



MOCK TRIAL EXERCISES

FOR GRADES 7–8

Featuring winning cases from the
New Jersey State Bar Foundation's
Law Adventure 2017 Competition



PREFACE

In 1995–96 the New Jersey State Bar Foundation launched a unique, law-related education program for middle school students—the Law Adventure Competition.

Students in grades seven and eight and their teachers are invited to create original mock trial cases. Each year the Foundation provides themes for 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 Adventure programs in the spring. The seventh- and eighth-grade audiences serve as juries.

Following are the winning cases from the Law Adventure 2017 Competition. The theme for the 2017 contest was the Bill of Rights.

The cases may be used as a guide to prepare a submission to the Law Adventure Competition or as a classroom exercise. Please note that some of the cases may contain “laws” created by the students for the purpose 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.

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

Law Adventure has won recognition in the Associations Advance America Awards program, a national competition sponsored by the American Society of Association Executives in Washington, D.C. This prestigious award recognized innovative projects that advance American society in education, skills training, community service and citizenship.

If you would like to participate in the Law Adventure 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.

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THE CASE OF WAS THRATE A THREAT?

SCHOOL

Warren Township Middle
Warren
Grade 7, First Place

TEACHER

Susan Cooper

STUDENTS

Adithi Adusumilli
Mia Kolb
Inica Kotasthane
Arjun Singh
Anyu Solanki
Moha Trivedi
Zoe Wang

FACTS

Eighth-grade student Robert Thrate Jr. (Bob) is 13 years old and attends C.E Middle School in Peaceful City, New Jersey. Bob has Asperger's Syndrome and certain cases of Asperger's include a trait called perseveration. This causes the person to repeat things over and over because it is stuck in their head. The eight-graders at C.E Middle School have been working on current events regularly in social studies. Because they are learning about bombs, suicides, threats, war, etc., Bob is unable to keep his thoughts clear and filled with generally positive things. On September 8, 2016, Bob was seen walking through the halls repeating "bomb, bomb, bomb." A fellow classmate, who takes the threat to heart, gets anxious with Bob's words and reports him to the principal, Mr. Prince Ipal.

Mr. Ipal reviewed Bob's Individualized Education Program (IEP) and knows that he is a classified student with a communications handicap. An IEP is a document that is developed for each public school child who needs special education. It has all the rules, conditions, and special traits of special needs students. Based on his IEP, Bob is required to follow the school's code of conduct, despite his condition, which states that students who make verbal threats, such as a bomb threat, will be punished. Mr. Ipal issues Bob a warning for his misconduct the first time he made the threat.

Three days later on September 11, 2016, Bob entered Miss Eachers classroom before social studies and wrote, "BOMB THREAT, BOMB THREAT, BOMB THREAT, A BOMB IS GOING TO GO OFF NOW, A BOMB IS GOING TO GO OFF NOW, A BOMB IS GOING TO GO OFF NOW" on a blackboard in an unsupervised classroom. On this date, Miss Eachers was absent and the substitute teacher had not

arrived to the classroom yet. When the substitute teacher entered the classroom, he saw the blackboard and contacted the principal. Mr. Ipal ran to the classroom and as a result took the threat very seriously and evacuated the school and immediately contacted the Peaceful Township Police.

Once the school was evacuated, it was searched by a bomb squad. Sergeant Sol Diaz of the bomb squad was the head investigator on the scene who accidentally twisted his knee while canvassing the hallways of the school, which resulted in surgery and physical therapy. Sergeant Diaz is suing the Thrates for his medical costs and loss of salary of \$79,000 due to their son's bomb threat. The school is also charging them for the cost of the school evacuation.

ISSUE

Are Sergeant Diaz's medical bills the parental responsibility of Mr. and Mrs. Thrate?

WITNESSES

For the Plaintiff

Prince Ipal

Sergeant Sol Diaz

For the Defense

Robert Thrate Sr.

Tammy Eacher

WITNESS STATEMENTS

Testimony of Prince Ipal

My name is Prince Ipal and I am the principal of C.E. Middle School. I don't take any threats against our school lightly. On September 11, it was reported to me by a substitute teacher that there was a bomb threat. I ran to Miss Eacher's classroom where the threat was written. It said, "BOMB THREAT, BOMB THREAT, BOMB THREAT, A BOMB IS GOING TO GO OFF NOW, A BOMB IS GOING TO GO OFF NOW, A BOMB IS GOING

TO GO OFF NOW" written on it. It didn't have a name on it and the comment was very serious, especially because it indicated urgency by the use of the word "NOW."

I have been trained to take action immediately, and I am required by law to do so. I used my authority to evacuate the school and called in the bomb squad. The school was evacuated and a bomb squad searched the school. In this process, Sergeant Diaz was injured.

My suspicions after the fact were confirmed when I interviewed a few students and eventually spoke with Bob Thrate and he said "Yes. I didn't mean to. I didn't mean to. I couldn't help it. We learned it in class. I'm sorry. I didn't mean to." I am very aware of Bob's special needs and I have reviewed his IEP several times with full understanding that Bob is expected to follow all school rules. Bob Thrate made a previous bomb threat verbally and claimed it was perseveration, and then he made the ultimate threat by writing it in a classroom in our school.

The law in New Jersey states that parents are financially responsible for all expenses associated with a second false bomb threat made by a child. It is estimated that the evacuation cost the city upward of \$7,000. Additionally, the parents are required to make lifetime payments to the families of any police officers or firemen injured or killed during the evacuation process. Because of parental responsibility, Bob's parents are required by law to pay for the evacuation costs *and* the bills relating to the injured sergeant.

Testimony of Sergeant Sol Diaz

My name is Sol Diaz and I am 31 years old. My bomb squad was called into C. E. Middle School by Mr. Ipal regarding a written bomb threat. I came running into the school to search for a bomb in the area I was assigned. I was running through the school looking for a

bomb in the places that I was assigned and then I heard a pop. I think I then blacked out because one day later I woke up in the hospital. I was soon told by the doctor that I had torn my anterior cruciate ligament (ACL). As you can imagine, I was experiencing excruciating pain. I had to undergo expensive surgeries because my knee had been injured terribly. On top of that, I had to stay in the hospital for a week after surgery. Alongside this, I had to complete physical therapy for 30 weeks, three times a week. The total expenses added up to \$79,000. My wife and I can't afford to pay \$79,000 because of a "prank" bomb threat. So, Bob Thrate Sr. and his wife should have to pay my bills and loss of salary because of what their child did. This is their responsibility. That's what the law says.

Testimony of Robert (Bob) Thrate Sr.

My name is Robert Thrate Sr. and my son Bob Thrate is 13 years old. Bob is a classified student at C.E. Middle School where he has recently been demonstrating more intense behaviors as a result of his condition, Asperger's Syndrome. My wife and I have contacted the school on several occasions asking the special education department to support our son by either considering a different school placement or by getting him a one-on-one instructional aide.

I personally contacted the principal after Bob was issued a warning after his first episode of perseveration on bombs. I asked the school to help reduce his anxiety and they agreed to do so, but I don't think they ever did anything, based on recent events. My son, who is not a violent or explosive child, does have problems with perseverations and needs help. His actions by writing the bomb threat on the blackboard were merely symptomatic of his condition and before the principal had incited panic in the school, I think he should have contacted my son to see if he was a

serious suspect and they may have discovered that he was afraid that a bomb was going to go off in the school. He was expressing high anxiety and fear. Instead, the school brought in the bomb squad and unfortunately, Sergeant Diaz was injured in the process. I believe that this is part of his job and his medical insurance should cover his loss of salary and medical bills. I acted as a responsible parent and the school did not. This never should have gone this far.

Testimony of Tammy Eacher

My name is Tammy Eacher and I am Bob's social studies teacher as well as his case manager. I have known Bob for three years and have been part of his educational decision making as well as executing a plan for him to be successful in our school. Bob Thrate has some special needs and is a classified student in our school. Recently, in my social studies classes, all the eighth-graders were working on ideologies that pertain to current events. Bob displayed a characteristic called perseveration and he has been fixated on terrorist groups, suicide bombings, bomb threats, etc. I noted Bob's increase in anxiety and contacted the principal and the child study team to meet and make adjustments to Bob's IEP. I followed procedure and left the matter in the school administration's hands. This is the last contact I had with the case.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the damages due to the actions of Bob Thrate Jr. are the responsibility of his parents.

SUB-ISSUES

1. Should Bob Thrate's bomb threat have been taken to the level of evacuating the building when the principal knew of Bob's history with fixations on bombs?

2. Did Bob act on his own terms with a legitimate threat or was he just repeating what he had learned in school?
3. Should Bob's IEP have been modified when the parents and the teacher made recommendations to do so?
4. Should his parents have to pay the evacuation fines to the township as well as the medical bills of the sergeant?

CONCEPTS

1. Burden of proof, preponderance of the evidence.
2. Credibility of the witnesses.
3. Compensation for victims.

4. Parental rights and responsibilities.
5. School evacuation policies.
6. Bomb threat procedures.
7. Special Education Law.

LAW

The law of New Jersey states that parents are financially responsible for all expenses associated with a second false bomb threat made by a child. It is estimated that each associated evacuation costs the city upward of \$7,000. Additionally, the parents would be required to pay damages to the families of any police officers or firemen injured or killed during the evacuation process.

DWI: AILMENT OR IMPAIRMENT?

SCHOOL
Harrington Park
Harrington Park
Grade 7, Second Place

TEACHER
Joan Dever

STUDENTS
Sophie Atalla
Dash Beavers
Brielle Kaiser
Ace Kim
John King
Elvin Ko
Matt Lindley
Ethan Szeto
Daniel Zhao

FACTS

Jackson Phillips, a 29-year-old male from Soberton, New Jersey, visited his friend, Kevin Brooks, a 30-year-old male, at Kevin Brooks’ house on Friday, December 2, 2016. Jackson traveled to Kevin’s home at the end of his work day. Barry Smith, a 27-year-old male, who is a coworker of Jackson Phillips, traveled with Jackson to Kevin Brooks’ home.

Jackson departed from Kevin’s home at approximately 10 p.m. At precisely 10:24 p.m, Mr. Phillips’ vehicle was stopped by Officer Joe Walter for committing a minor traffic offense. Mr. Phillips was driving his coworker, Barry Smith, home. Officer Walter requested for Mr. Phillips to exit the vehicle, because he smelled alcohol, and Mr. Phillips willingly stepped out. Officer Walter requested to take a field sobriety test, and Mr. Phillips did not resist. Upon completion of the field sobriety tests, Officer Walter attempted to administer a Breathalyzer. Jackson Phillips agreed to this test, however, the Breathalyzer malfunctioned and Officer Walter could not get an accurate reading.

Due to the inability to get a reading at the scene, Officer Walter put Mr. Phillips into his police car and took him and Barry Smith to the police station. At the station, Officer Rebecca Castanis administered a Breathalyzer test using a new instrument. Mr. Phillips passed the test with a reading of 0.05. Although Mr. Phillips passed the Breathalyzer test, he has been criminally charged with a Driving While Intoxicated (DWI). This is Mr. Phillips’ first offense.

ISSUE

Is Mr. Jackson Phillips guilty of the charge of DWI even though his blood alcohol concentration (BAC) was below the legal limit?

WITNESSES

For the Prosecution

Officer Joe Walter

Officer Rebecca Castanis

For the Defense

Jackson Phillips

Barry Smith

WITNESS STATEMENTS

Testimony of Officer Joe Walter

My name is Officer Joe Walter. I was the officer at the scene on the night of December 2, 2016. At 10:24 p.m. I pulled over Jackson Phillips, who was driving a red Honda Pilot, for a minor traffic offense. Mr. Phillips made a right-hand turn without signaling on Katchew Street. I approached the driver side of the vehicle and asked him to roll down his window. I observed that there was a passenger in the front seat. As Mr. Phillips rolled down his window, I caught the scent of alcohol. I requested Mr. Phillips' license and registration. I asked if he had recently consumed alcohol, he replied that he did not. Then I asked if his passenger had consumed any alcohol, and the passenger replied that he did.

I requested Mr. Phillips to exit the vehicle. Mr. Phillips willingly alighted from the vehicle, but I observed that he was a bit unsteady. When he stepped out, I immediately looked into his car for the presence of open containers. Mr. Phillips stated that I had no right to search his car because I didn't have a warrant. I insisted that I did not need a warrant as his observable imbalance and the smell of alcohol was probable cause. I continued to search the car but came up empty. There was no alcohol in the vehicle.

My investigation at the scene continued when I requested that Mr. Phillips submit to field sobriety tests. I asked him to stand on his non-dominant leg, which was his left leg. He appeared to be off balance and had difficulty

maintaining a stable position. Then I asked him to walk in a straight line and turn on the white line in the bike lane. He failed to do so by slightly stepping off the line and using his arms to balance. At this point in time, I informed him that I would need to perform a Breathalyzer test. The Breathalyzer malfunctioned and I could not get an accurate reading.

Having shown signs of impairment, I deemed it necessary to bring Mr. Phillips to the station and re-administer the Breathalyzer test. I escorted Mr. Phillips and his passenger to my police cruiser at 10:45 p.m. Upon arriving at the station, I enlisted the help of Officer Rebecca Castanis. Officer Castanis issued a Breathalyzer test at 11:15 p.m. and received a reading of 0.05.

Although Mr. Phillips was below the legal limit, the test indicated that there was alcohol in his system. Due to a positive alcohol reading and his apparent impairment at the scene, I put Mr. Phillips in the drunk tank for the night and charged him with Driving While Intoxicated.

As an officer with 20 years experience, I am acutely aware of the signs of the use of alcohol. With my extensive knowledge of field sobriety testing, I can spot an impaired driver in an instant. Even though Mr. Phillips passed the Breathalyzer, he clearly demonstrated the signs of a driver that had been drinking and the DWI charge is warranted.

Testimony of Officer Rebecca Castanis

My name is Officer Rebecca Castanis. On the night of December 2, 2016, Officer Joe Walter arrived at the 107th Precinct at 11:10 p.m. I observed that Officer Walter was escorting two white males into the station. Officer Walter enlisted my help in administering a Breathalyzer test to Mr. Jackson Phillips. Officer Walter explained that the apparatus he used at the scene had malfunctioned and he could not get a reading.

We brought Mr. Phillips to an interrogation room where I performed the test at 11:15 p.m. Mr. Phillips passed with a score of 0.05. A Breathalyzer test gives an estimated measure of how much alcohol is in the blood system. In the State of New Jersey, the legal limit for BAC is any reading at 0.08 or higher. However, in my experience, a driver at a level of 0.05 has usually consumed enough alcohol to be impaired and is within the range of a criminal charge. Even small amounts of alcohol can dull the senses, reduce reaction time and hamper judgment. Additionally, the blood alcohol level of the driver may have peaked and declined in the time that had elapsed. Alcohol levels go down at an average rate of 0.015 per hour. There was ample time for Mr. Phillips' blood alcohol level to be on the decline.

I can attest to the fact that Mr. Phillips was unsteady on his feet when he arrived at the precinct. In my professional experience, even though Mr. Phillips passed the Breathalyzer test at the station, his observable behavior raised concern. Additionally, the Breathalyzer is not the one and only indicator of intoxication. The DWI charge was the right call.

Testimony of Jackson Phillips

My name is Jackson Phillips. On the night of Friday, December 2, I left my office at around 7 p.m. with my fellow coworker, Barry Smith. We went to my friend Kevin Brooks' house and arrived at about 7:30 p.m. We ordered dinner from A Slice of Justice Pizza. My friends drank some beer, but I didn't because I had a sinus infection, was taking medication and beer would just make me feel worse. After eating, we sat down and watched television.

Barry and I left the house at around 10 p.m. I was driving to Barry's house to drop him off when I was pulled over by an officer on Katchew Street. It was cold and dark outside and there was limited street lighting. The

officer approached the driver side door and I rolled down my window. He asked if I had consumed any alcohol, and I replied that I hadn't. As the officer could detect the smell of alcohol, he asked Barry if he had been drinking and Barry replied yes.

The officer asked me to step out of the car and I did not resist. He then looked into both the front seat and back seat of the car searching for open containers that were not found. Officer Walter then asked me to perform some tasks to evaluate my balance and agility. I had to stand on one leg, then walk a certain distance and turn around. I thought I did very well considering the conditions were not ideal. The road was very dark and a bit slippery. Temperatures were very low, I was freezing and could barely feel my feet!

The officer then requested that I submit to a Breathalyzer test and I again complied as I had nothing to hide. However, the Breathalyzer malfunctioned and Officer Walter could not get a reading. Officer Walter then directed Barry and me to get in his police car so that he could bring me to the station for another attempt at a Breathalyzer.

At the station, a female officer conducted a Breathalyzer test on me that registered 0.05. Although I passed the BAC, I was charged with a DWI and held in a cell overnight.

I don't know what caused them to come to the conclusion that I was driving under the influence. I was suffering from a severe sinus infection for which I was taking both an antibiotic and over-the-counter cold medication. Those medications can cause vertigo and may have had some impact on my ability to perform the field sobriety tests. The medication may also have contributed to the trace alcohol levels on my BAC. Conditions for conducting sobriety tests were poor and I passed the Breathalyzer exam! This charge ignores the only scientific indicator of

intoxication and is relying on subjective measures based on the officer's opinion. He never asked about medications or ailments that could have contributed to my ability to participate in these assessments. I am innocent of this charge. I was not drinking on the night in question!

Testimony of Barry Smith

My name is Barry Smith, and I was the passenger of Mr. Jackson Phillips on the night of Friday, December 2, 2016. Before we were stopped by Officer Joe Walter, my coworker, Mr. Phillips, and I were at Kevin Brooks' house for an informal Friday night get-together. At Kevin's house, we ordered pizza and watched television. I consumed two cans of beer during this time while Mr. Phillips did not consume any. I have never known Jackson to be a person who would drink and drive, and that was especially true of the night in question. Jackson was fighting a nasty sinus infection all week. He told me he was on medication for that infection.

Jackson got pulled over after leaving Kevin's house. The officer stated that Jackson committed a "minor traffic offense." Officer Walter pulled us over and asked for Jackson's license and registration. He immediately stated that he detected a scent of alcohol and it seemed from that point on, Jackson was guilty of DWI. The smell of alcohol was emanating from me as Jackson did not consume any alcohol that evening.

Mr. Phillips was nevertheless requested to step out of the vehicle to take part in field sobriety screening. It was dark, wet and cold, not an ideal time or place to be put to agility tests! Any signs that Officer Walter thought he saw of driving while intoxicated can all be caused by the medication Jackson was taking and the poor road conditions. I was with him all night. Jackson Phillips did not consume alcohol. He is innocent of this charge.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that Jackson Phillips is guilty of the DWI charge even though his blood alcohol concentration (BAC) was below the legal limit.

SUB-ISSUES

1. How reliable is a Breathalyzer test?
2. Does blood alcohol concentration (BAC) peak and then decline with the passage of time?
3. How sick was Mr. Phillips?
4. Did Mr. Phillips' medications impact the field testing?
5. Why was alcohol detected in Mr. Phillips' system if he wasn't drinking?
6. Would the road or weather conditions affect the field sobriety tests?
7. Do Officer Walter's years on the force make him an expert at detecting impaired drivers?
8. Could the medication Mr. Phillips was taking have had an impact on the Breathalyzer test?

CONCEPTS

1. Credibility of the witnesses.
2. Burden of proof: beyond a reasonable doubt.
3. Expert testimony.
4. Circumstantial over direct evidence.
5. Totality of the circumstances.

LAW

Department of Law & Public Safety
OFFICE OF THE ATTORNEY GENERAL
Alcohol Awareness—Driving While
Intoxicated in New Jersey

The Penalties

1st Offense:

Under New Jersey Law (P.L. 2003, CHAPTER 314), if an offender's' BAC is 0.08 percent or

higher, but less than 0.10 percent, or if an offender permits another person with a BAC over 0.08 percent, but less than 0.10 percent to operate a motor vehicle, the penalties are:

- A fine of \$250-\$400
- Imprisonment for up to 30 days
- 3 months license suspension
- A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center

RESOURCES

<http://www.nj.gov/oag/hts/alcohol.html>

<http://www.columbusdefensefirm.com/causes-false-positive-breathalyzer-test/>

<https://expertbeacon.com/advice-when-you-fail-field-sobriety-test-and-are-charged-dui/#.WD2WRIQrK1s>

<http://dui.findlaw.com/dui-arrests/passed-a-breathalyzer-test-it-wont-always-get-you-out-of-a-dui-.html>

STATE OF TEXAS V. ANITA FRIEND

FACTS

On October 13, 2016, Anita Friend, Aaron Sir and Dee Sissions went out to Fluffy Gecko Bar & Grill for dinner. Anita is a 17-year-old senior at Alamo High School, and Aaron and Anita are also seniors in Alamo High School, but they had already turned 18. Anita and Dee have been best friends since the second grade when Dee moved next door to Anita's family, but their relationship had been strained since Anita broke up with Aaron after dating for three months, and shortly after, Aaron started dating Dee. This was the first time the friends have been out together since Aaron and Dee starting going steady.

When they sat down, Bea R. Guest came over and asked for their drink order. Anita ordered a Coca-Cola and Aaron and Dee ordered Pepsi. After ordering their drinks and a few appetizers, Anita got up to use the bathroom. By the time Anita got back to her friends at their table, their drinks had already been served and it was time to order dinner. Over mozzarella sticks and buffalo wings, the friends talked out some drama they had been having. While the conversation started out civil, Anita and Dee started yelling at each other about Anita's perceived betrayal by Dee. Aaron sided with Dee, and Anita threatened to leave the restaurant. Anita called her a lewd name and said, "Don't you know already not to mess with me?" Aaron and Dee told Anita to just go home if they all couldn't spend time together without fighting.

Anita stormed out of the restaurant, but stumbled into the door. When Dee and Aaron started to laugh, Anita said, "It's a glass door! I couldn't see!" Anita pushed the door open and ran to her car. Once Aaron and Dee realized that Anita didn't pay for her portion of the bill, they chased after her. From the parking lot, Aaron and Dee watched Anita

SCHOOL
Brookside
Allendale
Grade 7, Honorable
Mention

TEACHER
Alison Baier

STUDENTS
Vivian Anderson
Alex Bryan-Jones
Allison Chong
Veronika Coyle
Alexandra Ebeling
Dhylan MacLaren
Kalen O'Connor
Matthew Onufrak
Farah Pavri
Porus Pavri
Yanni Zhuang

drive out of the lot in her GMC Canyon and strike a shadowy figure with a loud crash. Security footage from the restaurant would later show that Anita drove quickly out of the parking lot and hit a 27-year-old man who was crossing the street. Dee called 911 while Aaron started running to the car.

When they got to the scene of the crash, they saw a young man, motionless on the ground. They then ran to the GMC Canyon and found Anita unable to keep her eyes open. Later Dee and Aaron reported that Anita was slurring her words. Dee decided to drive Anita's car back to Anita's house and then walked home. Aaron took his own car home, leaving the man in the street to hopefully be resuscitated by emergency medical services.

The next morning, law enforcement arrived at Anita's house. Law enforcement did not issue a Breathalyzer test on Anita, Dee or Aaron. Anita, Dee and Aaron were previously charged with leaving the scene of an accident. Anita is now being charged with manslaughter.

ISSUE

Was Anita Friend recklessly driving when she struck and killed a man with her vehicle?

WITNESSES

For the Prosecution

Aaron Sir

Heather Apple

For the Defense

Bea R. Guest

Dr. Al C. O'Hall

WITNESS STATEMENTS

Testimony of Aaron Sir

My name is Aaron Sir. I am 18 years old and I have known Anita Friend for about three years. I dated Anita in my junior year, last year, for about three months. I was there

when Anita killed the man near the Fluffy Gecko Bar & Grill parking lot. I was uneasy going into that night because after Anita and I broke up, I started to date her best friend, Dee Sissions. My friendship with Anita has not been great since then. I was hoping that she had gotten over our breakup and that we were back to being friends again, and at the beginning of the meal, it looked like I had gotten my wish. Anita Friend, Dee and I were laughing together, making jokes about our teachers. We ordered some buffalo wings and sodas, and I remember feeling so relieved that we could all go back to being friends.

After a while of hanging out at Fluffy Gecko Bar & Grill, our server came by with the second round of sodas we ordered. At that exact moment, Anita went to the bathroom, claiming to need to wash her hands from the wings we had eaten. Dee and I thought nothing of it at the time, but when she got back to the table, Anita was acting out of control and she wouldn't stop screaming at us. She suddenly started to fight with Dee about relationship betrayal. She was so stubborn and kept talking about how Dee betrayed their friendship. I couldn't believe this was happening as we were all getting along so well! Anita stamped out of the restaurant, not before slamming her face into a glass door, and staggered to her car. She didn't even pay the bill! Dee and I chased after her.

Anita drove out of the parking lot recklessly. We heard her try to brake, but clearly she failed to brake and then hit a shadowy figure. Dee immediately called 911. The silhouette happened to be a young man. When Anita stumbled out of the car, eyes unable to open, then it was clear to me that she was drunk, with all her strange behavior. This was another instance of Anita drinking in public bathrooms. She slurred, "What happened?" Dee told me that she would drive Anita home. I left in my car, hoping that the

man would receive medical help. Looking back, it seems like Anita could have probably used some help, too.

Testimony of Heather Apple

My name is Heather Apple and Anita Friend has been my student for four years, since she was a freshman. I was sad to find out about what happened with Anita, Dee Sissions and Aaron Sir. I am also sorry to say that when I heard that Anita could have been under the influence of drugs or alcohol when she hit that man, I wasn't surprised. Our school administration had to be notified that on more than one occasion she has gotten into trouble with law enforcement for being under the influence of alcohol in public, but she never personally told me or asked for advice. This leads me to believe that she does not want to fix her problem.

Anita shows the symptoms of a drug and alcohol abuser, too. Anita has had the same symptoms as my former students that have admitted to being under the influence of something to me before in my 15 years as an educator. Also, with my profession being a health teacher, I know the symptoms and telltale signs of an alcoholic. Anita used to be a straight-A student, but over the past year she has plummeted to a D average, even failing a few classes. She has also fallen asleep multiple times during classes, which could be typical for certain high school students, but not the Anita I knew. Also, when I call on her, she just sounds exhausted, her eyes bloodshot. At first I attributed this change to the influence of her ex-boyfriend, Aaron, who also has a sketchy record including drug possession, but once I learned they had broken up I realized that she must really be in trouble. It is certainly within reason for law enforcement to assume that she was under the influence with her friends, even if they were not aware of it. This is leading me to

believe that her actions alone caused the death of that poor young man back in October.

Testimony of Bea R. Guest

My name is Bea R. Guest and I am a server at the Fluffy Gecko Bar & Grill. I am 25 years old and I have been working at the Fluffy Gecko Bar & Grill for about two years now. I have seen some strange things at my job, but nothing compares to this trio. On the Tuesday when that man died, I had been serving Anita Friend and her two friends. When I came in for my shift, I started serving two girls and one boy their beverages, and had to take care of a few other tables at the same time. After I served them drinks and appetizers, I needed to go to the bathroom. As I walked by the three teens, only two of them were still seated at the table. I also noticed that the two sitting at the table were playing around with their drinks, switching them across the table. I then came over and asked them if anything was wrong with their drinks, but they quickly shooed me away and assured me that they were fine.

I continued to the bathroom and saw Anita there. She smiled and said hello. When I left the bathroom, I heard a flush of the toilet and Anita exited the stall. Back out on the floor of the restaurant, her friends were still switching around the sodas.

In the middle of taking care of another one of my tables, I heard Anita's friends violently yell at her. It was impossible to not hear the ruckus. They were really causing a scene, and I remember feeling so bad for Anita. Afterwards, I saw her stumble as she hit the glass door on her way out. After she stormed out, I was confused about why her so-called friends were laughing as if the whole dramatic scene were a joke. They also did not even start chasing after her until they realized that she didn't pay her part of the bill. I remember

thinking to myself that they seemed like horrible friends. After throwing their money on the table, they quickly chased after her. I was surprised at how immediately they left as if they were in a rush. Then I saw Aaron Sir and Dee Sissions halt at the entrance of the restaurant as a car drove out of the lot before striking someone.

I remember watching the security camera footage later that night with the police officers. I was shocked to see how quickly all three of them left the scene of the crash. What surprised me more was that neither Dee nor Aaron even waited to make sure the man would be all right and that the ambulance would arrive. Neither of them were in the car that struck the man, so why were they afraid of getting into trouble? When the police did arrive with the ambulance, I remember telling them that she seemed nice the whole time. In the years I have worked at the Fluffy Gecko Bar & Grill, I have seen her there a few times before, once by herself and once with her family, at least. She has always been nothing but kind to me, just like in the bathroom that night. What her friends did to make her behave that way must have been extreme. These things led me to believe that she was the victim of her friends' actions.

Testimony of Dr. Al C. O'Hall

My name is Dr. Al C. O'Hall and I am a mental health/drug and alcohol specialist. I have a Ph.D. in psychology and B.S. in pharmaceutical science from Columbia University in New York. I've been working in this field for 12 years. I have been asked to analyze this case based on my professional expertise. I do not know Anita Friend, Dee Sissions, Aaron Sir or the man who was struck on October 13, 2016.

I have first considered the behavior reported by eyewitnesses that on the night of October 13 at Fluffy Gecko Bar & Grill, Anita

was acting strange. Combined with examining Anita Friend's medical and criminal history, especially her use of alcohol and drugs in the past, I have concluded that this could be as a result of Drug-Induced Anxiety Disorder or Drug-Induced Psychosis. For example, she ran into a glass door which she claimed that she couldn't see. Drug-Induced Anxiety Disorder affects the nervous system in a way which causes things such as shortness of breath, sweats, trembling, heart rate increase, and creates a fear of losing control. This also affects her in a way in which she loses a grip on reality itself which could easily cause paranoia. This could also cause the car crash because she could have lost control due to her being afraid of losing control of the car. There is also the very real possibility of Drug-Induced Psychosis being the cause of the car crash since Drug-Induced Psychosis causes delusions and hallucinations which are things that aren't real. This could be caused by use of various "hard drugs" or cannabis. Due to her previous consumption of alcohol, these are huge possible explanations in this case.

Finally, the tragic events of October 13 were all beyond her control if she had been drugged by her so-called "friends." There are plenty of odorless, tasteless, dissolvable drugs her friends could have accessed and put in her drink that night. Unfortunately, this is becoming more and more common among young adults, and even teens. The effects of drugs such as these match Anita's behavior: drowsiness, confusion, impaired motor skills, dizziness and disorientation. While the teenagers suggested that she had consumed alcohol in the bathroom at Fluffy Gecko Bar & Grill, I do not find this to be true. Based on my expertise, it is much more likely that Anita Friend's accident was as a result of factors beyond her control than clear-minded decision-making. She was not reckless but much more likely a victim of her friends' cruel

games, or the psychological effects of previous drug and alcohol use.

INSTRUCTIONS

The prosecution must set out such a convincing case against the defendant that the jury believes beyond a reasonable doubt that the defendant is guilty.

SUB-ISSUES

1. Did Anita Friend's past as a drug and alcohol user influence her driving?
2. Did Dee Sissons and Aaron Sir drug her at the restaurant?
3. Did Anita consume alcohol or drugs while in the bathroom at the restaurant?
4. Was Anita able to make independent, conscious decisions when she got into her vehicle?
5. Was Anita Friend's decision-making impaired without her knowing?
6. Was the victim in a crosswalk, jaywalking or crossing with or against a red light at the time of the accident?
7. Are the other teenagers reliable witnesses?

CONCEPTS

1. Burden of proof: beyond a reasonable doubt.
2. Credibility of witnesses.
3. Manslaughter; intent and "recklessness."
4. Circumstantial evidence v. direct proof.

LAW

Sec. 19.04. MANSLAUGHTER.

- (a) A person commits an offense if he recklessly causes the death of an individual.

Texas Penal Code § 49.04. Driving While Intoxicated

- (a) A person commits an offense if the person is intoxicated while operating a motor

vehicle in a public place.

- (d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.

Sec. 550.021. ACCIDENT INVOLVING PERSONAL INJURY OR DEATH.

- (a) The operator of a vehicle involved in an accident that results or is reasonably likely to result in injury to or death of a person shall:
 - (1) immediately stop the vehicle at the scene of the accident or as close to the scene as possible;
 - (2) immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident;
 - (3) immediately determine whether a person is involved in the accident, and if a person is involved in the accident, whether that person requires aid; and
 - (4) remain at the scene of the accident until the operator complies with the requirements of Section 550.023.

McFALLON V. SANCHEZ

SCHOOL
Bloomfield Middle
Bloomfield
Grade 7, Honorable
Mention

TEACHER
John Shanagher

STUDENTS
Jason Burchfield
Ryan Cruz
Katharine Dabaie
Diala Ismail
Andrew Kornegay
Dannyella Lacsa
Jaelyn Oramas
Isaiah Quinones
Jarnel Rancy
Tamarah Rico
Camila Rodriguez
Nathan Russell
Nicholas Scura
Justin Synnott

FACTS

On July 2, 2016, the Bronx Rage played Buffalo United in the New York State High School Soccer Cup Finals. The game was tied 2-2, which put the game into Golden Goal. Golden Goal is an extra period where the team who scores first wins. Between the end of regulation play, but before Golden Goal, 15-year-old Maria Sanchez was observed talking to her mother Juliana. According to several witnesses, Juliana made comments in Spanish to her daughter which included the words: *conseguirla* (get her) and *romper* (break).

Maria returned to the field when Golden Goal began. Immediately after the kick-off, 14-year-old Maeve McFallon suffered a broken leg when Maria slid into her ankle while attempting to steal the ball. Maeve’s parents believe Ms. Sanchez directed Maria to do this deliberately so that the Rage would win. They are suing Maria’s family for punitive and compensatory damages.

ISSUE

Were the injuries suffered by Maeve McFallon the result of deliberate action on the part of Maria Sanchez, and were those actions influenced by her mother Juliana Sanchez?

WITNESSES

For the Plaintiff
Sean Wright
Eve Heard

For the Defense
Ron Byased
Juliana Sanchez

WITNESS STATEMENTS

Testimony of Sean Wright

I have been a linesman in the state of New York for about nine years, and I've never seen a player as aggressive as Maria. I know that the finals of a tournament can get rough and the game can become pretty intense, but Maria took things over the top. For a majority of the game, the two teams were tied with a score of 2-2. In this tournament, ties are decided using Golden Goal, which means the first team to score wins.

Shortly before the final period began, I saw Maria go over to her mother. I heard Ms. Sanchez whisper something in Spanish to her daughter. I understand little Spanish, but I tried to make out what she was saying. I knew she said "conseguirla" which means get her and "romper" which means break. Maria seemed to be shocked by what her mother was saying. She returned to the field staring intently at Maeve.

Before I could really think about what I had seen and heard, Golden Goal began. When I saw the injury occur, I realized Juliana was actually telling her daughter to break the other girl's leg so she would be unable to score.

Testimony of Eve Heard

I'm the official mascot of the Bronx Rage. On July 2, 2016, I was taking part in the final match of the New York State Cup, cheering for the Rage. Like the goofy mascot I am, I was running around the sidelines of the field dancing and chanting. Throughout most of the game, the score was tied 2-2. The match officials brought the game into overtime with Golden Goal. Before play resumed, I saw Maria go over to her mother. I gave Maria a pat on the back as she passed. We have many Spanish-speaking students in our school, and I've worked pretty hard at trying to conduct conversations with my friends in their native language. What I believe I heard was,

"conseguirla y romperle la pierna," which when translated into English means, "get her and break her leg." I was astonished at the words that spilled out of her mouth. Ms. Sanchez was animated and seemed angry. She pointed at Maeve who was standing on the field, while she spoke to Maria. I have no doubt that Ms. Sanchez was ordering Maria to do whatever was necessary to win the game.

Testimony of Ron Byased

I've been working as a ref for five years, and have seen Maria play in numerous games. She is always intense, but never overly aggressive. I've also observed her mother. I've never heard her say anything inappropriate before, during or after a game. While her mother is sometimes a little loud, other parents are equally if not louder than Ms. Sanchez.

When the incident occurred, I was standing right outside the goalie box. From this spot on the field, I had a clear view of the two girls racing after the ball. Maeve was running up the field with the ball and Maria tried to steal it away from her. The two girls collided and Maeve broke her leg. In my opinion, Maria was "playing the ball, not the man." This was a clean play. I have no doubt that what happened to Maeve was an accident. Accidents happen in all games and players take a risk whenever they take the field.

I've also observed Ms. Sanchez at a number of games. I cannot believe she would ever suggest that Maria do anything to injure another child. I have also seen her join the other parents, clapping to support players from other teams when they have walked off the field following an injury. Throughout the season, she brought snacks for after the game and usually had enough for both teams. While she is a strong cheerleader for the Rage, I've seen her cheer many times when a member of the other team makes an amazing play. This was an accident, nothing more, nothing less.

Testimony of Juliana Sanchez

I am the proud parent of Maria who plays right wing on the Rage. My daughter has been playing sports for many years now, and I have never missed a game. The New York State Cup finals are the most exciting part of soccer season. This game was particularly exciting because at the end of regulation play, the score was tied 2-2.

During the break between regulation time and the tie breaker, my daughter ran over to give me a hug. We were speaking in Spanish because that is my native language. I told her that she needed to focus on Maeve, Buffalo United's star player. I told her how proud I was of her play so far and that she needed to break the tie in order for the team to become the champions. I gave her a big hug and sent her back to the game.

As soon as play resumed, Maeve took possession of the ball and charged up the field. Maria immediately challenged her and attempted to slide into the ball. Unfortunately, as often happens, the girls collided. Everyone froze as we realized Maeve had suffered a broken leg. This was a terrible accident and I feel badly for Maeve and her family. But I swear I did not and would not order my child to deliberately injure anyone. Furthermore, my daughter is a wonderful athlete and a good person. She would never harm another player. Our children risk injury whenever they play a contact sport. What happened to Maeve, while tragic, was an accident.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Maeve McFallon's injuries were the result of deliberate action on the part of Maria Sanchez who was acting on the instructions of her mother, Juliana Sanchez; entitling the McFallons to compensatory and punitive damages.

SUB-ISSUES

1. What degree of fluency in Spanish did the linesman and the mascot possess?
2. Was there any history of problems between Maeve and Maria?
3. Did the Buffalo United coach challenge the ruling of the ref, and if so what was the result?

CONCEPTS

1. Credibility of the witnesses.
2. Burden of proof: preponderance of the evidence.
3. Parental responsibility.
4. Compensatory and punitive damages.
5. Tort Law.

LAW

New York General Obligations Law 3-112

States that parents and legal guardians who have custody of a minor child can be held responsible for the actions of that child.

Definition of Tort Law

An area of law that deals with the wrongful actions of an individual or entity, which cause injury to another individual's or entity's person, property, or reputation, and which entitle the injured party to compensation.

<https://legaldictionary.net/tort-law/>

PARENTAL RESPONSIBILITY OR POLICE RESPONSIBILITY?

FACTS

Patrick Rent is a single parent who works two jobs to support his five children in West Beacon, NJ. Mr. Rent has not relied on any social services to support his children. They all attend the local public school and belong to the Baptist Church of West Beacon. Recently, Mr. Rent's youngest daughter, 14-year-old Sabrina, has been breaking curfew and committing acts of shoplifting, along with speculation that she is participating in gang activity. On January 12, 2017, Mr. Rent was fined by the West Beacon Police Department \$1,000 for not exercising the parental responsibility of controlling his daughter's delinquent behavior.

On January 15, 2017, Mr. Rent reached out to the West Beacon Police and made a formal request for a police intervention to occur. He filed a police intervention worksheet, which was provided by the West Beacon Police Department.

When the police officer, Poe Lease, arrived at the Rent home to begin the intervention, the process was a standard procedure where the officer utilized a method of information to help teach the child the ramifications of her behavior. In the middle of the intervention, Office Lease assumed, based on a verbal statement made by Sabrina, that Sabrina was a participant in a recent gang-related crime. The officer apprehended the child and took her into police custody where she was placed in a juvenile detention facility.

Mr. Rent is suing the West Beacon Police Department for violating their agreement to help Sabrina proactively.

ISSUE

Did Mr. Rent's attempt at helping his daughter backfire when he contacted the police for help with his daughter?

SCHOOL

Warren Township
Middle
Warren
Grade 7, Honorable
Mention

TEACHER

Susan Cooper

STUDENTS

Arshia Agrawal
Sheridan Ameo
Savannah Belovin
Ariha Mehta
Andrew Shi
Anyia Solanki
Moha Trivedi

WITNESSES

For the Plaintiff

Prog Ram

Patrick Rent (P. Rent)

For the Defense

Poe Lease

Professor Nial

WITNESS STATEMENTS

Testimony of Prog Ram

My name is Prog Ram, and I have been the director of the afterschool program at West Beacon Middle School for 14 years. I am also a longtime personal friend of Mr. Rent's. My job allows me to come into contact with all different types of students from all different backgrounds. Now, I consider myself a good judge of character, so trust me when I say that Sabrina's a good kid. I knew she was falling in with the wrong crowd, but when she was arrested I just couldn't believe it. She has no previous crimes on her record, just a couple of warnings. And I honestly can't see how she could have done all that gang activity in the first place, seeing as she spent most of her afterschool time with us. On the night of the alleged crime, she was with me and the other kids until 6 p.m.

Mr. Rent can't be home most of the time because he works multiple jobs, but he is a good and responsible parent. The \$1,000 fine hit him hard economically, but he worked harder than ever and began to discipline Sabrina more harshly for her unlawful behaviors because he wanted her to grow up right, which is the mark of a responsible parent, which he obviously is.

Sabrina was beginning to change her ways, but her incarceration will not help at all, and if anything, it will make her worse. The police department alleges that he is not a responsible parent, which gave them the right to take Sabrina away, but I think that the fact that he was wise enough to call an intervention says otherwise.

Mr. Rent chose the correct path by starting a police intervention, but the purpose of an intervention is to help, not to send them to juvie. The police department violated their agreement to help Sabrina, and they had no reason to take her into custody.

Testimony of P. Rent

My name is Patrick Rent, and I am a single father of five children. I live in the town of West Beacon. Recently, my youngest, Sabrina, had been acting out. It started with sneaking out at night, but soon escalated to shoplifting, vandalism, and acts of petty crime. On January 12, 2017, after an incident where Sabrina broke a window, I was fined \$1,000 for parental negligence. I work two jobs at just above minimum wage to support my children. This fine was hard to pay off while still keeping my family afloat.

After this incident, I told Sabrina that she would have to stop this bad behavior because it was hurting me. She apologized but soon after that started getting involved in gang-related activities and going back to committing minor criminal offenses.

On January 15, 2017, I went down to the local police station and filled out a police intervention worksheet. My goal was to get a police officer to talk to Sabrina and discuss the consequences her actions had. I wanted to discourage her from this behavior because it was not only hurting her future, but it was hurting the family economically. I submitted this with the understanding that the police officers would help Sabrina to overcome her issues and stay on the right path.

On January 17, Officer Poe Lease showed up at my house. She talked to Sabrina about why her actions were wrong, and discussed the impact they could have on her future. I was very pleased because their discussion seemed to be good for her. Ms. Lease was gentle but firm, and Sabrina seemed to be opening up. It was all going well until Sabrina

said something about her recent gang activities, and Ms. Lease's attitude changed completely. She told me that she was going to take Sabrina down to the station and arrest her. Later I was informed that this was because Sabrina had said something that correlated her with a recent unsolved crime.

She was apprehended and placed in a juvenile detention center to await trial. I had started the police intervention because I wanted Sabrina to get help to avoid jail, and I had a verbal agreement with the station that they would only talk to Sabrina. The police promised to help her, and instead they placed her in juvie. I am suing the police department for violating our agreement to help Sabrina.

Testimony of Poe Lease

My name is Poe Lease, and I have been working on the police force of West Beacon Township for seven years. I have a long history of working with this township's troubled youth. Part of my job is teaching children and teens to choose a life of lawfulness. We had already known about Sabrina from her previous encounters with the law. Shortly after we had fined Sabrina's father \$1,000, he contacted us to stage an intervention with her.

On January 17, I went to the house. Mr. Rent invited me in and was warm. We had previously corresponded, and he knew what to expect. I sat Sabrina down and started on my usual speech about how I knew she wasn't a bad person, her actions would affect her future, and her having time to turn her life around. At the beginning, she seemed guarded, but by the end of my lecture she started to open up and talk.

One of her statements construed her with some recent unsolved gang activity. I then followed police protocol and took Sabrina down to the station to interrogate her and learn more about the crime. This is standard police protocol, and it is in place to prevent, stop, and solve

crime. Mr. Rent assumes that since the police intervention worksheet stated that we would try to avoid incarceration, I would be unable to take her into custody. But her crime was serious, and the sheet also stated that the parent would be open to consequences for their child's actions. I am obligated by my job to uphold the law. What Ms. Rent did was unlawful, and I hope that by introducing her into the juvenile detention system we can correct these mistakes before it is too late, which is exactly what Mr. Rent wanted me to do in the first place. I was well within my rights to exercise the law.

Testimony of Professor Nial

My name is Professor Nial, and I have worked for my own law office for the past 18 years. From time to time, the police department pays me to give them my consulting expertise on a particular case. On January 15 I was called down to the station and Ms. Lease explained the situation, showed me the evidence she had acquired, along with playing the recording of her intervention with Sabrina. She then asked me if I believed that she had enough evidence to arrest Sabrina, and if she had violated the written agreement with Mr. Rent. I replied that she had not violated the agreement, as Sabrina had committed an infraction of the law, and it was clear that her father, Mr. Rent, was incapable of keeping her disciplined.

Sabrina's actions were delinquent, and it is the function of law enforcement to enforce the law. If Mr. Rent had been a more responsible parent, he would have kept her from committing such offenses. Besides, by invoking a police intervention, he effectively stated that he wanted the law's involvement to keep her out of trouble. Although this may not have been what he was thinking of, juvenile detention will serve that purpose. When a parent is incapable of keeping their child from delinquency, the law can take the disciplining of the child into their own hands. Even though he called an intervention, the actions Sabrina had already committed show

that he is not a capable parent. The justice system needs to be employed to keep the young Ms. Rent in line. Mr. Rent is suing us without basis, as the police department arresting a criminal is not a controversial decision.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the police violated their verbal agreement to help Sabrina during an intervention by taking her into custody.

SUB-ISSUES

1. Do the police have the right to take a child into custody if they discover during an intervention that the child has been part of an alleged crime?
2. Should the police have notified the parent of the possibility that the child may be apprehended if it was discovered there was probable cause?
3. Did Mr. Rent act in a responsible enough manner to have been considered a responsible parent?

CONCEPTS

1. Parental rights and responsibilities.
2. Probable cause.
3. Police intervention for teenagers.
4. Misdemeanor.
5. Juvenile delinquency.
6. Failure to raise a child properly.

LAW

1. A crime consisting of acts or omissions of a parent (including a step-parent, adoptive parent, or someone who, in practical terms, serves in a parent's role) which endangers the health and life of a child or fails to take steps necessary to the proper raising of a child. The neglect can include leaving a child alone when he or she needs protection, failure to provide food, clothing, medical attention or education to

a child, or placing the child in dangerous or harmful circumstances, including exposing the child to a violent, abusive or sexually predatory person.

2. Neglect is frequently defined as the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm.
3. Every person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 years to come within the provisions of Section 300, 601, or 602 of the Welfare and Institutions Code or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person under the age of 18 years or any ward or dependent child of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause that person to become or to remain a person within the provisions of Section 300, 601, or 602 of the Welfare and Institutions Code, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years.
4. For purposes of this subdivision, a parent or legal guardian to any person under the age of 18 years shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child.

TUEAU V. NATIONAL COMMITTEE OF MARATHON ORGANIZERS

FACTS

This year was the 130th anniversary of the Paul Revere Marathon. Henri Tueau, the new and upcoming runner, who already won the Windy City and Lady Liberty Marathons, was now in the “running” to win thousands of dollars in prize money and endorsements, as well as becoming the champion of the 2016 Paul Revere Marathon. Many of the veteran runners felt threatened by his speed and agility. Hours before the race was slated to begin, security officials and prep teams went to work cleaning and setting up for the big race. The water crew set up all the water bottles the elite runners submitted prior to race day. There were even multiple camera crews setting up their equipment, ready to broadcast the marathon live.

Right before the race began, Henri Tueau and all other competitors took a mandatory test for performance-enhancing drugs to maintain the race’s integrity. All the competitors tested negative and the marathon started without a problem. Henri ran the marathon and won first place.

Soon after the race ended, the National Committee of Marathon Organizers (NCMO) randomly selected eight people out of the top 20 finishers to take another test. Henri was chosen and tested positive for banned substances. He lost his title and prize money, and was suspended from all sanctioned marathon competitions for life. This led to the loss of many endorsements. He claims his personal water bottle was tampered with during the race by one of the marathon officials. Henri is now suing the NCMO for compensatory damages.

ISSUE

Was Henri Tueau unfairly deprived of his title and financial winnings?

SCHOOL

Bloomfield Middle
Bloomfield
Grade 7, Honorable
Mention

TEACHERS

Lauren Barton
John Shanagher

STUDENTS:

Safiya Alexander
Olivia Daly
Charles Greco
Aidan Hess
Alex Kanieski
Isabella Olaya
Lucas Olaya
Jonas Reeder
Salma Salem
Taylor Sconiers
Alyssa Valentin
Lindsay Wittner

WITNESSES

For the Plaintiff

Ayumi Nikon

Henri Tueau

For the Defense

Dasan Eieh

Jean Coureur

WITNESS STATEMENTS

Testimony of Ayumi Nikon

I work for the NCMO, which oversees all major marathons in the United States. I was setting up my camera at water stop seven, where I stayed for the entirety of the race. A few hours after the race ended, I was going over the footage when I found something odd. The video shows Dasan Eieh seeming to be nervously fussing with some of the water bottles. It looked to me as if he took something from under the table, and placed it on top. When Henri arrived at the water stop, Dasan Eieh handed him one of the bottles he had been fidgeting with. Once I heard Henri had been accused of taking a PED, I reported what I saw and gave a copy of the video to the marathon officials.

Testimony of Henri Tueau

I am an elite competitive marathon runner. I have competed in the Lady Liberty and Windy City Marathons and have placed first in both races. The most recent race I ran was the Paul Revere Marathon. I began the race at 10 a.m. along with about 7,500 other runners. Prior to the race, I did not take any performance-enhancing drugs. A mandatory drug test was taken before the race, and I tested negative for any PEDs. After placing first in the marathon, eight runners were randomly selected out of the top 20 runners to be tested again, and I happened to be one of them. They tested me a second time for performance-enhancing drugs, and the results came back positive.

At no time before, during or after the race did

I purposely take drugs to help me win. It is possible that I have been set up. I faced many competitors in the Paul Revere Race and any one of them could have put something in my drink. However, I have an idea of who did this to me. I believe Dasan Eieh sabotaged my drink.

Dasan Eieh was the same water boy I encountered at the Lady Liberty Marathon a while back. During the race, I stopped at the seventh water stop to get my water bottle. Dasan handed me the wrong bottle, causing a delay. Due to him, I lost precious seconds. After the race, I lodged a formal complaint with the NCMO.

I couldn't believe I saw Dasan again while running the Paul Revere Marathon. As I approached the seventh water stop, there he was! I saw him moving the water bottles around on the table. I now believe he was tampering with my water bottle because he blamed me for getting him into trouble with the NCMO.

I'm suing the NCMO for their lack of vigilance at the water stop. They cost me millions in endorsements as well as stripping me of my title, earnings and the ability to compete in future races.

Testimony of Dasan Eieh

I am employed by the NCMO. My job is to set up the water stations and hand out water bottles to the elite runners. I have worked at the Paul Revere and Lady Liberty Marathons. The first time that I worked the Lady Liberty Marathon, I had a not-so-pleasant run-in with Henri Tueau when I was passing a water bottle to him. I was so awestruck finally to see my role model, that I handed him the wrong water bottle and had to quickly substitute the correct one.

After the race, while helping break down the water station, I was confronted by Henri, who was aggravated and started to yell at me. He blamed me for slowing him down. The whole ordeal left me shaken, but I continued my work.

The marathon commission frowned upon Henri's reaction but took no further action. My job within the race is to prep elite runners' water bottles. I ensure that all water bottles are to the race's standards, which includes an energy boost to be taped around the runners tightly sealed water bottle. We always check for any tampering prior to setting them up. All the bottles were securely tightened. There was no evidence of any alteration to the lids. Because nothing was wrong or looked suspicious, I sent them on the way to be set up at the table with the other elite runners' bottles.

The next day I came to the race to help set up. I then stood to the side near the water stop. It was crowded and someone pushed into the table, knocking over the bottles. I picked up a bottle which had fallen on the ground and placed it along with the other bottles in their correct locations. I would never sabotage any of the runners, especially Henri who, even though he yelled at me, remains one of my heroes.

Testimony of Jean Coureur

I am the president of the NCMO. Our committee's main function is to protect the various marathons we oversee from people who are not true athletes. We take our job seriously and have installed procedures to make sure that the winner of a marathon has not taken any sort of performance-enhancing drug. Prior to the start of the 130th Paul Revere Marathon, all runners were tested for PEDs. No runner tested positive. As an extra precaution, we randomly tested eight of the top 20 finishers. Henri Tueau's test revealed he had PEDs in his system. This disgraceful violation of the rules cannot be tolerated. His title was stripped and he forfeited all prize money.

Mr. Tueau has claimed that one of our employees tampered with his water bottle and this is what caused his test to come back positive. There is no evidence to support his

claim. He has submitted a video which he believes shows Dasan Eieh doing something to his water bottle. After a close examination of the video, we conclude what we saw was Dasan Eieh replacing bottles which had been knocked over by the force of the crowd.

Given the fact that Mr. Tueau is unable to provide any firm proof of wrongdoing, we stand by our decision.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that he was unjustly deprived of his title and financial earnings by the NCMO.

SUB-ISSUES

1. Did Dasan Eieh tamper with Henri's water bottle?
2. Did Dasan Eieh have sufficient motive to tamper with the water bottle?
3. How high was the resolution of the cameraman's video?
4. Did the NCMO test for the same drugs both pre and post race?
5. Did anyone else have a motive to tamper with Henri's water bottle?
6. How reliable is the drug test?
7. Did Henri have any motive to tamper with his own water bottle?

CONCEPTS

1. Burden of proof: preponderance of evidence.
2. Credibility of witnesses.
3. Drug abuse.

LAW

National Committee of Marathon Organizers Drug and Alcohol Policy

Article C, Section 2.5

Athletes who test positive for performance-enhancing drugs are not eligible to participate in NCMO events and shall forfeit all titles and honors.

KOWTE V. PAYNE

SCHOOL
Mount Olive Middle
Budd Lake
Grade 8, First Place

TEACHER
Becky Hull-Clark

STUDENTS
Erin Burnett
Lisa DeCristofaro
Emma Gillece
Johnny Larangeira
Deepika Rana
Aurelia Shanga
Emma Smyth
Megha Thyagarajan
Lily Tran

FACTS

Major League baseball player Strye Kowte is a renowned pitcher who plays for the New Jersey Tigers. During the first game of the season at NJ State Stadium, on April 23, 2015, he injured his elbow after twisting his arm while pitching. As a result, he left the game to go to Hope Hospital nearby.

On the same day, the attending surgeon, Dr. James Payne, was a guest at a dinner party where alcohol was served. Dr. Payne was unaware that he would be performing Kowte’s surgery the next morning, because another surgeon was scheduled to perform on the injury. Therefore, Dr. Payne went to the party. When the original surgeon had a family emergency to attend to, Dr. Payne was then scheduled to take over the surgery. The surgery took place on the morning of April 24 and went according to plan.

On the day following the surgery, April 25, the elbow was apparently healthy after the doctor had examined it. Strye Kowte was released from the hospital. Dr. Payne informed Kowte that he should go to rehabilitation and attend every appointment scheduled from that point onward.

On May 17, 2015, at a follow-up appointment, the doctor discovered that the pitcher’s elbow was infected. Kowte returned to Hope Hospital to receive treatment. As a result of the infection, Kowte’s arm was immediately treated to prevent the infection from spreading. This caused Kowte to be permanently removed from the team roster for the season.

As a result, Kowte filed a malpractice lawsuit against Dr. Payne, seeking compensation for his wages.

ISSUE

Is Dr. Payne responsible for the resulting infection of Mr. Kowte’s elbow?

WITNESSES

For the Plaintiff

Strye Kowte

Nurse Margaret Ake

For the Defendant

Dr. James Payne

Dr. Thera P. Smith

WITNESS STATEMENTS

Testimony of Strye Kowte

My name is Strye Kowte, and I have played Major League baseball for eight years. Recently, I injured my right elbow while pitching during a game. After being observed by the medical staff at Hope Hospital on that same date, I learned that I needed a Tommy John surgery the next morning, April 24, 2015. I read all of the consent forms I had to sign, and I knew that there was a possibility of infection. However, I was very healthy, and I knew that Doctor Payne had supposedly performed this surgery on multiple occasions.

On the morning of the surgery, I caught the scent of a suspicious smell, but I originally thought it to be the odor of hospital chemicals. Unstable from anesthesia, I could not say anything about it. Later, I realized the smell was definitely alcohol.

The surgery went fine, and after staying at the hospital for three more days, I was released. During my recovery, I attended my team's baseball game to cheer them on. I believed that I was recovering well, and I canceled one of my appointments for rehabilitation. However, after experiencing a sharp pain in the same elbow where I had the surgery, I immediately visited Dr. Smith on May 17 of 2015.

At this time, it should be noted that a study published by the *LA Times* stated that various surgeons became intoxicated the night before a minor surgery. Then, the next morning, researchers directed the doctors involved to

perform a practice surgery. Externally, they appeared sober. However, the doctors involved in the study performed the surgery worse than normal, dictating a chance of malpractice.¹

When I found out that my elbow was infected, I was sure that Dr. Payne had been the cause, remembering that he had smelled of alcohol on the day of the surgery. Based on the studies, it is undeniable that Dr. Payne was the cause of my infection.

Testimony of Nurse Margaret Ake

My name is Margaret Ake. I have been a nurse at Hope Hospital for 11 years. I have worked with Dr. Payne for about four and a half years as a nurse. He is also a family friend. His wife informed me that he had gone through the AA program in his juvenile years at ages 13-16 about 19 years ago. Alcoholics Anonymous is 12-step recovery program for suffering alcoholics. Dr. Payne recovered quickly after this therapy program, but I know it is not uncommon for past patients to relapse into alcoholism. Over the years that I have worked at Hope Hospital, I have seen patients who have come into the ER for alcohol poisoning after having gone through AA therapy in earlier years. It is a known fact that the amount of alcohol rehab patients that relapse after recovery is between 50 and 90 percent.² Surrounding Dr. Payne with alcohol, like at the party, could've definitely led him to lose his streak of sobriety.

Outside of the hospital, I have rarely seen Dr. Payne drink alcohol, as he drinks only during social activities, like when he's out to dinner. I usually attend those social events with him and his wife due to our connection. However, I did not attend the party that took place on the eve of the surgery. Dr. Payne could have certainly consumed excessive amounts of alcohol until he got the call to see Strye Kowte after his injury. After all, over

sixty percent of malpractice cases involve alcoholism.³

The surgery went as planned, so I was surprised to hear about the infection. I concluded that the doctor must have consumed alcohol at the dinner party because this has never happened after any other of the many Tommy John surgeries that he has performed. Due to his undeniable past involving alcohol abuse, it appears as though Dr. Payne may have relapsed.

Testimony of Dr. James Payne

My name is James Payne, and I have been a surgeon for eight and a half years at Hope Hospital. After graduating from Harvard Medical School, I was a surgeon for six years at Dream Hospital. On April 24, 2015, I performed surgery on Strye Kowte who had sustained an injury on his right elbow. The night before, on April 23, I attended a dinner party where alcohol was served. I, however, did not drink any alcohol. Due to the presence of alcohol, the scent may have lingered on my clothes. I knew that I mustn't drink in case of an emergency at the hospital.

Because the surgeon scheduled to perform Kowte's surgery had a family emergency, I was called upon to perform the surgery since I have performed Tommy John operations on multiple occasions in the past. It was an injury that required the elbow ligament (cartilage which connects a bone to another bone to form a joint) to be repaired with a Tommy John operation. During this surgery, the ulnar collateral ligament, a ligament that connects the elbow to the ulna in the forearm, is replaced with a tendon found in another location of the patient's body, most often from their hamstring or forearm.⁴

On April 24, I arrived at the hospital, completely sober since I did not consume any alcohol the night before. I performed the surgery after reviewing the patient's history

and medical records. A Tommy John surgery has its risk if not performed properly. The nerves, more specifically the ulnar nerve, which runs along the arm, has a high risk of damage. Some side effects could include pain, weakness and numbness in the arm. This can lead to nerve scarring from the procedure. I had also informed Kowte of these risks, and he signed a consent form agreeing to these terms. However, my experience with previous successful Tommy John surgeries lessened the potential for error. Nevertheless, every surgery has its risks of infection.

Though Kowte's infection is rare, it is a possible complication of the operation. In spite of that, it is most likely that this particular infection was caused by Mr. Kowte's lack of care, and not by the performance of the surgery. Neither did I mistreat the patient during surgery, nor did I consume alcohol the night before. What I did, on the contrary, is schedule multiple appointments for Kowte to visit a physiatrist for rehabilitation.

Later, I was informed by the physiatrist, Dr. Thera P. Smith, that Kowte had missed a few scheduled appointments for other reasons. Although I had prescribed several appointments, he missed three of them. This could cause his arm to become weak and unhealthy due to lack of care. Therefore, the sessions that he missed most likely led to the arm becoming weaker than anticipated. A weaker arm is more bacteria-prone. Also, going on outings, such as baseball games, exposes more bacteria to an already weak and recovering arm. His arm needed rest.

Testimony of Dr. Thera P. Smith

My name is Thera Smith and I am a licensed physiatrist at the Hope Rehabilitation Center. I have been employed there for nine years. My patient, Strye Kowte, was to attend an appointment once a week following his Tommy John surgery to ensure that his elbow

was functioning. However, Mr. Kowte canceled his second and third appointment, claiming that he would be attending his baseball team's games to cheer on his teammates. This was against my advice. I suggested that he reschedule at a different time during the week, but he insisted that his ligament was healing well and did not require a checkup for the time being.

On the fourth week, Mr. Kowte made an emergency appointment, claiming that his elbow had a searing pain. I referred him to Doctor Payne, as I had suspected that the pain was caused by an infection. Due to the fact that Mr. Kowte refused to attend two of his rehab sessions, the fault of the infection is no one's but his own. Without rehabilitation and proper treatment of the site of surgery, an infection had been caused. As a result of a susceptibility to infection due to Tommy John surgery,⁵ it is most likely that Mr. Kowte's negligence to attend to his wound was the central cause behind the infection that formed in his elbow.

INSTRUCTIONS

The plaintiff, Strye Kowte, must prove by a preponderance of the evidence that Dr. James Payne is liable for medical malpractice.

SUB-ISSUES

1. Did Strye Kowte mistreat his arm after surgery, leading to the infection?
2. What was the leading cause of infection?
3. Can Dr. Thera P. Smith also be held accountable for the mistreatment of his infected arm, for she was responsible for his rehabilitation?
4. Is insobriety a factor in Mr. Kowte's infection?

CONCEPTS

1. Burden of proof.
2. Preponderance of evidence.

3. Credibility of witnesses.
4. Medical malpractice.

LAWS

American Medical Society Code of Medical Ethics, Opinion 8.15

"It is unethical for a physician to practice medicine while under the influence of a controlled substance, alcohol, or other chemical agents which impair the ability to practice medicine." Opinion 8.15³

Surgical Errors Law refers to a subset of medical malpractice related to injuries resulting during surgical procedures. The area focuses largely on surgeons failing to give adequate information to the patient or the patient's family to allow for informed consent, performing unnecessary procedures due to negligence or pecuniary interests, performing procedures for which the surgeon is not qualified, performing a procedure on the wrong patient or wrong body part, or other mistakes made during surgery. It is accepted that no medical procedure has a guarantee of success, which is why the law focuses on a doctor's conduct (drinking) rather than just medical results.

9-3-70 (2010) 9-3-70. "Action for medical malpractice" defined

As used in this article, the term "action for medical malpractice" means any claim for damages resulting from the death of or injury to any person arising out of:

- (1) Health, medical, dental, or surgical service, diagnosis, prescription, treatment, or care rendered by a person authorized by law to perform such service or by any person acting under the supervision and control of the lawfully authorized person; or
- (2) Care or service rendered by any public or private hospital, nursing home, clinic, hospital authority, facility, or institution, or

by any officer, agent, or employee thereof acting within the scope of his employment.

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2010 Georgia Code: TITLE 9—CIVIL PRACTICE; CHAPTER 3—LIMITATIONS OF ACTIONS; ARTICLE 4—LIMITATIONS FOR MALPRACTICE ACTIONS; § 9-3-70—*Justia Law*. N.p., n.d. Web. 25 Jan. 2017.

HILTON V. ROLLING PINES REHABILITATION CENTER

FACTS

Selena Hilton is a 25-year-old heiress who works as a pianist, and attended The Juilliard School of Music. Her parents founded the Empire Cell Phone Company and were very wealthy. Selena has had a growing alcohol problem since she was a teenager. She has no siblings. The sudden death of her parents on New Year’s Eve, in a terrible car accident, caused her to go into a deep depression. After the funeral, Selena began drinking heavily. Living alone in her Jersey shore mansion, she was able to continue this binge for several months.

In March of 2016, her uncle, Albert Friend, a businessman who lives in Germany, unexpectedly arrived at the mansion for a visit. When he realized the situation, he checked Selena into Rolling Pines, an exclusive alcohol rehabilitation center. The residential program cost \$105,000 for 90 days. Selena stayed for two 90-day programs, costing \$210,000, and entered recovery for her drinking problem.

Rolling Pines is an intensive counseling program, with daily individual and group therapy sessions for each patient. They also provide many classes and social activities including sports, yoga, meditation, supervised games, art, music, and even a five-star spa and massage therapy center.

After several weeks of detox and therapy, Selena began attending the group activities. During free time, she often played the baby grand piano in the music room. She participated in several supervised card games of rummy. Allegedly, the patients became very competitive in the card games.

According to Selena, some of the other patients began holding “invitation only” card games in their rooms during the afternoon and evening free time. The staff allegedly knew what was happening and “looked the other way”

SCHOOL

Clinton Township
Middle
Clinton
Grade 8 Second Place

TEACHER

Diane Cormican

STUDENTS

Andrew Fielding
Sydney James
Vikram Kumar
Jenna Lebbing
Carrie Lotito
Oliver McDonough
Adarsh Narayanan
Tara Sangal
Cole Schmidt
Andrew Shore

when the gambling began.

Selena left the rehabilitation center in September of 2016. Upon returning to the quiet of her mansion, she decided to purchase a beach house in Atlantic City. She began spending all her free time at the casinos.

Within her first two months out of rehab, Selena lost over \$3 million in the casinos of Atlantic City. She sold her mother's jewelry and other valuables in order to finance her gambling.

Her Uncle Albert returned to the United States to spend the Thanksgiving holiday with family, and Selena invited him to visit the Atlantic City beach house. The two of them went to the casino, and Mr. Friend saw what his niece had been doing since rehab. When she lost \$10,000 at the first round of blackjack without concern, he was alarmed. He got her out of the casino and demanded to see her accounting records. When he realized the amount of money that she had gambled away, he knew that she had a new addiction.

Selena and Albert Friend are suing the Rolling Pines Rehabilitation Facility for \$4.5 million, which includes the price of her rehabilitation at Rolling Pines, the amount lost in the casinos, pain and suffering, and legal fees.

ISSUE

This case is being brought before the court because the staff at Rolling Pines allegedly allowed the gambling to take place and are responsible for Selena's gambling addiction and financial losses.

WITNESSES

For the Plaintiff

Selena Hilton

Dr. Howard Steinhammer

For the Defendant

Chuck Wallace

Dr. Holly Meyer

WITNESS STATEMENTS

Testimony of Selena Hilton

My name is Selena Hilton, and I am 25 years old. I am an only child, and was mostly around adults since I was a kid. I began drinking when I was 14, and stayed at my parents' parties with all the adults. My music is my life, and I studied piano at Juilliard School of Music in New York City. I work freelance as a pianist, accompanying for concerts, parties, and events throughout New Jersey and in the New York City tri-state area.

My parents started the Empire Cell Phone Company and were very wealthy. I loved them with all my heart. My mother was my best friend. They died last year in a car accident on New Year's Eve.

After their funeral, I fired all of the staff at my mansion. I fell into a deep depression and I drank constantly because it helped me to forget about my problems. I did not leave the house for almost three months. I ignored emails, phone calls and social media.

One day my uncle showed up at my door, and I was drunk. We had been very close when I was a kid, but grew apart when he moved to Germany. I broke down and told him how depressing my life was and that I was contemplating suicide. He convinced me to go to the Rolling Pines Rehabilitation Center.

The detox was terrible, and a lot of it was a blur. It took several weeks to get through, and I really thought I was going to die. I began to go to therapy and attended yoga classes. Eventually, I felt like I was getting healthier and stronger, physically and mentally. I attended daily private and group therapy sessions.

Each afternoon there was a two-hour session for free time. During this period, I would play the baby grand piano. Other

patients and nurses would gather around, and they would request their favorite songs. I tried to appease them, but my training is mostly classical and I don't know a lot of popular music. Pretty soon a few people started to complain, and I was heartbroken.

I stopped playing the piano and I started to join the games. The only card games allowed in the common room were rummy and hearts. Sometimes those got pretty rowdy, and the staff would put the cards away. They had rules about competitive games, which seemed silly to me at the time.

One day I walked by a private guest room and noticed four people huddled in a card game. When they saw me, they tried to hide their cards. The one woman, Maureen, asked if I wanted to join in. This was the beginning of my experience in the secret blackjack tournaments. I soon learned how the gambling ring worked, and we would steal away during free time and rotate rooms. I do remember at least three occasions where the staff seemed to see what was going on, and they pretended not to notice. I thought they were being nice to look the other way. After all, we are all adults.

All patients were required to keep a journal in rehab, and I wrote about the games and the other guests extensively. The journals were never collected or reviewed. Even my therapist never asked to see it. If the nurses had been paying attention to us, they should have noticed that there was a gambling underground. I believe that they knew about it, but they allowed it to continue to keep the patients occupied. I could tell in the way they smiled at us when free time started.

The Rolling Pines staff is at fault for not paying attention and enforcing their own rules. The rehab center was supposed to help relieve me of my addictions, not start another one! Although I have my alcohol addiction under control, I am now plagued with a

compulsive gambling addiction that is ruining my life.

Testimony of Dr. Howard Steinhammer

My name is Dr. Howard Steinhammer and I am an addiction expert. I did my undergraduate work at Yale and went on to get my master's in addiction studies. After that, I received a Ph.D. from the University of California, Berkeley in clinical mental health counseling. I am on the board of directors for the largest professional organization for addiction counselors, the Association for Addiction Professionals.

I have written three books: *Gambling Addiction and Alcohol Addiction: Not As Different As You Think*, *The Human Brain on Alcohol* and *What is Gambling Addiction?*

Alcohol addiction is a chronic disease characterized by uncontrolled drinking and preoccupation with alcohol. Alcoholics have an intense focus on drinking, to the point that it takes over and often ruins their life.

Alcoholism is very similar to gambling addiction. Compulsive gamblers can't control the impulse to gamble, even when it's hurting them. Gambling can stimulate the brain's reward system much like drugs or alcohol, leading to yet another addiction.

Sequential addiction is one of the more common clinically observed patterns. How does this work? Take the example of someone who has been dependent on alcohol for many years. He or she may have had many years of effective recovery and attendance at Alcoholics Anonymous meetings. Then he or she develops a gambling problem.

Gambling addiction is different on the surface, but the problems and needs of the patient are very similar. Both alcohol and gambling addiction recovery have to do with the process of eliminating certain behaviors. Because of this, rehabilitation facilities need to be vigilant of any gambling-like activities that

may lead to addiction.

After I was contacted by Mr. Friend, I paid a visit to the Rolling Pines Rehabilitation Center. I told the manager, Mr. Wallace, that I was researching rehab facilities for my next book. Rolling Pines has a clear policy against gambling, and patients are not allowed to bring in cards or dice. On my tour, I noticed security cameras in the lobby and common room of the facility. I also noticed one angled toward the hallways where the patients' rooms are located.

When I read the admissions folder, a pamphlet given to every patient at Rolling Pines, it stated: "Card games are prohibited in the Rolling Pines Rehab Facility at all times unless supervised." This statement surprised me. When I went to the commons room, I saw six people playing cards without any staff person.

Rolling Pines has all the standard security. In each and every hallway, every common room, and on all sides of the outside of the building, there are security cameras transmitting and saving feed to a security room. Upon examination of the footage from outside of the rooms where the card games took place, you can clearly see about 10 patients entering various rooms. Some people change, but Selena was always among them. If there are truly round-the-clock watchmen, then why was this not reported? How could these secret meetings have gone unchecked? The situation should have been more closely monitored or at least noticed!

The staff at Rolling Pines was negligent in their responsibility to the patients, especially Selena, for allowing the gambling to take place and not paying attention to their own rules.

Testimony of Chuck Wallace

My name is Chuck Wallace, and I am the manager of the Rolling Pines Alcohol Addiction Rehab Facility. I hold a degree in

human psychology from the University of Michigan. My responsibilities include overseeing the medical staff, business office, and reviewing patient progress to ensure that each guest is progressing towards their goal of a full recovery.

May I start by saying that Rolling Pines is one of the most prestigious rehabilitation establishments east of the Mississippi. We have been in our current location since 1993, and have helped over 1,200 patients, including many well-known celebrities. Patients choose our facility for our highly qualified therapists, luxury spa, personal growth classes, manicured grounds and beautiful private rooms.

Although we are an alcohol rehab center, we are very careful about identifying other addictions recognized by the the American Psychiatric Association. We have strict rules that will help the patients with the recovery process and eliminate their addictive behaviors. Patients are provided a list of items they aren't allowed to bring along. Upon check-in, our staff helps the guests to unpack, confiscating any prohibited items like electronics, dice or cards. Patients must sign a contract which clearly states that "No Rolling Pines patient may participate in activities which may compromise their safety and the effectiveness of their treatment." Selena did indeed sign this contract.

We provide our guests with a structured day of therapy and healing, and also have two free times from 1 p.m. to 3 p.m. and 8 p.m. to 10 p.m. every day. At this time, patients may participate in activities such as board games, puzzles and the occasional card game. The nurses monitor the games; poker, blackjack and other competitive games are not allowed. Because of the HIPAA act, we make every effort to respect the privacy of each patient. However, we must monitor them to ensure that no rules are broken which may inhibit their ability to recover. It is a very challenging balance.

Guests are free to visit some of the recreational rooms during free time, such as the library, gym, TV room and our music room featuring a baby grand piano. During free time they can also get massages and spa treatments in our five-star spa facility.

During her stay, Selena gained a reputation of a “difficult guest.” She constantly sought out drama with the other patients and even some of the staff. Our receptionist keeps logs of the complaints, and Selena would sometimes have more than three a day.

Selena used her free time taking full advantage of a variety of our services. Each patient must meet with their therapist to create a schedule of weekly activities during free time. Dr. Holly Meyer, her therapist, holds Selena’s records for free time choices, none of which include an underground gambling ring.

Selena claims that we should have put a stop to the gambling sessions right away. These sessions, however, were carried out in a manner in which it was completely hidden from our staff. Even though she claims my staff witnessed this illicit activity, Selena cannot tell us a particular time or staff member’s name in this accusation.

If Selena or anyone in this group of people had brought the gambling to the attention of the staff or myself, it would have been resolved and brought to an end immediately. It was Selena’s responsibility to report this to us and since she didn’t, there was nothing we could do about it.

Testimony of Dr. Holly Meyer

My name is Dr. Holly Meyer, and I’ve been a psychiatrist at the Rolling Pines Rehabilitation Center for six years. I received my bachelor’s degree in psychology, minored in counseling psychology at Penn State, and graduated with honors. Then I moved on to get my master’s in psychiatry at Columbia University. I’ve had over two decades of experience in psychology.

I have spent the last six years working with the patients here at Rolling Pines.

Addiction is a complex condition, a chronic brain disease that is manifested by compulsive substance use, despite the harmful consequence. People with alcohol addiction have an intense focus on drinking to the point that it takes over their life. They keep using alcohol when they know it will cause problems. Even after they have stopped drinking, it is a lifelong recovery, and they will always have it with them.

Over the course of the 180 days that Selena was a patient here at Rolling Pines, I was her individual therapist and conducted most of the morning group therapy sessions. Selena was very open at first, and I had hope that she was genuinely seeking help and wanted to be sober. Selena, however, soon began showing other challenges and creating drama among the other patients.

For example, Selena is a trained pianist who loves to entertain. She played for the staff and other patients when she first arrived, but had an argument with some other guests and stopped suddenly.

Many people experience both mental illness and addiction. The mental illness may be present before the addiction, or the addiction may trigger a mental disorder or proceed to worsen a disorder. I believe that she has a histrionic personality disorder or HPD. Some signs and symptoms of HPD is a need to be the center of attention, rapidly shifting emotional states that may appear superficial or exaggerated to others, blaming personal failures or disappointments on others, being easily influenced by others, and being overly dramatic and emotional.

I noticed that Selena would disappear during her free time. I asked her every day what she planned to do during free time. During our individual sessions, she would often complain about people or things that she

wasn't satisfied with at the facility. Not one of these complaints was about gambling.

The so called "gambling addiction" that Selena is claiming to have fallen victim to is a completely unproven addiction. The American Society of Addictive Medicine classifies it as and "addictive behavior," not a disease. Alcoholism is a physical disease. There are no grounds for believing that Selena's "impulse" to gamble is an addiction. This is simply a person looking to be a victim, in order to retain the center of attention she has held all her life.

All in all, because of her histrionic personality, her recovery poses even more of a challenge. Drinking has always helped her to be the center of attention and the life of the party. Because she is sober now, the casino life has replaced the party scene for her own personal drama.

INSTRUCTIONS

The plaintiff must prove, by a preponderance of the evidence, that Rolling Pines Rehab Facility caused Ms. Hilton to get addicted to gambling, resulting directly in her loss of several million dollars in Atlantic City casinos.

SUB-ISSUES

1. Where did the patients get the cards and/or the dice to use in the so called "invitation only" games?
2. Who was in charge during the free time in the afternoons when games occurred?
3. Did any of the patients sneak in any restricted items?
4. Did a Rolling Pines employee let a deck of cards get through bag checks purposefully?
5. Is there security footage in the common areas in the center?
6. Is there an alternate entrance to the patient rooms hallway?
7. What happened to Selena's journal? Could it be used as evidence?
8. Did Selena know that the gambling was against the rules?

CONCEPTS

1. Reliability of witnesses.
2. Negligence.
3. Malpractice.
4. Hearsay.

LAWS

Robinson v. California

The Supreme Court struck down a California law that criminalized addiction.

New Jersey Statute 2A:53A-27

Affidavit of lack of care in action for professional, medical malpractice or negligence.

RESOURCES

<http://injury.findlaw.com/accident-injury-law/proving-fault-what-is-negligence.html>

www.scientificamerican.com/article/how-the-brain-gets-addicted-to-gambling

<http://law.justia.com/codes/new-jersey/2013/title-2a/section-2a-15-5.1>

<http://injury.findlaw.com/medical-malpractice/state-law-summaries-medical-malpractice-and-reform.html>

HERE COMES THE DRONE: CALLAWAY V. YOWN

FACTS

Amy and Ralph Callaway were planning the wedding of their dreams. Amy planned to wear a beautiful heirloom dress that was her mother’s. The venue, a golf course with an attached catering hall, was a popular spot for weddings in the area. The bride and groom hired Phil Tografer to take pictures and Drew Yown, a drone operator, to take aerial photographs. Drew Yown had great reviews and had successfully worked with the catering hall and golf course several times before. The couple was all set to document the big day.

Two weeks before the wedding, Drew Yown was not feeling well and had been prescribed a medication called Maltica. Maltica is used to treat sinus infections. On the label of the bottle, it advises not to drive or operate heavy machinery while taking the medication.

The day of the wedding was perfect with the exception of a slight breeze. Everything went according to plan and the couple was extremely happy. While the bride and groom posed for pictures during the cake cutting, the drone lost control. It smashed into the cake, causing the treasured vintage dress to be covered in red velvet. The bride is suing Drew Yown for compensation for her dress and damages caused by his negligence being under the influence of drugs or alcohol.

ISSUE

Is Drew Yown responsible for the damages caused during Amy and Ralph Callaway’s wedding?

WITNESSES

For the Plaintiff

Phil Tografer
Amy Callaway

SCHOOL

Bloomfield Middle
Bloomfield
Grade 8,
Honorable Mention

TEACHER

Lauren Barton

STUDENTS

Reham Abdelghafar
Feden Abraha
Elqanah Awkward
Sean Baldevarona
Olivia Bochenek
Lucille Collins
Alexandra Dipp-Solis
Nazir Domena
Celin Escobar
Gabriel Farabaugh
Deep Jetani
Ilana John
Nydeja Justice
Priscilla Mendez
Arianna Petty
Mia Scollo
Alexander Tochtchev
Wesley Toribio
Auguste Torres
Peter Tripodi
Jada Washington

For the Defendant

Lucy Wyatt

Drew Yown

WITNESS STATEMENTS

Testimony of Phil Tografer

I have known Drew Yown for a long time. He always has the newest and best equipment, which has resulted in a lot of positive feedback from previous clients. When he arrived at the wedding, he appeared a bit drowsy. I thought it was from the medication since he was just getting over being sick. As he was setting up the drone, he looked as if he was having some difficulties. I thought he did not look well. When I asked him if he was okay, he insisted he was fine.

Since it was too late to have someone else take the aerial photographs, I decided not to worry and just hope for the best. As I was watching him fly the drone, he seemed to be unsteady, which caused the drone to sway in the air. All of a sudden he lost control of the drone. The drone crashed into the wedding cake before the bride and groom could cut it. The bride and groom were devastated that Drew Yown had ruined not only the wedding cake, but also the bride's beautiful dress. If he was still taking his medication, he should not have come to the wedding, let alone operate heavy machinery.

Testimony of Amy Callaway

Ever since I was a young girl, I have always dreamed of my wedding day. While planning the wedding, we found the perfect venue. We paid close attention to every detail. The intricate red velvet cake was custom made for the wedding, and it was a tower of five corresponding designs to the match the decor of the wedding. Thanks to my friend Lucy Wyatt, we also found Drew Yown to take aerial photos. I knew these pictures would help us remember our wedding day forever. To

top it all off, I was going to be able to wear a unique and magnificent dress given to me by my mother. This dress was a family treasure passed down from generation to generation.

The day of my wedding turned out to be a gorgeous day. There was a beautiful light breeze and the sun was at a perfect angle to accentuate the details of the outside area. When Drew Yown arrived, the operator seemed a little disoriented, as if he was under the influence of drugs or alcohol. When he was setting up the drone, he was acting strange. I asked the operator if everything was okay and he insisted it would all work out, but that the wind was a nuisance. Trying not to worry too much, I went back to greeting family and friends and left him to get ready. Waiting for my mother to come and see me in her beautiful gown, Drew had the nerve to walk over and interrupt me, saying something about the wind again. I told him that the weather was far too amazing for anything to go wrong. Seeing my mother walk in, I ran over, waving to her. I did not wave Drew Yown away! I was simply excited to see my mother.

The wedding went off without a hitch. Everything was perfect as I had planned it. That is until right before my husband and I were about to cut the cake, I noticed the drone was swaying back and forth and the operator was not steady or landing the drone. I thought to myself he might be unstable, but after the drone continued to wobble for another minute, I was certain he was on something. All of a sudden the drone fully lost control and plummeted right into the cake! Before I could process what was happening, my beautiful white dress was covered in bright red cake.

In shock, I went over to Drew Yown and confronted him about what he had done. There was no way I was going to pay him. I was confident that he was under the influence after he had crashed the drone because he

was supposed to be “professional.” I know I can be difficult to deal with at times, but I just wanted my day to be special. I feel I am entitled to compensation not only for the ruined cake and pictures, but also for destruction of my beautiful wedding gown.

Testimony of Lucy Wyatt

When I saw a demonstration of aerial photography, it seemed like the perfect way to document life events. I hired Drew Yown and have never had any problems with his work. Drew has always been professional for the magnitude of his jobs, from weddings to my children’s birthdays. In fact, for the baby shower of my second child, I hired him for a substantial amount of money. However, the night before the party, he called me and explained he would not be able to take the photos because he had come down with the flu. I appreciated the fact that he was making sure not to jeopardize the job even with the money he would be losing. During our conversation, he especially stressed the safety of my guests and family, something that I hold dear.

I was so excited to help Amy plan her big day. She is one of my closest friends and I could not wait to celebrate with her. When I was telling her about Drew Yown and his work, she wanted to hire him. I would only recommend someone who I feel would do a great job.

While the bride was getting ready for her big day, I overheard Drew Yown notify her the slight breeze that could be a problem for the drone. Regardless, Amy insisted that he go on and take the pictures; they were important to her. Now that I think about it, the bride was unpleasant toward Drew Yown, yelling at him and waving him off. From all my years of knowing her, Amy has always gotten upset easily and been demanding so she can get exactly what she wants.

Before the ceremony, I had a brief

conversation with Drew and he seemed perfectly fine to me. He told me he was nervous about flying the drone after Amy had dismissed him. The wedding was going well until there was an unexpected gust of wind that caused the operator to lose control of the drone. This gust was strong and was definitely the reason the drone came down. The destruction of the cake and dress was not because of Drew Yown being under the influence of drugs. Amy made him fly the drone in unsafe conditions.

Testimony of Drew Yown

I have known Phil Tografer for five years, and I consider him a close friend. About two weeks ago, I had a sinus infection and was prescribed Maltica. I was hired to operate a drone to take aerial photos for Mr. and Mrs. Callaway’s wedding in two weeks. In the beginning, I did not want to jeopardize the job simply because I was on medication. I told Phil Tografer that I was sick, and that I likely could not take the pictures. However, as the wedding day was approaching, I noticed I was feeling a lot better. I would complete my prescription on the day of the wedding. While I was setting up my drone, Amy walked over and asked if everything was going well. I informed her that the wind could be a potential problem for the successful flight of the drone, but she told me that it would be fine and to continue.

An hour later, I strongly felt it would not be a good idea to fly the drone because the breeze might affect the quality of the pictures. The bride screamed that she did not care what I thought and she wanted her pictures taken, saying the breeze would die down and she disrespectfully waved me away. As I was about to take the pictures of the bride and groom cutting the cake, I felt so much pressure to do a good job that my hands were shaking. The drone was working fine until an

unexpected, strong gust of wind caused me to lose control and have it land in the cake.

Under no circumstance did the medication affect my ability to fly the drone. If anything, the bride forced me to fly it! My business runs on referrals and recommendations. I would never be so careless and jeopardize my career.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Drew Yown was under the influence of drugs, therefore causing the damages at her wedding.

SUB-ISSUES

1. Did Amy Callaway know Drew Yown was sick prior to her wedding?
2. Should Drew Yown have made the decision not to fly the drone, regardless of the bride's requests?
3. Is it possible that the drone had malfunctioned?
4. Is flying a drone considered operating heavy machinery?

CONCEPTS

1. Burden of proof: preponderance of evidence.
2. Credibility of witnesses.
3. Drug or alcohol abuse.

LAW

Maltica Warnings

Do not drive or operate heavy machinery until after a few doses or at least until you know how Maltica will affect you. Maltica side effects include: sleepiness, dizziness, tired and/or weak muscles, and double and/or blurred vision.

Contract between Amy Callaway and Drew Yown

This is an agreement between Amy Callaway (client) and Drew Yown (operator) to take aerial photographs at the client's wedding and related events to the best of the operator's abilities. This is a binding contract which incorporates the entire understanding of the parties, and any modifications must be in writing, signed by both parties, and physically attached to the original agreement.

If the operator does not have an established safety plan, insurance, or extensive knowledge of how to operate the drone or close coordination with the venue managers, wedding photographers and the couple, he can be a risk to the wedding party. Either party reserves the right to terminate coverage and leave the location of the event if the opposite party experiences inappropriate, threatening, hostile or offensive behavior; or in the event that safety is in question. The operator is not responsible for compromised coverage due to causes beyond his control.

AHMOSE HIT WAS ALMOST HIT

FACTS

On January 5, 2013, in Curfield Township, Ahmose Hit was nearly struck by a car. Ahmose was a young teenager with a single mother who worked the night shift. His mom is a nurse, and that night she was working from 7 p.m. until 11 p.m. At around 10:17 p.m., Mrs. Mia Chila Nearlee-Hit (his mother) texted Ahmose to pick up some milk from the convenience store. The curfew in the town for any minor 16 years old or younger is 10:15 p.m. Mrs. Nearlee-Hit felt that it would not be an issue for her son to be out a little past the curfew. Therefore, Ahmose went to wake up his younger brother who was sleeping because he did not feel safe leaving him home alone.

As the boys were walking out of the house, they noticed that most of the ground was frozen from the snowfall the night before. The sidewalk leading to the crosswalk was too slippery for the boys to walk on, so they were going to cross where it was not as icy. Neither of them wanted to increase their risk of falling. The kids slowly made their way across the road. As they were heading across the street, a car barreled toward Ahmose at a high rate of speed. In the car was a police officer who was responding to a call. Ahmose was the only one in harm's way as his younger brother ran safely into the convenience store parking lot hoping to beat Ahmose. In an effort to avoid hitting Ahmose, the police car swerved onto a patch of ice, causing it to slide into a nearby utility pole.

A 911 call was made and the paramedics were dispatched to the scene, arriving a short time later. The officer sustained severe injuries in the crash. The police department is suing Mia Chila Nearlee-Hit for Officer Spey Door's medical bills, loss of wages and property damage incurred during the accident. They are citing parental

SCHOOL
Orchard Valley Middle
Sewell
Grade 8, Honorable
Mention

TEACHER
Jeffrey Snyder

STUDENTS
Presley Albadine
Kelsey Alexandre
Eva Allred
Sarah Golembo
Kendall James
Megan Smith

negligence for her not ensuring proper supervision of her minor children in her absence.

ISSUE

Was it Mrs. Mia Chila Nearlee-Hit's responsibility to ensure that her children did not get into a situation that could have cost both her children and the officer their lives?

WITNESSES

For the Plaintiff

Officer Spey Door

Irma Witness

For the Defendant

Mia Chila Nearlee-Hit

Ahmoose Hit

WITNESS STATEMENTS

Testimony of Officer Spey Door

My name is Officer Spey Door. On the night of January 5, 2013, I was responding to a non-emergent call involving an unruly minor. In non-emergent calls, my department protocol allows officer discretion on using sirens when responding. I did not use the sirens while responding to the call.

I was driving through a residential area and I noticed the ground was a little icy. As I approached the convenience store, two kids suddenly appeared in the street in front of me. The kids were not crossing in a crosswalk, and they were wearing dark-colored clothing, making it difficult to see them until they were directly in my path. Due to the icy road conditions and the close proximity of the children, I was unable to stop my car in time. Instead of hitting them, I tried going around them. As I swerved to avoid them, I hit a patch of ice and slid into a utility pole.

The next thing I remember was being placed on a backboard and loaded into the ambulance. At the hospital, the doctors told

me I had sustained serious injuries to my back and I would be out of commission for several months.

While recovering at home, I learned that the parent of the kids was a single mother who was working as a nurse at the time of the accident. She worked the evening shift, leaving the kids unsupervised at home until her return. I feel that responsibility lies with the mother for not providing appropriate childcare for her minor children. The mother acted negligently when she asked the children to go out after the town curfew to pick up milk at the convenience store. If the kids were properly supervised, and the mother had not asked them to break the town curfew, the accident would not have occurred. I believe that there is justification based on these facts for the department to sue Mia Chila Nearlee-Hit for medical bills, loss of wages and property damages incurred as a direct result of her negligent parenting.

Testimony of Irma Witness

My name is Irma Witness. I am retired so I usually go to bed around 9:30 p.m. At around 10 p.m. on January 5, 2013, I was having difficulty falling asleep and decided to go for a short walk around the block.

I live maybe a quarter of a mile from the Hit family. I know them from church, and in my opinion, Mia Chila Nearlee-Hit is a rather negligent parent. She leaves her two boys home alone in the evenings and works until 11 p.m. She provides no supervision for the boys during this time. I do not know what she does for a living, but she is out late at least three nights a week!

As I walked past their house that evening, it came as no surprise to see that Mrs. Nearlee-Hit was not home. I noticed her son Ahmoose and his younger brother walking across the road and they were not on the crosswalk so I yelled over to see what they were up to.

Ahmoose told me that their mom asked them to pick up some milk from the convenience store across the road. I reminded them that the town curfew was 10:15 p.m., and it was now 10:20 p.m. They did not bother listening to me and continued goofing around as they crossed the road. I heard the sound of a car slushing through ice. It was so dark out that I was unable to see the car until it was almost in front of the boys.

The driver of the car was going too fast to stop so he swerved in order to avoid the boys, but slid on a patch of ice sending him straight into a utility pole. When I saw that he was not moving, I pulled out my phone and called 911. I also called Mrs. Nearlee-Hit to let her know about the accident. I feel that Mrs. Nearlee-Hit should be to blame here. She left her kids at home, unsupervised for hours, and instructed them to go purchase milk at night and past curfew. Officer Spey Door was performing his duties by responding to a call and should not be held responsible.

Testimony of Mia Chila Nearlee-Hit

My name is Mia Chila Nearlee-Hit. After my husband abandoned my two boys and me, I had no choice but to return to work as a nurse to make ends meet. I cannot afford childcare so my best option was to work the evening shift so that I can get my children to and from school each day. My children have never been in trouble and always act responsibly when left home alone. On the night of January 5, 2013, I was working from 7 p.m. until 11 p.m. while my son, Ahmoose Hit, was at home with his brother. I called the boys around 10 p.m. to check on them. Ahmoose was hungry and all we had to eat was cereal, but there was no milk. I told him to walk to the convenience store across the street to pick up some milk.

At around 10:05 p.m., they texted me saying they did not want to go because they might not make it back before the town curfew. I

told them they would make it back home in time if they did not dillydally. I also reminded them to be careful because the weather was a little snowy and the streets were icy. A few minutes later, I was paged for a phone call, but I was with a patient, and I was unable to pick up the phone because my patient was having complications at that time. A short while later, I was notified that my sons were almost hit by a police car while crossing the road, and the officer subsequently hit a pole while trying to avoid them.

Ahmoose told me that they did not see any car coming until they were in the middle of the road as the police car was speeding toward them. It seems unfair to blame my boys and me when the officer was acting irresponsibly. The officer was not using his sirens while driving at a high rate of speed to a non-emergent call in bad weather conditions.

Testimony of Ahmoose Hit

My name is Ahmoose Hit, and on January 5, 2013, I was nearly hit by a police car while crossing the street. My mom was working the evening shift from 7 p.m. until 11 p.m. as a nurse, and my brother and I were at home. I often stay at home with my brother while my mother is working. We normally go to bed early and are asleep by the time our mother returns home from work. However, I was having trouble sleeping that night because I was hungry. We only had cereal in the house, but there was no milk. My mother called to check in on us around 10 and I told her that there was no milk so she asked me to go across the street and pick some up. I did not want to leave my brother home alone while sleeping, so I woke him to go across to the convenience store with me.

We headed for the store around 10:10 p.m. It was dark outside and the roads were icy at the crosswalk so we walked down a little bit to cross where it was not as icy. We looked

both ways and saw nothing. We thought we heard a car, but we did not see any lights. One of our neighbors saw us crossing, and asked what we were up to. We told her we were picking up some milk at the convenience store. She yelled something else, but we could not hear her so we continued to cross. I heard the crackling of ice in the street, and then saw a car heading toward us very quickly. I could not move out of the way in time. The officer looked right at me before the car swerved at the last minute. He hit a patch of ice and slid directly into the utility pole. The officer was injured and taken to the hospital in an ambulance.

I do not think that my mother should be at fault because the police officer should have had the sirens on during the night in such bad weather. Not to mention, the officer should not have been going so fast that late at night, especially due to the icy road conditions.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Mia Chila Nearlee-Hit was negligent in allowing her children to go to the store late at night.

SUB-ISSUES

1. Should Mia Chila Nearlee-Hit have had a caretaker for her children when working long hours?
2. Should Mia Chila Nearlee-Hit be held responsible for allowing her children to break the town's curfew?
3. Should Officer Spey Door have used his sirens when responding to the non-emergent call?
4. Should Officer Spey Door have been going so fast at night with icy road conditions?
5. Should Ahmose Hit and his brother have crossed the street faster?

CONCEPT

1. Burden of proof.
2. Preponderance of evidence.
3. Credibility of witnesses.
4. Value of judgement.
5. Parent negligence.

LAWS

Curfield Policy S123-6

The town of Curfield has a curfew of 10:15 p.m. for any minor under the age of 16.

New Jersey State S243-16

The parents could or should have been able to foresee that their child had a tendency to act in a dangerous manner, or it should have been foreseeable, meaning that the parents could or should be able to foresee that their child was capable of causing injury.

Curfield Policy S154-62

A vehicle's emergency warning equipment is generally not to be utilized in a non-emergent call.

RESOURCES

Injury Claim Coach "When are Parents Liable for Injuries Caused by Their Children: "<http://m.injuryclaimcoach.com/?url=http%3A%2F%2Fwww.injuryclaimcoach.com%2Fparental-liability.html&width=412>

THE CASE OF ONE TOO MANY: DANIELS V. MILLERS

FACTS

On June 22, 2015, 18-year-old Jack Daniels was found unresponsive at his friend Gerard Miller's house. Earlier that day, his mother dropped him off at Gerard's home for a graduation party and then left for work. A short time later, Jack, Gerard and their other friends attempted to obtain beer to celebrate the momentous occasion. Mrs. Miller caught them trying to procure the beer and scolded them. Gerard protested that it was a celebration for graduation and that they could handle one beer. Mrs. Miller reluctantly gave the boys permission on the condition that they only consume one can of beer. The following hour, Jack collapsed.

Upon hearing the commotion, Mrs. Miller immediately called the paramedics followed by Mrs. Daniels. An ambulance arrived shortly after and rushed Jack to a nearby hospital where he was pronounced dead by the attending physician. Afterwards, an autopsy was performed on Jack; it was revealed that he had taken a 10 mg Ambien brand Zolpidem sleeping tablet prior to his death. The reaction between the tablet and alcohol caused his death. An investigation of the Millers' and the Daniels' homes revealed that there was a half-full bottle of sleeping tablets in Mrs. Daniels' medicine cabinet. The Daniels are suing the Millers for negligence.

ISSUE

Were the Millers responsible for the death of Jack Daniels?

WITNESSES

For the Plaintiff

Corona Daniels
Captain Henry Morgan

SCHOOL

Carl Sandburg Middle
Old Bridge
Grade 8, Honorable
Mention

TEACHERS

Scott Feinstein
Chris LoNigro

STUDENTS

Ron Amistad
Tevin Flom
Teresa Freeman
Cameryn Gray
Jessica Guarrera
Sanjana Gunda
Nicole Mandriota
Esha Palkar
Kshitij Palrecha
Rebecca Schaefer
Steven Tan

For the Defendant

Rod Smirnoff

Fiona Miller

WITNESS STATEMENTS

Testimony of Corona Daniels

I am the mother of Jack Daniels. I was at work when I was notified by Fiona Miller that my son Jack collapsed at the party shortly after consuming a can of beer and was rushed to the hospital. Before I arrived at the hospital, Jack was pronounced dead. I always told Jack to avoid drugs and not to drink until he was of legal age. I warned him that drinking alcohol could result in serious and major consequences to his future. Though I am disappointed with his actions, I am significantly angrier with Mrs. Miller for not protecting Jack and allowing him to drink underage without my permission. This never would have happened if she had not permitted my son, along with the other children, to drink under any circumstances. A child should never die before his parents, especially in the care of one of someone I trusted.

Testimony of Captain Henry Morgan

I am Captain Henry Morgan of the Bergen County Police Department. I was patrolling the nearby area when I pulled over a driver in a vehicle that was swerving. Once the driver rolled down the window, I smelled alcohol and noticed signs of being under the influence, so I asked the driver to step out of his car to perform a sobriety test. He was hesitant at first but later obeyed. According to the Breathalyzer test, it was found that the driver was legally drunk, with a blood alcohol content of .09.

By examining the driver's identification, I had noticed his age. I questioned the driver as to where he obtained the alcohol; I learned that he acquired it from the Millers' house. I found out, after further investigation, that the

Millers were hosting a graduation party for teenagers and other family members of the Millers. Alcohol was being served at their party. The driver was taken into custody and processed for underage drinking and driving while intoxicated. His passengers were taken to the precinct as well and later released to their parents.

Testimony of Rod Smirnoff

I am Rod Smirnoff, a certified forensic toxicologist with over 30 years' experience and a master's degree in biochemistry. According to the autopsy, the amount of alcohol that Jack Daniels consumed was minimal, considering his weight of 150 pounds. An average male with his weight and body type, consuming one beer with food in his system, would normally register a blood alcohol level of .02 to .03, which alone would not have been enough to end Mr. Daniels' life.

The addition of the 10 mg Ambien Zolpidem tablet, however, changed the situation. The autopsy revealed that he had taken a tablet prior to the party for reasons unknown. The interaction between the two depressants, the tablet and the beer, worked in conjunction to cause his death. Combined, the two depressants slowed his body's nervous system to the point of it shutting down. Therefore, if Jack had not taken the sedative, the sole consumption of a can of beer would not have killed him.

Testimony of Fiona Miller

I am the mother of Gerard Miller. We held a party at our house to celebrate my son's high school graduation. The party was exclusively for my family and my son's friends. I was supervising the party vigilantly to prevent underage drinking. When I caught the boys attempting to sneak off with alcohol, I approached the group. After we discussed the situation, I reluctantly permitted my son and

his friends only one beer each with the understanding that they all must first eat lunch. They happily agreed and walked straight to the grill to get their food. After finishing lunch and the one beer, I did not see them walk anywhere near the cooler again.

I never would have suspected that Jack, or any of the boys, was under the influence of a sleeping tablet because he had shown no signs of drowsiness.

Jack and his family have been lifelong friends of ours. He was like another son to me, and I would never in a million years wish harm upon him or anyone else at the party. I am extremely devastated over this. I truly wish that things could have been different and that it didn't end for him this way and at this time. Had I known that Jack had taken a sleeping pill, I would never have allowed him to have that one beer.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the Miller family are responsible for the death of Jack Daniels by enabling Jack to drink alcohol in their home.

SUB-ISSUES

1. If other teenagers at the party were able to obtain more than one beer at this party, with or without Mrs. Miller's knowledge, is she negligent?
2. Were the Daniels responsible for their son's consumption of sedatives in their home?

CONCEPTS

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

LAW

2A:15-5.6. *Exclusive civil remedy*

- a. This act shall be the exclusive civil remedy for personal injury or property damage resulting from the negligent provision of alcoholic beverages by a social host...
- b. A person who sustains bodily injury or injury to real or personal property as a result of the negligent provision of alcoholic beverages by a social host may recover damages from a social host only if:
 1. The social host willfully and knowingly provided alcoholic beverages either:
 - (a) To a person who was visibly intoxicated in the social host's presence; or
 - (b) To a person who was visibly intoxicated under circumstances manifesting reckless disregard of the consequences as affecting the life or property of another; and
 2. The social host provided alcoholic beverages to the visibly intoxicated person under circumstances which created an unreasonable risk of foreseeable harm to the life or property of another, and the social host failed to exercise reasonable care and diligence to avoid the foreseeable risk; and
 3. The injury arose out of an accident caused by the negligent operation of a vehicle by the visibly intoxicated person who was provided alcoholic beverages by a social host.
 - (c) To determine the liability of a social host under subsection b. of this section, if a test to determine the presence of alcohol in the blood indicates a blood alcohol concentration of:

- (1) less than 0.10% by weight of alcohol in the blood, there shall be an irrebuttable presumption that the person tested was not visibly intoxicated in the social host's presence and that the social host did not provide alcoholic beverages to the person under circumstances which manifested reckless disregard of the consequences as affecting the life or property of another; or
- (2) at least 0.10% but less than 0.15% by weight of alcohol in the blood, there shall be a rebuttable presumption, that the person tested was not visibly intoxicated in the social host's presence and that the social host did not provide alcoholic beverages to the person under circumstances which manifested reckless disregard of the consequences as affecting the life or property of another.

KILLER KANDY: PARKER V. MONTANA

FACTS

During a Saturday evening, Melinda Parker, mother of five-year-old Aidan Parker, was called in for a shift at work. She worked as a doctor at South County Hospital in Kingston, Rhode Island, a small town far away from any of her close relatives. She received sudden news regarding an urgent operation that needed to be conducted during her shift at 6 p.m., and needed a babysitter to take care of Aidan and prepare him for his bedtime at 8 p.m. It was too great a risk to leave the patient she had been assigned to in critical condition. Therefore, she quickly went onto Babykarekrew.com, an online website that specialized in searching for babysitters, and found 17-year-old Camille Montana.

Camille arrived at Melinda’s house as soon as possible since she was available and close by at that moment. Melinda gave Camille a list of instructions that she needed to follow in order to take care of Aidan and, in a rush, forgot to remind Camille about her prescriptions.

At about 7 p.m., an hour later, Camille finalized all of the things she had to do for Aidan and decided to give the little boy some dessert. Camille provided Aidan with a stool to get a cookie from the cookie jar and went to the bathroom shortly after this transaction.

On the counter with the cookie jar were several of Melinda’s prescription pills that she had transferred into small Ziploc bags for easier access. While Camille tended to herself in the bathroom, Aidan took and swallowed several of his mother’s pills. The pills had a harmful effect on him and shortly after, Camille came out of the bathroom and found young Aidan Parker collapsed on the floor. He was later hospitalized for three days due to his body’s negative response to the medications. Melinda Parker is suing

SCHOOL

Burnet Middle
Union
Grade 8, Honorable
Mention

TEACHER

Allison O’Neill

STUDENTS

Adebisi Akilo
Jannat Chaudry
Krystelle Emogene
Julia Lomotey
Rachel Mendoza
Kyla Ochotorena
Christina Pierre-Louis
Nicholas Vasquez

Camille Montana for the cost of the medical bills as a result of the poor supervision of her child, and endangering Aidan's welfare.

ISSUES

Was Aidan's hospitalization a result of carelessness?

WITNESSES

For the Plaintiff

Melinda Parker

Doctor Sharon Chanel

For the Defendant

Camille Montana

Dr. Riley Rockhill

WITNESS STATEMENTS

Testimony of Melinda Parker

My name is Melinda Parker. I am a doctor at the local hospital in my town and the mother of my five-year-old son Aidan Parker. I was on call the day my son was rushed to the hospital. My boss, Doctor Chanel, called me at around 6 p.m. saying that there was an emergency surgery with one of my patients. Aidan and I live far from any relatives and I am a single mom so I couldn't call my mom, dad, or any of my close relatives to watch him while I was gone. In a rush, I went to find a babysitter on Babykarekrew.com and found a 17-year-old girl named Camille Montana who lived close by. She had pretty good reviews so I thought I would give her a try.

Before I left, I took propranolol, my prescribed medicine for my migraines, and I made sure that the bag was closed and secure. I met the babysitter, Camille, and gave her instructions that she needed to follow up on Aidan's care, and was out of the door shortly after. Then I drove to the hospital.

When I called to check up on them after the surgery, Camille told me that Aidan was being rushed to South County Hospital, the hospital

that I worked at. Moments later, I saw Aidan on a stretcher in the emergency room as his stomach was being pumped. I was informed that he had swallowed about six tablets of the medicine on the counter, which was my propranolol, while Camille was on the phone in the bathroom. He had to stay at the hospital for three days in order for the doctors to monitor him closely and was brought back home under orders to stay on bed rest while I watched over him. Fortunately though, he will be okay, but his previous condition was the result of Camille's poor supervision.

I needed a babysitter to take care of Aidan while I went to the hospital to conduct a surgery on one of my patients. My patient would have died if I had not tended to his injuries. While I was gone, she should have kept a close eye on Aidan and made sure that he was safely secure and out of harm's way before she entered the bathroom. I am suing Camille for \$3,762, roughly the cost of his medical bills, for endangering my child's welfare and putting his life in jeopardy. By failing to perform her duty as a babysitter, she is responsible for hurting my child.

Testimony of Dr. Sharon Chanel

My name is Dr. Sharon Chanel and I am Melinda Parker's boss. On that Saturday evening I called Melinda to the hospital because her patient was in critical condition. Also, since she's doing her residency, which will lead her to eventually becoming a doctor, she has to get used to being called in on the spot. However, the hospital is not tough or unreasonable when it comes to her hours; everyone is aware of her lifestyle, her needs, and the child she has to take care of by herself.

When Melinda came in, she quickly got to work and took care of her patient. The operation on him went smoothly but afterwards I saw her on the phone looking

shocked and extremely upset. She had received a call from her babysitter Camille that her son was being taken to her hospital. Moments after she got off the phone, the paramedics came into the emergency room pushing a boy on a stretcher. I was later informed the boy was Melinda's unconscious son Aidan. I, along with a group of other doctors, immediately gave him CPR and pumped his stomach. We assessed his condition further and concluded that he had consumed an excess amount of propranolol, a prescription drug that treats migraines, hypertension, etc.—and specifically swallowed six tablets of it.

In the end, Aidan was fortunately in good, stable condition but he was required to stay in the hospital for three days. During those three days, Aidan recuperated well, although he continuously kept asking questions and rambling.

After three days he was then free to go home, even though the hospital was substituted as his home since his mother Melinda was by his side through his entire recuperation. We then gave Melinda the bill with a little discount since she works here. At that point Aidan would definitely be fine, but it was vital that he take medication for headaches and dyspepsia, which is also known as a painful stomach ache, and be confined to bed rest. This is a result of the “accidental” pills he took that night that caused him to experience such severe symptoms.

Camille, the babysitter that Melinda appointed, should have kept an eye on Aidan and made sure she was aware of his whereabouts. By leaving the room without making sure that Aidan had received his cookie and was safely secure, she exhibited little to no cognizance of a minor's needs and failed to successfully carry out her job; it was child negligence! Therefore, she is responsible for jeopardizing Aidan's health.

Testimony of Camille Montana

I'm Camille Montana. I am 17 years old and I was babysitting Aidan when this tragic incident occurred. This is just a difficult time for me and my family. The only thing that makes me happy is babysitting, and I forget my problems whenever I work at this job. That is why when I got notified that Mrs. Parker needed an urgent sitter, I accepted the job.

When I was babysitting, Aidan asked me for a cookie from the cookie jar. I gave him a stool in order to reach the jar and watched as he grabbed a cookie out of the jar.

Shortly after, I received an urgent call from my therapist, Riley, regarding my problems with my family. This news disconcerted me and I quickly went into the bathroom to consider the story. Unfortunately, I started crying and experienced a panic attack, which prolonged my time in the bathroom. Fortunately, Riley was able to calm me down and help me regain my composure. This experience only took about five minutes, and when I came out the bathroom, Aidan had collapsed on the floor and his mother's pills were scattered everywhere. I immediately ran toward him and checked for a pulse; it was faint but it was definitely there. From there, I called 911 to give them our whereabouts and gave Aidan CPR to the best of my ability. The ambulance soon came and took him to the hospital where his mom works. I stayed at the house and later on received word that Aidan had swallowed six tablets of propranolol, a prescribed medicine that treated Melinda's migraines. I contacted Riley, my therapist, and told her what happened before eventually leaving the house and going back to my home.

I am aware that Melinda believes I am responsible for Aidan taking the pills, but it is the mother's fault. She shouldn't have kept her pills at such a close range or made them so

easily accessible in Ziploc bags, especially not with a child in the house. If she had told me that Aidan was curious when it comes to the pills, I would have kept him away and made sure that her medications were safely put away. But I wasn't told to heed the prescription drugs on the counter, nor did she tell me what kind of pills they were. It was her responsibility to warn me, put her pills in a restricted area, and baby-proof her house. Therefore, I do not feel responsible for Aidan's condition.

Testimony of Dr. Riley Rockhill

My name is Riley Rockhill. I am Camille Montana's social worker. According to Camille, she enjoys working as a babysitter for anyone, so I was aware that Camille babysat quite often, and I knew what situations Camille would go through when doing such a job. At around 7:45 p.m. I received a call from Camille's mother. In an angry, unexpected outburst, she accused me of starting the conflict between her and her daughter and blamed me for the animosity between them. Shortly after this, I called Camille to check on her around 8 at night. Camille took my call and went to the bathroom, and because of the upsetting news, started to cry and panic from anxiety, but I managed to soothe her before things got out of hand. When she was calm, we agreed to speak later and got off of the phone.

She later contacted me and told me all that had happened with Aidan: when she came out of the bathroom, she saw Aidan on the floor after taking the pills. Camille was never told about the prescription drugs on the counter, so when she entered the bathroom, in distress, and had to tend to personal matters, she was unaware of them. Camille is already diagnosed with anxiety and depression and has been in my care for the past three years, so her going into the bathroom for me to help

her deal with her problems is understandable. She has the right to privacy. She made sure that Aidan got the food he was asking for, and at the time, she was talking to me to calm her down. I believe she is not responsible for the bills of Aidan Parker or for his previous condition.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Aidan's condition was the result of child negligence that Camille Montana is responsible for. The defense must justify whether Camille's excuse to leave the child unattended and tend to her predicament proved a necessity to her well-being and her ability to care for Aidan Parker.

SUB-ISSUES

1. Were there no active doctors to call for the emergency surgery in that moment?
2. Did Melinda Parker's acquisition of an on-call shift play a role in Aidan Parker's injuries?
3. Was Camille Montana qualified to be a temporary caretaker of a minor under her circumstances?
4. Is Ms. Montana responsible for paying \$3,762 for Aidan Parker's medical bills?

CONCEPTS

1. Endangering the welfare of a child.
2. Cognizance of a minor's necessities.
3. Child negligence.
4. Right to privacy.

LAW

Child Care Regulations, V:B-9A. Drugs

- a. All drugs including over the counter and prescription drugs are to be kept in a locked storage space.

Child Care Regulations, VI.:G-1

Each child in care shall be adequately

supervised at all times, as appropriate to the child's needs and level of development.

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