donated to the town's museum, and I strongly agree.

I conducted research on the law regarding treasures and quickly realized that the necklace belongs to me. But when I asked Mr. Iownit to give the necklace to me, he claimed that he was the rightful owner. This isn't true. Hasn't he ever heard the expression, "Finders keepers, losers weepers"? If I hadn't stumbled across the necklace, Mr. Iownit would probably never have even known about it. I am the rightful owner of the necklace.

Testimony of Ms. Torian

I am Ms. Torian, and I have been Mr Bill Der's friend for twenty-five years. I am also a professor of history and have done volunteer work at the local museum for the last decade. I have worked with well-known archeologists over the years. I knew that the necklace was a replica of an ancient Chinese dragon necklace because I had studied archeology and I had read about such artifacts. I told Mr. Bill Der that even though the necklace was not an original, it was still very valuable because it was such a well-crafted replica. According to my knowledge, only ten such necklaces were produced, which makes them even more valuable.

I suggested that the necklace be donated to the local museum, where it can be preserved and

where visitors can appreciate its beauty. Mr. Bill Der thought it was a great idea. If it wasn't for Mr. Bill Der, it is likely that the necklace would still be buried in the wall of the attic. Mr. Bill Der is not looking to make a profit from his find. He just wants to do the right thing.

Testimony of Mr. Iownit

My name is Mr. Iownit. I have owned my lovely Victorian home for the last fifteen years. The house is very special to me because I inherited it after my mother passed away. Since it is almost one hundred years old, the house needed some repairs. Recently, I decided to have the attic repaired, so I called my friend who lives down the street because I really liked the way his kitchen was remodeled last year. My friend recommended Mr. Bill Der, and I called him to get an estimate on the work for my attic. His rate was reasonable, and he seemed like a very nice guy, so I hired him immediately.

On the afternoon of May 22, 2009, I arrived home about 4:30. Mr. Bill Der was finished working for the day, but he was waiting to speak to me before he went home. I thought that he wanted to talk to me about cleaning out the attic because it is a bit cluttered up there, and I've been meaning to get to it. You can imagine how surprised I was when he presented me with the necklace that he had found in the wall of my attic! We both noticed how beautiful the necklace was and wondered if it was real, but that was the extent of our conversation.

Of course, I thanked Mr. Bill Der for being honest and returning the necklace to me. I was very pleased to have such a trustworthy worker in my home. However, now I am extremely disappointed. When Mr. Bill Der called me on Sunday, insisting that the necklace belonged to him, I couldn't believe what I was hearing. He said something about a Treasure Trove Law and that the necklace belonged to him because I couldn't prove that it belonged to me! That doesn't make any sense. The necklace was on my property. Mr. Bill Der just happened to stumble across it. The necklace is mine!

Testimony of Gemma Jewel

My name is Gemma Jewel. I am Mr. Iownit's neighbor. I have lived in my house, right next door to Mr. Iownit's house, for 88 years. My ancestors and his were here way before Mr. Iownit moved into the house. When I was a young girl, all the land surrounding our two houses and a few others was simply covered with trees and grass. It served as a pleasant playground for the young lads who loved to search for bugs. But that didn't last very long. Soon many other homes were built. I have photos to prove it!

I also have a photo of my great grandmother with my neighbor's great, great aunt. In the picture, Mr. Iownit's relative is wearing the same necklace that was found in the attic. I know that the lady wearing the necklace is indeed Mr. Iownit's relative because her name is signed on the back of the picture and because my great grandmother wrote about her in her diary. These old photos and her diary have been sitting in a wooden box for a long time. When I heard about my neighbor's problem, I remembered seeing that photo somewhere. I searched my house for two days trying to find it!

I think that the local museum is a wonderful place, but since the necklace is a family treasure, it shouldn't be placed there. Mr. Iownit should be able to keep it and pass it on to his children some day.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that since the true owner of the necklace could not be established, the rightful owner is the person who found it.

SUB-ISSUES

1. Who placed the necklace in the wall?
2. Has the true owner been established?
3. How important are the diary and the photo in this case?
4. How does the Treasure Trove Law apply to this case?
5. What should happen to the necklace?

CONCEPTS

1. Burden of proof.
2. Preponderance of evidence.
3. Constructive possession.
4. Personal property.

LAWS

1. Constructive possession is when an individual has a certain amount of control over a particular item even though the individual doesn't actually have it. For example, if a person has a key to a safe deposit box that contains gold coins that belong to that person, that individual has constructive possession of the gold coins.
2. Treasure Trove Law refers to found treasure. This is a name given to money or coin, gold, silver, or any riches which were hidden in the earth or in a private place for such a long time that the owner is unknown and that is found accidentally. If the owner is found, the treasure belongs to him. If the treasure is found by the owner of the place on which the treasure is found, the treasure belongs to him. If the treasure is found by one who is not the owner of the place on which the treasure is found, then the owner of the place and the finder will each own half of the treasure.
3. Personal property is property that belongs to a particular person.

Slippery Stairs

SCHOOL

Wayside Elementary
Ocean
Grade 4, Honorable Mention

TEACHER

Christine Picerno

STUDENTS

Ethan Black, Daniel Bloomfield, Daniel Diament,
Arielle Hutchinson, Sydney Maxwell, Josh Pickelny,
Emma Vasen, Josh Wilk

FACTS

On November 1, 2009, Vicky Vacation went away on vacation for a week to the Bahamas. She arranged for her neighbor, Sammy Slipper, to pick up her mail and leave it on her kitchen counter. It was a cold, but sunny day, at approximately 12:30 in the afternoon, when Sammy brought the mail into Vicky's house and placed it on her kitchen counter. On the way out the front door, Sammy leaned on the railing for support and the railing broke, causing Sammy to tumble down the stairs.

He was taken to the hospital by ambulance and sent home the same day. Sammy was diagnosed with two broken ribs and a broken left ankle. He was seen by the doctor and treated with a cast for the broken ankle. Sammy lost three weeks of pay from his job as a carpenter due to his injuries. Sammy incurred many medical bills from the hospital and the doctor. Sammy is suing for \$10,000 for the cost of his medical bills, lost wages, and pain and suffering. It is alleged that a defective railing at Vicky Vacation's house caused these injuries.

ISSUE

Were the damages that the plaintiff suffered a direct result of the defendant's negligence with regard to the defective railing and should the defendant be held responsible for the damages, including medical bills, loss of wages, and pain and suffering?

WITNESSES

For the Plaintiff

Sammy Slipper
Manny Mail

For the Defense

Vicky Vacation
Lance Scaper

WITNESS STATEMENTS

Testimony of Sammy Slipper

On November 1, 2009, while I was delivering Vicky Vacation's mail, I fell down her front steps and suffered unnecessary injuries because her railing was not secure. Vicky Vacation and I had arranged, since she would be on vacation for a week, that I would pick up her mail. She instructed me to take her mail from the mailbox and place it on her kitchen counter. On the day in question, I did

exactly as I was instructed and, as I left the house, I exited through the front door and proceeded toward the steps. I lost my balance and fell down the stairs. While I was falling, I went to reach for the railing with the hope it would break my fall, but the only thing it broke was my ankle and two ribs. I lost three days' pay and racked up \$5,000 worth of medical bills.

I am suing Vicky Vacation for compensation for my injuries. As a homeowner, Vicky Vacation should be responsible for maintaining a safe and secure railing as well as posting a warning sign informing people of the unsecure railing.

Testimony of Manny Mail

My name is Manny Mail and I am the neighborhood mail carrier. On the day in question, I was delivering mail a few doors away from Vicky Vacation's house. There was a commotion in front of Vicky Vacation's house. As I got closer, I saw Lance Scaper picking up Sammy Slipper. It appeared as though he fell down the stairs. When I realized what had happened, I was a bit upset. I had just mentioned to Vicky Vacation last week, as I was delivering a package to her house, that I noticed her railing was loose. She assured me she would take care of it. Poor Sammy Slipper and the railing were mangled on the ground.

Testimony of Vicky Vacation

My name is Vicky Vacation and I was in the Bahamas at the time the incident occurred. Before going on vacation, I asked my neighbor, Sammy Slipper, to pick up my mail. This was an arrangement we had agreed upon. If either one of us was away on vacation, the other would pick up the other's mail. I gave him the code for the garage and a key for the door in the garage. I gave Sammy Slipper specific directions to go through the garage. Sammy was told specifically not to go down the front stairs. I was aware that the railing was a little loose, so I scheduled an appointment with the handyman to repair the railing when I returned from vacation. Prior to leaving, the handyman told me that it wasn't that loose, so it would be okay to wait until I got back. I told Sammy not to go down the stairs

because I did not feel comfortable with the railing being a little bit loose.

I saw my front steps railing and was shocked. My right railing was lying on the ground four feet away from my steps. The railing looked like it was pulled off and thrown down. It didn't look like Sammy fell on it. I am very disappointed that Sammy was injured, but I do not feel that it was my fault. Lance Scaper later informed me that Sammy was listening to his iPod and texting as he was walking down the stairs. I believe that it's Sammy's own negligence that caused his injuries. He was instructed not to use the front stairs and was distracted by his iPod and cell phone.

Testimony of Lance Scaper

My name is Lance Scaper and I'm the proud owner of Lance Scaper's Landscaping. Both Sammy Slipper and Vicky Vacation are customers of mine. On November 1, 2009, I was working in a neighbor's yard across the street when this incident happened. I witnessed Sammy Slipper fall down Vicky Vacation's front steps. Sammy Slipper was texting on his cell phone while listening to his iPod. As soon as I saw him fall, I rushed over to help. Sammy fell right down the front steps. When he reached for the railing to catch his fall, the railing broke and both Sammy Slipper and the railing collapsed to the ground. I don't believe that Vicky Vacation is responsible for Sammy's injuries. I truly believe that Sammy caused his own injuries since he was distracted by both his iPod and cell phone.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that the homeowner's negligence was the proximate cause of the plaintiff's injuries.

SUB-ISSUES

1. Who is responsible for Sammy Slipper's injuries?
2. Did Manny Mail, the mail carrier, discuss the repairs with Vicky Vacation?
3. Is it possible that Sammy Slipper was distracted by his cell phone and iPod use?
4. Should Vicky Vacation have fixed her railing prior to going on vacation?
5. Is it feasible to assume that Lance Scaper was able to see clearly from across the street?
6. Is it possible that the handyman misinformed Vicky Vacation about the railing?
7. Was Sammy Slipper properly informed that Vicky Vacation's railing was loose?

CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Proximate cause.
4. Burden of proof.
5. Damages and liability.
6. Tort law.
7. 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. Contributory Negligence: the plaintiff's act contributed to the injury or problem; such acts may reduce, but not eliminate, responsibility of the defendant.
3. Proximate Cause: In order to find the defendant liable, you must find that the defendant's negligence was a proximate cause of the injury. By proximate cause, it is meant that the negligence was a substantial factor, which singularly, or in combination with another cause, brought about the injury.
4. Burden of Proof by a Preponderance of 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 damages, the evidence that supports his or her claim must seem to more nearly represent what took place than the evidence against the claim.
5. Tort Law - Damages for Personal Injury: If the defendant is found to be negligent, the plaintiff is to be compensated for all his/her damages (past, present, and prospective), both special and general. This includes fair and adequate compensation for medical expenses and lost earnings plus amounts for pain and suffering.

Someone Please Call 911

SCHOOL

Johnnie L. Cochran, Jr. Academy
East Orange
Grade 5, First Place

TEACHER

Patricia A. Hurt

STUDENTS

Jarad Collymore, Brian Gaillard, D'Amira LaBoo,
Deja Little, Edward Marshall, Jr., Justice Mentor,
Aliyah Verin, Dana Walcott, Kianna Wallace

FACTS

Johnnie B. Bad is a ten-year-old boy who attends a unique elementary school with a special theme of law. There are approximately 220 students in which fifty students are transported by bus from various parts of the city. The school day begins at 8:20 a.m. and ends promptly at 2:45 p.m. The school district had a policy about student dismissals. The policy states when and how parents are to be notified about dismissals. The policy also provides what kind of supervision must be in place when young children are dismissed from school. When there are school closings, parents are notified on school letterhead the date and time of dismissal. When an emergency closing commences, the district uses a telephone messaging system called "Parent Notifications Plus." This system sends out robo messages, text message alerts and emails to parents and guardians regarding early dismissals and other public school information.

All parents are expected to make the necessary accommodations on early dismissal days. Johnnie B. Bad walks home, three blocks from the school.

Momma B. Bad is a single parent and a registered nurse at the local hospital and leaves work at 4:00 p.m. during the week. Ms. Bad has given Johnnie a key to the house. She believes that Johnnie is responsible enough to stay by himself for an hour until she arrives home. There have been two unanticipated school emergencies which forced the school to close prior to 2:45 p.m.

On December 1, 2009, an early morning city blackout paralyzed school operations. By 10:00 a.m. the superintendent ordered all schools closed because lunches couldn't be served and the lack of lights and heat created a hazardous and dangerous environment. The school's Parent Notification Plus service contacted all parents and notified them either at home or at work of the school emergency and early dismissal. Johnnie B. Bad was allowed to walk home after a message was left at his mother's job.

Johnnie B. Bad leaves the school at 10:20 a.m. en route to his house. Johnny begins playing with his DSI as he casually walks. A DSI is a portable game device which allows him to access the internet, play games and take pictures. Johnnie has a set of headphones attached to the DSI. The headphones magnified the sound of the DSI. Ms. Bee Safe is the crossing guard at the first intersection and gestures to Johnnie B. Bad to halt to allow cars to make the appropriate right turn. Johnnie is engrossed in his game and continues to walk into the moving traffic, ignoring Ms. Bee Safe's instructions.

Mr. Alco Hall is late for his dental appointment and is driving at a high rate of speed when he strikes Johnnie. Johnnie is rushed to the local hospital, where he is treated for a broken arm in the emergency room. Momma B. Bad is the duty nurse in the emergency room and becomes hysterical when she witnesses her child rushed in on a stretcher. Momma B. Bad nearly faints. Momma B. Bad is enraged that a voice message was left and she had no prior knowledge of the early dismissal. She has

filed a law suit alleging negligence on behalf of the school district.

ISSUE

Did the school district exercise reasonable care at the time of the emergency dismissal?

WITNESSES

For the Plaintiff

Johnnie B. Bad
Momma B. Bad

For the Defense

Mr. Alco Hall
Principal Dr. Do Wright

WITNESS STATEMENTS

Testimony of Johnnie B. Bad

While I was in class, Dr. Do Wright came around with a megaphone announcing that all of our parents were notified of early dismissal due to the blackout. While going up the school driveway, I began to get a terrible headache so I started rubbing my head. I always pay very close attention to my surroundings since I walk home alone. I was wearing my headsets but the volume was off. As I approached the intersection, Ms. Bee Safe told me to cross the street. I was only following Ms. Bee Safe's command. While crossing the street, I dropped my DSI so I stopped to pick it up. As soon as I turned around, "BOOM"! Everything got pitch black. The next thing I know, I am being rushed to the emergency room where I saw my mom nearly faint. Later that day, my doctor told me I had three bone fractures on my left arm. My bones were severely damaged.

Testimony of Momma B. Bad

On December 1, 2009, I saw my child Johnnie B. Bad rolled in on a gurney into the local hospital that I work at. I almost fainted when I saw his face. I was the nurse on duty, assigned to the emergency room.

When Johnnie was settled into his hospital room, the doctors took him to the x-ray room. When the x-rays came back, the doctor explained to me that Johnnie had broken his left arm in three places. If I had been notified by the school on my cell phone, I would have asked my neighbor, Mrs. I Kare, to pick Johnnie up from school so he wouldn't be alone. I cried incessantly.

Mr. Alco Hall is not to take the full blame, the school system should be liable too because I was told that during school emergencies they are held responsible for each child to get home safely and should have talked to me personally when they have these emergencies. Also, this is not the first time they have had early dismissal. There have been too many early dismissals.

I can't do everything myself. I am a single parent. I can't pay these bills. I work from six o'clock in the morning until four o'clock in the afternoon. The school should be held responsible to make sure that every single child, especially on an unanticipated early school dismissal day, arrives home safely.

Testimony of Alco Hall

My name is Mr. Alco Hall and I was the driver on the day of the unfortunate event that happened on December 1, 2009. I must say that I am truly sorry. I have two young children, a daughter in the 5th grade and a son in the 3rd grade. On my way to pick them up from school, I was late for a dental appointment and was driving fast when I heard a huge thump. That's when I saw a young boy unconscious on the ground. I froze and did not know what to do. I saw the crossing guard calling 911 so I sat in my car and waited. I must confess that I might have had one or maybe two drinks before I got into the car, but that has nothing to do with this accident. The police requested a breathalyzer test and I passed.

Eventually the police came and I couldn't stand to see him being helplessly carried away. I waited for the police to complete their investigation, then I picked up my children and drove home. This young boy was later identified as Johnnie B. Bad. I cannot express the sadness I feel about this tragic event.

Testimony of Principal Do Wright

My name is Dr. Do Wright and I am the principal of the school. As the principal, I go outside to monitor the driveway everyday for the children's safety. It was December 1st, the day Johnnie was hit by a car. I had assigned my staff and junior crossing guards in the morning to make sure that all kids make it safely out the building. Our school had just closed because of a blackout that paralyzed all school operations. The day Johnnie was hit by a car, he was walking up the driveway. He appeared focused on his DSI. The school policy prohibits electronic devices such as his DSI.

If Johnnie B. Bad had followed the rules and never brought the game to school at all, this accident never would have happened. So I don't understand how Momma B. Bad could have thought this accident could have been my fault or the Board of Education's.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the defendant acted negligently when it failed to ensure Johnnie B. Bad's safety after school.

SUB-ISSUES

1. Did the Board of Education act negligently when they failed to confirm the early dismissal with Momma B. Bad?
2. Was it foreseeable that Johnnie B. Bad could be injured going home?
3. Did the Board of Education exercise reasonable care of its students in the manner that it notified parents of the early dismissal through an answering service?

CONCEPTS

1. The duty to exercise reasonable care.
2. Negligence is the failure to use reasonable care. The doing of something that a reasonably prudent person would not do.
3. Public immunities.

LAW

Duty to exercise reasonable care:

A school district must:

1. Have a policy concerning dismissal and the manner in which students are dismissed.
2. The policy must address proper supervision of the children.
3. The policy must provide adequate notice of the time of dismissal.
4. The district must have a plan for emergencies so a child will have some form of supervision until the parent can arrive.

A public entity is liable for an injury proximately caused by an act or omission of a public employee who acts within the scope of his or her employment "In the same manner and to the same extent as a private individual under like circumstances. N.J.S.A. 59:2-2(a).

In addition, a public employee is liable for any injury caused by his or her act or omission to the same extent as a private person." N.J.S.A. 59:3-1. However public entities and public employees are entitled to any immunities which are provided by law. N.J.S.A. 59:2-1 (B); N.J.S.A. 59:3-1 (6).

Roof Breakdown

SCHOOL

Yeshivat Noam
Paramus
Grade 5, Second Place

TEACHER

Margi Saks

STUDENTS

David Adler, Robert Abrahams, Adam Baron,
Yonatan Berner, Avi Bodoff, Ryan Eisner,
RJ Fischer, Seth Forman, Jonathan Gibber,
Gavi Gove, Max Gross, Ezra Hermann, Ari Hiller,
Seth Jacobs, Shabbi Kestenbaum, Ariel Liebb,
Ari Morrison, Avi Nat, Zachary Rothenberg,
Yaron Schneider, Yonatan Schwartz, Ahmos Silvera,
Eli Szafranski, Aharon Traurig

FACTS

On January 17, 2009, the Savior family moved near the Rocky Mountains. Their new neighbors, the Climbers, did not have much money, nor did they have a swing set for their son Cliff to climb on. Their son, Cliff Climber, always climbs up the roof of their two story home. The strange part is that he never got hurt. Everyone knew about Cliff climbing the roof on a daily basis, except for their new neighbors.

On January 18, 2009, Cliff was climbing the roof as usual. Mr. Savior was worried that Cliff would fall down and get hurt. So he climbed onto their neighbor's roof to get Cliff down. Since the Climbers do not have much money, they have not been able to fix their roof, which is not so stable. So when Mr. Savior climbed onto the roof to help Cliff, Mr. Savior fell through a hole he created because of his weight. The portion of the roof where Mr. Savior was standing shook as a result. Cliff lost his balance and fell through the hole in the roof, breaking his leg. Mr. Savior broke his arm. The Climber family is suing the Savior family for trespassing on their property, for Cliff's medical bills, pain and suffering, and roofing costs.

ISSUE

Is Mr. Savior at fault for trespassing on the Climber's property? Did this act of trespassing cause personal injuries to Cliff and damage the Climber family's roof?

WITNESSES

For the Plaintiff

Cliff Climber
Mr. Warner

For the Defense

Mr. Savior
UPS Worker

WITNESS STATEMENTS

Testimony of Cliff Climber

I am Cliff Climber. I am seven years old, weigh 59 pounds and love climbing. I have been climbing my roof since I was five years old. Since my parents cannot afford a swing set, I spend a lot of time climbing on my roof. I especially love to watch the sunset. I live near the mountains and have a wonderful view from my roof. It was an especially beautiful sunset on January 18, 2009. I was so amazed. I said, "Wow, what a beautiful sunset!"

A new man who moved to the area asked me if I was OK. I didn't talk to him because my parents said not to talk to strangers. He told me to get off the roof, but I always watch the sunset from the roof. He ended up climbing up on to the roof. This big, heavy guy was coming up and I got very nervous that he was going to step on the roof. I screamed that the roof is not so stable. He came up anyway and made a hole in the roof. He was trying to hold onto the roof, but that just made the whole roof shake. I lost my balance and fell through the hole. I broke my leg. I am terrified to climb now because it hurts so much to break a leg. I was the center in my hockey league and now can no longer play with my friends. My dreams of becoming an NHL hockey player vanished.

Testimony of Mr. Warner

I told Mr. Savior to get down. I told him the roof would not be able to hold his weight. Cliff has always climbed up onto the roof and never falls. Mr. Savior did not listen and kept climbing towards the roof, after Cliff. All of a sudden, Mr. Savior fell through the roof, causing Cliff's injuries and damaging the Climber family's roof.

Testimony of Mr. Savior

I am a policeman. I just moved into town. I am not familiar with the area. I was shocked to see this little boy climbing up onto the roof. I could not watch Cliff put himself in a dangerous situation. I told him to come down and then heard him say "OW." When he didn't listen when I told him to get down, I panicked. I had to go and get him. It was better than him falling and breaking his neck. I felt that this was an emergency. He was on the roof and screamed. In an emergency you have to act immediately. As a policeman, I know that the Climbers are negligent for having an unstable roof. The Climbers should have maintained their property. I should not be held responsible for the damage to the roof.

Testimony of UPS Worker

I was delivering packages on January 18. As I was delivering a package, I saw Cliff Climber on the roof. I was shocked. Cliff could have really hurt himself. I heard someone screaming "get down," and decided to go see what was going on. I saw Mr. Savior run up to try to save Cliff. Right before my eyes, the roof broke and Mr. Savior fell through the hole and broke his arm. I think Mr. Savior did the right thing.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Mr. Savior trespassed onto the Climbers' property and because Mr. Savior trespassed, he caused Cliff's personal injuries and the damage to their roof.

SUB-ISSUES

1. If the Climbers knew that the roof was unstable, why did they let Cliff climb on it?
2. Did Mr. Savior believe that Cliff Climber was in an emergency situation? How does the Emergency Doctrine apply to this case?
3. If Cliff had answered Mr. Savior, would he have climbed the roof to save him?
4. How could Mr. Savior only hear "Ow" and not the rest of the sentence?
5. If Mr. Savior watched Cliff climb the roof without helping and then Cliff fell, would Mr. Savior still be sued?

CONCEPTS

1. Pain and suffering.
2. Negligence.
3. Trespassing.
4. Emergency Doctrine.
5. Preponderance of the evidence.

LAWS

1. Trespassing - One is not allowed to walk on private property intentionally without permission from the owner of the land.
2. Emergency Doctrine- The emergency doctrine protects a person who is helping someone in danger. This doctrine encourages them to help others without worries of being sued for negligence in their actions. In an emergency, a bystander acts quickly and does not always have time to think about all of the options. Therefore, one does not always choose the wisest option. This doctrine protects them as long as the person acted with reasonable care in the circumstances.

The Case of the Unsafe Safety Snowboard

SCHOOL

Eisenhower Intermediate
Bridgewater
Grade 5, Honorable Mention

TEACHER

Karen Popadiuk

STUDENTS

Kyle Crosby, Corey Fewer, Daniel Hanna,
Natalie Khait, Nick Koury, Zachary Miseo,
Rima Patel, Sameep Vakharia

FACTS

On Monday, January 22, 2007, 22-year-old Snow E. Boarder went to try snowboarding on Monster Mountain in Killington, Vermont. The mountain had just opened, but the trails were very icy due to an ice storm the night before.

He went with his friend Nick NoZpants. He was excited to try out his new Safety brand snowboard that he purchased at the end of last season. Halfway down the mountain, he spotted a grinding rail and decided to try it. Once he got on the rail, he felt the board wobbling and about to break. A split second later, his snowboard snapped in half. Snow E. Boarder went tumbling down the mountain. Nick NoZpants called 911. At the hospital, the doctor said that Snow E. had broken his wrist. He had a cast on his right wrist and could not use his right hand for two months. Snow E. Boarder decided to sue Safety Snowboard Company for the medical bill and the cost of the board.

ISSUE

Did the Safety Snowboard Company act irresponsibly with regard to manufacturing the snowboard? Should the Safety Snowboard Company be held responsible for the pain, suffering, and cost of the snowboard and medical bills?

WITNESSES

For the Plaintiff

Sammy C.A. Lot
Nick NoZpants

For the Defense

E.Z. Lift
Hector Specter



WITNESS STATEMENTS

Testimony of Sammy C. A. Lot

My name is Sammy C. A. Lot. People call me Sam. I am a semi professional skier. I live on 564 Ski Master Road. I am 36 years old. I was just goofing off on the snow lift waiting to ski the Black Diamond when I twisted my head and saw a young man who looked like a very good snowboarder. The young man looked like he was about to go on a snowboard grinding rail, but when he got about halfway through the rail, it looked as if his snowboard was going to crack in half! It was bending and bending! I had to get off the lift before I saw what had happened. I also spotted the name "Safety Snowboards" on the bottom of the bending board. Man, I have been skiing here for 18 years, and I never saw anything like it...boards are not supposed to bend like that!

Testimony of Nick NoZpants

My name is Nick NoZpants. I live on Nick Nack Street. I am one of Snow E. Boarder's best friends. We snowboard together all of the time. This time he used his new Safety Board snowboard. He bought it at the end of the last snowboarding season. I was so confused when Snow E. broke his new snowboard and broke his wrist. One reason is that he just got the snowboard at the end of our last trip. He has taken great care of it! Another reason is that Snow E. Boarder is one of the best snowboarders I know. Finally, I was so shocked at Snow E.'s accident because he is the most careful snowboarder I know. He rarely attempts tricks. Just a bad board I guess...

Testimony of E.Z. Lift

My name is E.Z. Lift. I am the ski/snowboard lift operator. I was the first person who applied for a job here when this place opened. I have been around a long time! I live on 144 Lifty Lane.

I was just going to help a boy off the snow lift, so I paused the lift. Then I walked out of the booth to help the boy get off. Then I went back to my booth and when I was about to start the lift, I saw a familiar young man grinding on a snowboard grinding rail. He was attempting it with one of his feet out of the

safety straps! Not smart. The board looked like it was going to break due to more pressure on one side due to the foot being out of the strap. I even remember telling this young man to snowboard with BOTH feet in the straps. These young people these days...never listen!

Testimony of Hector Specter

Hello. My name is Hector Specter. I live on 144 Specty Way. I am the inspector for Safety Snowboards. I have inspected every board that Safety Boards sell! I even remember inspecting the board in question. I am very fond of this Safety Snowboard, and I take my job very seriously. That particular Safety Snowboard was, in fact, very well manufactured. So, Snow E. Boarder must have been misusing the board!

INSTRUCTIONS

You, the jury must decide whether or not the defendant, Safety Snowboard Company should be required to pay damages to the plaintiff, Snow E. Boarder, for the medical bills and for his pain and suffering due to his accidental injury on Monster Mountain in Killington, Vermont. In order to find for the plaintiff, you must determine that it was the Safety Snowboard Company's negligence that caused the injuries, and they did not properly manufacture their snowboard.

SUB-ISSUES

1. Should Hector Specter be responsible for all of the snowboards he inspects?
2. Why didn't E.Z. Lift try to stop Snow E. Boarder when he realized that his foot was out of the strap?
3. Did Snow E. Boarder notice anything was wrong with his board prior to getting onto the grinding rail?
4. Did Snow E. Boarder realize that his foot was not in the strap?
5. How good was Sammy C. A. Lot's view of the grinding rail?

6. How flexible are snowboards?
7. Was Snow E. Boarder properly trained to go on a grinding rail?
8. Why did Snow E. Boarder choose a Safety Snowboard?
9. Did the snowboard come with a warranty?
10. Were there any other incidents with other snowboards manufactured by Safety Snowboards?

CONCEPTS

1. Negligence.
2. Strict Product Liability.
3. Breach of Warranty.

LAW

1. Negligence: Negligence is the failure to exercise care or acts in a careless way and causes injury.
2. Strict Product Liability: The manufacturer of a product is liable for personal injury or property damage that results from a defect in a product or false representation made by the manufacturer of the product.
3. Breach of Warranty: A breach of warranty occurs when a product purchased by a consumer is not what the manufacturer promised.

Double Dose Disorder

SCHOOL

Brigantine North Middle
Brigantine
Grade 6, First Place

TEACHER

Rita Coyne

STUDENTS

Antonio Bernardo, Ellie Corbett,
Cameron DelGuidice, Louis Esposito, Ariel Farina,
Meghan Holl, Julia Kline, Amber Kowal,
Michael Lange, Veronica Mackey, Kylie Magee,
Nicole Mayer, Isabella McLaughlin,
Alejandra Pagoada, Ryan Rehill, Elizabeth Rubino,
Zainab Shuja, William James Simpson, Colin Talley,
Jacob Trauger, Tyson Trauger

FACTS

On the morning of October 16, 2009, Mr. Arthur Ritis took his two-and a half-year-old daughter Judee to Little Piggies Pediatrics to get her vaccinated with the N1N2 shot. It was a hectic, busy day in the middle of flu season. There were many sick patients, and two nurses called out sick that day. After waiting for an hour, the receptionist finally called Mr. Ritis and Judee in from the waiting room, and they entered the examination room. Ms. Jess Stabango, a nurse at the office, came in to give Judee the N1N2 shot.

Just as Nurse Stabango walked into the room, Arthur Ritis' cell phone rang. Since Mr. Ritis had left work to take Judee to the doctor's office, and hadn't expected to be gone as long as he was, he felt obligated to take the important business call from his boss. He asked Nurse Stabango to watch Judee while he left the room to take the call. Mr. Ritis was having difficulty with his cell phone reception, so he walked through the waiting room, and stood in the parking lot just outside the office door to improve the reception and to continue the call in private. He noticed a sign on the main entrance door stating: "No child under 12 years of age should be left unattended by a parent/guardian."

Meanwhile, Nurse Stabango prepared to give Judee her vaccination in her right arm. As Nurse Stabango started to give Judee the vaccine, the receptionist called out for help with an emergency. Nurse Stabango quickly finished the injection,

tossed the disposable syringe in the medical waste receptacle, and ran out to help with the emergency as the receptionist walked in to watch Judee. Nurse Stabango did not get a chance to log in on the computer's medical file that the girl received the vaccine.

Two minutes later, another nurse, Mr. Ian Ject, who had just finished up with a patient in the examination room next door, saw that the receptionist was left with Judee, so he went into the room to relieve the receptionist and help out with patient care. He checked on the computer to see the child's medical file and noted she was scheduled to receive the N1N2 vaccine. Nurse Ian Ject then prepared to give the girl her scheduled vaccine in her left arm. At that point, Arthur Ritis re-entered the examination room. Nurse Ian Ject explained Nurse Stabango had been called out on an emergency and he was going to care for his daughter. Mr. Ritis was very impatient and told Nurse Ian Ject to hurry up and give Judee the shot so he could get back to work. Nurse Ian Ject then gave the girl the N1N2 vaccine, and logged into the computer that Judee received the vaccine. Ian Ject advised Mr. Ritis that Judee seemed uncomfortable, but that was perfectly normal, and to be expected after receiving the vaccination.

Ten minutes later, after Arthur Ritis and his daughter Judee had left, Nurse Jess Stabango finished up with her emergency and went to log in Judee's vaccination on the computer's medical file. She saw that the vaccine information had already

been entered in on the file by Nurse Ian Ject.

Nurse Stabango then asked Nurse Ian Ject if he administered the vaccine. After confirming the patient had indeed received a double dose of the N1N2 vaccine, Nurse Stabango went to the receptionist to ask where the girl and her father were. The receptionist told her they had left. Nurse Stabango immediately called Arthur Ritis and told him about the problem. Arthur Ritis then brought Judee back to the doctor's office to get her reexamined. Dr. Petey Trician, the doctor on duty at the time, said Judee seemed fine at this time, but that juvenile arthritis could be a side effect.

Later that day, Arthur Ritis took his daughter to another doctor's office for a second opinion. Dr. Phil Betur, who was a good friend of Mr. Ritis', examined Judee. He concurred with Dr. Petey Trician's assessment of juvenile arthritis as a side effect and told Arthur Ritis the symptoms of the disease.

Six months later, Judee started exhibiting signs of juvenile arthritis, as she had difficulty grasping her toys, and had swollen joints. Arthur Ritis is suing Little Piggies Pediatrics for administering a double dose of the N1N2 vaccine to his daughter Judee.



ISSUE

Who was responsible for Judee receiving a double dose of the N1N2 vaccination?

WITNESSES

For the Plaintiff

Arthur Ritis

Dr. Phil Betur

For the Defense

Jess Stabango

Ian Ject

WITNESS STATEMENTS

Testimony of Arthur Ritis

My name is Arthur Ritis. On October 16, 2009, I brought my two-and a half-year old daughter Judee Ritis to Little Piggies Pediatrics so she could receive the N1N2 vaccine. The office was really busy and we waited for over an hour before we were called into the exam room. Just as the nurse entered the examination room, I received a cell phone call from my boss and stepped out to take the call. When I walked back into the examination room, there was a different nurse in with my daughter who told me the first nurse had been called away on an emergency. I told the second nurse to hurry up and administer the vaccination, since I had been there over an hour.

I went home and put my daughter in her room for a nap. The baby-sitter was there at the house, and I was anxious to get back to work. I then received a call from the pediatrician's office that my daughter had received two doses of the N1N2 vaccine by accident. So I took her back to the same doctor to get reexamined. The doctor told me that the most common side effect of an overdose of this vaccine was developing juvenile arthritis.

Later that day, I brought my daughter Judee Ritis to another physician who is a close family friend. He concurred with the first doctor that the most common side effect of this overdose was developing juvenile arthritis. Six months later, my daughter

Judee Ritis did develop symptoms of juvenile arthritis.

I am suing the pediatrician's office for negligence in administering two vaccinations and for not updating my daughter's medical file in a timely manner. When my daughter grows up she will have limited mobility, prohibiting her from sports and other recreational activities as a result of their negligence.

Testimony of Dr. Phil Betur

My name is Dr. Phil Betur. I have been a family physician for 15 years. Arthur Ritis and I have been friends since high school. In mid-October, Arthur called me, concerned that his daughter might have serious side effects from her double dose of the N1N2 vaccine. He wanted me to make sure she wasn't at risk. I examined her, and everything seemed to be normal. However, I did advise Arthur that juvenile arthritis could be a potential side effect.

Six months later, I received a call from Mr. Ritis that his daughter had not been her usual self. She had trouble grasping her toys and eating utensils. Arthur brought her into the office, and I did a follow-up examination to test her reflexes. This is when I noticed there was something wrong. As a result of my examination, and her test results, I concluded she was in the early stages of juvenile arthritis. This kind of medical mishap is unacceptable. This never would have happened in my practice.

Testimony of Jess Stabango

My name is Jess Stabango. I am a nurse at Little Piggies Pediatrics and have worked there for 10 years. On October 16, 2009, we were overscheduled due to the large number of sick patients. We also had regular appointments scheduled to receive the N1N2 flu vaccination. Two nurses had called out sick that day. We were extremely busy and running an hour behind schedule.

Judee Ritis was scheduled to get vaccinated for the N1N2 virus. I went into the examination room to give her the shot. At this time, Judee's father, Arthur Ritis, received a call on his cell phone. He asked me to watch his daughter, and left the room to take the

call. A few minutes later, as I was in the middle of administering the vaccine, the receptionist called out for help with an emergency. I finished giving Judee the shot and disposed of the syringe in the medical waste receptacle. I then ran out to help with the emergency as the receptionist came in to supervise the patient. I didn't get a chance to update her medical file. After the emergency, I went back to the examination room to record the vaccination on Judee's medical file. But, when I pulled up her profile on the computer, I saw she had just received a shot from Nurse Ian Ject.

I immediately checked with Nurse Ian Ject to confirm he had also given Judee the shot. This is when I realized Judee received a double dose of the vaccine. I then called Arthur Ritis to notify him his daughter had received a double dose of the N1N2 vaccination. I told him to come back so Judee could be reexamined to see if everything was normal. When Arthur and Judee returned, I saw Dr. Petey Trician examine her.

About six months later, I was informed Judee was in early stages of juvenile arthritis. I always give the best patient care possible. I'm very concerned for Judee's health. If her father, Arthur Ritis, had not left his child unattended, this never would have happened. We have notices throughout our offices stating that parents should not leave children under the age of 12 unattended.

Testimony of Ian Ject

My name is Ian Ject, and I've been a nurse at Little Piggies Pediatrics for 6 years. On October 16, 2009, there were a large number of patients scheduled to receive a shot for the N1N2 flu vaccine. Judee Ritis, a two-and a half-year old girl who is a patient of the practice was scheduled for a flu shot. I had just finished up in examination room #3 with a patient when I noticed Nurse Stabango get called on an emergency.

I went in to care for Jess's patient in order to relieve the receptionist who was supervising her at the time. I was also trying to help the patient since the practice was running about an hour behind schedule. In accordance with medical procedure, I checked her file to see if she had received the shot yet. Just then, Arthur Ritis stepped back into

the examination room. I told Mr. Ritis that Nurse Stabango had been called out on an emergency, and Mr. Ritis told me to hurry up and give his daughter the injection, since he had to get back to work. I gave the little girl the injection, and told Mr. Ritis that Judee seemed uncomfortable, but that seemed normal under the circumstances.

I then entered Judee's vaccine information on her medical records in the computer, and told Mr. Ritis he could leave. A few minutes after they left the office, Nurse Stabango approached me and asked if I gave Judee the N1N2 shot. I told her I did, and that's when we realized Judee received a double dose. Mr. Ritis clearly told me to give his daughter the vaccination, and I acted in accordance with her medical file.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence if the defendant was negligent for administering the double dose of the N1N2 vaccine and if Little Piggies Pediatrics should be responsible for pain, suffering and any further medical bills.

SUB-ISSUES

1. Was Nurse Stabango negligent for rushing to assist with a medical emergency, instead of recording the vaccine on Judee's medical file?
2. Was Arthur Ritis negligent for leaving Judee unattended to take a cell phone call?
3. Was Arthur Ritis responsible for the double dose since he told Nurse Ian Ject to administer the vaccination?
4. Was Nurse Ian Ject negligent for administering the second vaccination?

CONCEPTS

1. Negligence.
2. Pain and suffering.
3. Medical bills.
4. Contributory negligence.
5. Proximate cause.

LAW

1. **Medical Malpractice Act:** The Medical Malpractice Act prevents health care providers from getting sued unless the care provided differs from the accepted standard of medical practice and causes injury or death to the patient.
2. **Medical Filing Act:** The Medical Filing Act requires health care providers to update a patient's medical chart immediately after treatment.
3. **No Kid Left Behind Act:** Under this Act, no parent or guardian shall leave a child under the age of 12 unattended in a medical facility.
4. **Health Care to Minors Act:** Medical personnel must comply with parent/guardian's wishes in providing health care to minors under the age of 12.

The Case of the Missing Seals

SCHOOL

Solomon Schechter Day School of Essex and Union
West Orange
Grade 6, Second Place

TEACHER

Jamie Himmelstein

STUDENTS

Noa Barash, Jonah Buckley, Sophia Friedman, Zachary Gordon, Sara Hessdorf, Hannah Kramer, Rachel Kramer, Rayna Landa, Jonathan Lavitsky, Rebecca Marcus, Dylan Mendelowitz, Talia Ramer, Yonatan Rekem, Alexander Rothschild, Noah Schlesinger, Tal Sherman, Arielle Solomon, Noah Susskind

FACTS

On November 14, 2009 D. Scrimination High School was having a monthly random locker check looking for contraband. African American student Equa Lity was having her locker checked by Principal Ray Sist after first period. Principal Ray Sist did not put an Official Locker Verification Seal (OLVS) on her locker indicating that it had passed the inspection. Equa Lity asked Principal Sist why she didn't get a seal. Principal Sist said that all lockers had to be double-checked. When the bell rang, she headed back upstairs to her second period class where she met up with her friends Jon and Bob White, two Caucasian students who had seals on their lockers.

Meanwhile, Equa's friend Chase Justice, who is a Hispanic student, did not have a seal on his locker after being checked once either. Equa asked the White twins if their lockers had been checked twice. They told Equa that theirs had been checked once. She then spoke to Chase Justice who said like her, he also didn't get an OLVS. Equa started to get suspicious.

She told Chase that Jon and Bob had each gotten an OLVS on their lockers after they had been checked only once, while Chase and Equa had to have their lockers checked twice before they could get an OLVS. Equa and her family are suing the Mulberry BOE for racial discrimination and racial profiling. They would like to have the school's locker check policy changed so that no other students experience a situation like this again.

ISSUE

Did D. Scrimination High School discriminate against its minority students?

WITNESSES

For the Plaintiff

Equa Lity
Lee Gal

For the Defense

Principal Ray Sist
Superintendent Bob A. Ganoosh

WITNESS STATEMENTS

Testimony of Equa Lity

My name is Equa Lity and I am a 16-year-old African American female. I am a 10th-grade student at D. Scrimination High School in Mulberry, New Jersey. On November 14, 2009, our principal, Mr. Sist, announced that we were having our monthly random locker check for contraband. It was my turn to have my locker checked. I was called out of my first period social studies class and asked to meet Mr. Sist at my locker. After the check we are supposed to get an OLVS if our lockers pass the inspection. Principal Sist didn't give me a seal. My

friends, Jon and Bob White, who are both Caucasian, also had their lockers checked during first period. They informed me that they had both gotten the OLVS on their lockers after one check.

I was confused so I went to the principal. I asked him why didn't I get a seal since nothing had been found in my locker. He told me all lockers had to be checked twice. I told him that my friends Bob and Jon White had their lockers checked only once and they had gotten an OLVS. Principal Sist didn't answer my question, he just said that I was dismissed.

On our way home from school, I was talking to my friend and neighbor, Chase Justice, who is Hispanic. Chase told me that he also had to have his locker checked twice. We both thought it was unfair, since we were both minorities.

Testimony of Lee Gal

My name is Lee Gal. I have worked as a math teacher at D. Scrimination high school for seven years. On November 14, 2009, the day of the monthly random locker check, I was grading papers before second period. When the second period class came in, I noticed that one of my students, Equa Lily, looked upset. I asked Equa what was wrong. She told me that the school was checking the Caucasian students' lockers once, when the minority students must get their lockers checked twice. Equa is a very good student of mine, and I don't think that she would lie to me. I checked with Principal Ray Sist, who informed me that Equa's information was correct.

Testimony of Principal Ray Sist

My name is Ray Sist. I'm the principal at D. Scrimination High School. I have been working here for 10 years. The school policy is safety comes first and I enforce that. Another school policy is no contraband in school, so we do locker checks. We consider the following to be contraband: drugs (including over the counter medicine), weapons, alcohol, cigarettes, matches/lighters, explosives, and other items left to the discretion of the school and the administration. We do monthly random locker checks because almost every year or so, we

find contraband in students' lockers. I think random locker checks are very important and discourage students from bringing contraband to school.

Equa Lily's locker check was completely random. Students that have poor behavior records or have brought contraband to school before, get their lockers checked twice. We have a very specific protocol for locker checks. Half of the students are chosen from a random computer list. Once the checks are done, 75% of the students get their OLVS. The other 25% have their lockers checked again within the next 10 days. Another reason for the re-check is that sometimes the administration misses something the first time. I do not think I was being racist. Our policy is to protect our students.

Testimony of Superintendent Bob A. Ganoosh

My name is Bob A. Ganoosh. I am the superintendent at D. Scrimination High School. I've been working here for 14 years and we have never had any racial issues before. In our school, the policy of the locker checks are random. Sometimes students' lockers will be checked once and sometimes twice. Equa and Chase are great students and we would never assume they or any other minority students would ever have had any contraband based on their race. The fact the majority of students who had second locker checks on November 14, 2009 were minorities was just a coincidence, and perhaps Equa's and Chase's locker checks weren't completely accurate. We do not discriminate here at D. Scrimination High School.

INSTRUCTIONS

The jury must decide if the Mulberry Board of Education is guilty of racial profiling and racism.

SUB-ISSUES

1. Were the lockers checks unfair?
2. Was the principal following the policy set forth by the Mulberry Board of Education?
3. Was there a pattern of discriminatory actions against the students?
4. Should all students have their lockers checked an equal number of times?

CONCEPTS

1. School responsibility.
2. Discrimination.
3. Civil rights violations.
4. Preponderance of the evidence.

LAW

1. Search and Seizure: People have the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.
2. NJ school law forbids any form of discrimination based on race, religion or ethnicity.
3. All students, regardless of their race, ethnicity, religion or sex have the right to a free and equal education.

Money to Burn

SCHOOL

Martin J. Ryerson Middle
Ringwood
Grade 6, Honorable Mention

TEACHER

Susan Calcagno

STUDENTS

Andy Biss, Rados Ljusic, Zach Maguire, Alex Mulyk,
Justin Nicholson, Arianna Pineiro, Kyle Poteete,
Remi Presky, Max Straubinger

FACTS

On the evening of October 30, 2009, a fire broke out inside the building of the Greenville National Bank, located at 1510 Moolah Boulevard. The fire was reported by neighbors down the street who had been watching their property to prevent vandals from doing any mischief. Luke Burnett, a fireman with the Greenville Fire Department, arrived first and attempted to put out the fire himself. Soon he was joined by a number of firemen from the Greenville Fire Department, followed shortly by the Bank President, Rich Moneybags. Due to the heat and smoke, it was impossible to determine the extent of the fire damage until everything had a chance to cool off.

The next morning Rich Moneybags arrived early to assess the damage and make an insurance report. He quickly discovered a problem much more serious than the fire, which had actually done little damage because the fire was put out so quickly. At about 9:00 a.m. the bank president called the Greenville Police Department and reported that the vault had been opened and \$100,000 was missing. The investigation revealed that the wires of the surveillance cameras had been cut. It was determined that Luke Burnett had been the first to arrive on the scene, giving him ample opportunity to commit the crimes, and he was charged with arson and theft.

ISSUES

Did Luke Burnett set the fire at the Greenville National Bank to use as a cover so he could rob the bank of \$100,000?

WITNESSES

For the Prosecution

Dee Tective
Rich Moneybags

For the Defense

Luke Burnett
Vladimir Platinum

WITNESS STATEMENTS

Testimony of Dee Tective

I am a police officer for the town of Greenville. I was on duty on the morning of October 31, 2009, when a call came in from Rich Moneybags, the president of the Greenville National Bank. When I arrived at the bank, he informed me that \$100,000 was missing from the vault. There had been a fire in the bank the previous night, which had been put out by the Greenville Fire Department. In assessing the damage, Mr. Moneybags discovered that the vault had been opened and the money was missing.

I investigated the security system and discovered that the wires of the surveillance cameras had been cut. Mr. Moneybags assured me that the vault had been securely closed and locked the night before. The forensic team checked out the vault and determined that the heat from the fire had caused the lock on the vault to fail, and it would have been easy to open. There were a number of safety deposit boxes in the vault containing stocks, cash, and jewelry, but they had not been touched. Only the large file drawer holding the cash needed for the bank's daily business had been opened and emptied. It appeared to be a robbery committed by someone who had been in a hurry and couldn't take time to empty the safety deposit boxes.

Testimony of Rich Moneybags

I have been the president of the Greenville National Bank for the last 15 years. We have never had any problems before. Our bank is a very safe place to keep your money and valuables. We have the most up-to-date security system. On the evening of October 30, I closed the bank at 5:00 p.m. as usual and went home for dinner. I was at home watching "Wheel of Fortune" when I got a call at 7:45 about the fire at the bank. I rushed right over. It took me less than 15 minutes to get there. The fire was out but there was a lot of smoke so I decided to come back the next day to check everything out.

When I arrived at the bank on the morning of October 31, 2009, I went inside to see how much damage had been done by the fire the night before. The fire had been put out quickly by Luke Burnett, a fireman who had arrived first. So I didn't expect there would be too much to clean up. Then I noticed that the vault was standing open! After checking all the records, I determined that \$100,000 was missing. There was a lot of commotion during the fire and someone must have taken the opportunity to rob the vault. A valuable gold watch I had recently purchased for \$25,000 from Vlad's next door was also missing.

Testimony of Luke Burnett

I have been a member of the Greenville Fire Department for six months. I was assigned to test

the fire hydrants on Moolah Boulevard on October 30, 2009. I took one of the fire engines and all the necessary equipment to Moolah and spent all day testing the hydrants, starting at one end of the street and working my way down to the other end. I finished up right across the street from the bank at dinner time. I left the truck there and walked half a block to Burger Town. There were a number of teenagers out on the street, but I didn't notice anyone up to mischief.

When I came out of Burger Town, I noticed a suspicious glow in one of the windows of the bank, so I placed a call to the fire house. Then I went back to the fire engine to get my equipment and ran to the bank. I could smell smoke so I broke open the back door to discover a fire burning inside. I used my fire extinguisher to put out the flames nearest me, and worked steadily until the firetrucks from the station arrived a few minutes later. Then several firemen came in with more equipment and together we put the rest of the fire out.

There were a lot of people in and out of the bank after that, but it was so smoky I couldn't recognize anyone. It took about two hours to clean up the damage and remove all the equipment before we were able to leave. The bank president locked the door after us and we all went home. I was shocked to find out that someone thought I had taken money from the bank. I would never do that, and anyway, there wasn't any time to steal. I worked really hard to put out that fire.

Testimony of Vladimir Platinum

I own the jewelry store next door to the bank. I usually go home about 6:00 p.m., but since it was Goosy Night I decided to stay late to make sure there was no mischief around my store. I had all the lights on and kept looking out the windows to make sure no one was hanging around. Earlier I had noticed the fireman working on the hydrants along the street, and it occurred to me that his presence would probably keep some of the teenage delinquents away. Everything was quiet, and I could see only a few teenagers wandering around. I noticed a couple of teenagers going into the alley between my store and the bank to smoke. I had begun to think that maybe I could close up and go

home when I heard the fire engines coming down the street.

When I looked out, I could see the fire glowing through the windows of the bank next door. I went outside to see what was happening, and that's when I found out there had been a fire in the bank, but the fireman working on the hydrants had been the first to arrive and he had put it out.

I was really surprised to find out the next morning that the bank had also been robbed. I don't know how the fire started but it burned the wall of my store nearest the bank, too. Rich Moneybags had recently bought a Rolex watch from me, gold with diamonds at the 3, 6, 9, and 12 spots. It cost \$25,000 because it was one of a kind and custom made.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that Luke Burnett set the fire in the Greenville National Bank so that he could steal \$100,000.

SUB-ISSUES

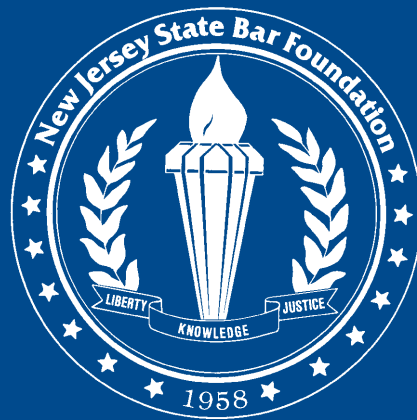
1. Did Rich Moneybags steal the \$100,000 and set the fire to hide his crime?
2. Did teenagers set the fire accidentally or as a Goosy Night prank?
3. Did Valdimir Platinum set the fire to cover up the robbery?

CONCEPTS

1. Burden of proof.
2. Credibility of witnesses.
3. Circumstantial evidence vs. direct proof.

LAWS

1. It is illegal to commit robbery, the act of unlawfully taking the property of another.
2. It is illegal to commit arson, the crime of maliciously setting fire to the buildings or property of another or of burning one's own property for some improper purpose, as to collect insurance.
3. It is illegal to set on fire property owned by another individual, or one's own property if it should pose a danger to the public safety.



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