



PREFACE

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

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

Following are the winning students' cases from the Law Fair 2023 Competition. They may be used as a guide to prepare a submission to the Law Fair Competition or as a classroom exercise. Law Fair helps to fulfill

civics education requirements, such as New Jersey Learning Standard 6.3.8 CivicsPR.5, engagement in simulated democratic processes which includes judicial proceedings.

Please note that some of the cases may contain "laws" created by the students for the purposes of this competition, which may not necessarily be actual laws.

Since these mock trials were

written by

children,

the

technically accurate.

These materials are produced for

content should not be considered

These materials are produced for educational purposes only. To make the scenarios more meaningful and allow students to reflect on actual conflicts they may confront, the submissions sometimes touch upon issues reported in some of the challenging news stories of the day; however, please note all characters, names, events and circumstances are fictitious. No resemblance or reference to real individuals, events or circumstances is intended or should be inferred.

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

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

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

If you would like to participate in the Law Fair Competition, please call 732-937-7519 or email sboro@njsbf.org.

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

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CONTENTS

The Case of the Missing iPhone 14 Pro Max
The Case of the Missing Class Pet
State v. Thomas Fibs
The Case of the Rock Climber: Rock E. Johnson v. Ned S. Cliffs 14
The Awards Ceremony: Honors v. Tailor
The Payneful Act of Heavy Lifting: Payne v. Elite Magnet Academy High School
The Case of the Missing Bag: State v. George Williams
The Case of the Parachute Predicament: The Shoot Family v. Let It Rip Skydiving Industries
The Case of the Tampered Vape
Cheerleading Fail
Roberts-Jones v. Thompson-Jones



THE CASE OF THE MISSING IPHONE 14 **PRO MAX**

SCHOOL

Nicolaus Copernicus PS #25

Jersey City

Grade 3

First Place

TEACHER

Stephannie Lopez



Ilian Krachai Shivam Pagam

On March 12, 2021 in Jersey City, New Jersey, at approximately 12:30 p.m., an iPhone 14 Pro Max was reported missing. The iPhone was on display in the Apple Store. A man, Jake Stevens, came into the store and asked about the cost of the iPhone and the store clerk, Yoshi Kimber, answered him. The store clerk said it cost about \$1,200. At that time another guest, Tim Burton, came into the store and asked for help with another phone. When Yoshi came back to where Jake was, he noticed the phone was missing. Tim reported that he saw Jake grab the phone off the counter and walk out of the store. He also noticed that Jake had a friend waiting for him outside the store.

ISSUE

An iPhone 14 Pro Max was missing from the Apple Store.

WITNESSES

For the Prosecution

Yoshi Kimber Tim Burton

For the Defense

Jake Stevens Noah Ether

WITNESS STATEMENTS

Testimony of Yoshi Kimber

My name is Yoshi Kimber. I am 20 years old. I have worked at the Apple Store for 16 months. This is my first job. On the afternoon of March 12, 2021, a man (Jake Stevens) came in. He asked the price of an iPhone 14 Pro Max. I took the phone from the case and gave it to him to look at. Meanwhile, Tim came into the store and needed help with his broken phone. I

helped him and when I looked around, Jake and the phone were both gone. I immediately called the cops.

Testimony of Tim Burton

My name is Tim Burton. I am 25 years old. I work at Walmart next to the Apple Store. During my lunch break I went to the Apple Store.

I walked into the Apple Store and I remember a man (Jake) was looking at the iPhone 14 Pro Max. I talked to the store clerk, Yoshi. I was explaining to him that my phone was not working. He went to the closet to get me another phone to look at, and I saw Jake take the iPhone 14 Pro Max off the counter when Yoshi's back was turned. He quickly grabbed the phone and put it into his suitcase. He pulled up his hood and walked out of the store without paying. He then walked over to a friend and spoke quickly to him and they walked away fast. I told Yoshi right away about what I saw.

Testimony of Jake Stevens

My name is Jake Stevens. I am 30 years old. I went to the Apple Store in Jersey City to look at new phones because my old phone broke. My friend Noah came with me and waited outside. After my trip to the Apple Store, I was going to be traveling so I had to make it quick. When I walked into the store, I asked the store clerk (Yoshi) if there were any new phones available. Yoshi said there was a new phone available. He recommended getting the iPhone 14 Pro Max. It was the last one in the store. Yoshi gave me the phone to look at and I asked about the cost.

Yoshi went to help another customer. I liked the phone but I did not have the money for it, so I left it on the counter and

walked out. When I got outside, Noah told me we had to hurry up because I was going to miss my train. So we hurried off quickly. I did not steal the phone. There were other customers in the store. Yoshi the clerk was irresponsible for leaving it on the counter for so long.

Testimony of Noah Ether

My name is Noah Ether. I am 30 years old. I have been friends with Jake since kindergarten. Jake asked me to go to the store with him because his phone was broken. I was standing outside the Apple Store. I never went into the store because it was such a nice day. I saw Jake walk out of the store. He did not have a new phone in his hand. The only thing I remember is that he was holding his iPhone 13 that he already had. I told him we had to hurry or he would miss his train. So we rushed away. I have known Jake for a long time, he would never steal anything.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that there was intentional theft from the Apple Store.

SUB-ISSUES

- 1. Were there any other eyewitnesses?
- 2. Which witness is more credible?
- 3. Is the employee responsible for leaving the customer unattended with such an expensive item?

CONCEPTS

- 1. Burden of proof.
- 2. Credibility of witnesses.

LAW

In New Jersey, shoplifting is governed by N.J.S.A. 2C:20-11 and can range from a

disorderly persons offense to a second degree crime. The degree of crime in which you are charged depends upon the amount of monetary loss involved in the theft. If the property in question amounts to less than \$200, then it is a disorderly persons offense and carries the potential for up to 6 months in jail.

- 4th degree shoplifting—\$200-\$500 Up to 18 months in jail
- 3rd degree shoplifting—\$500-\$75,000 Up to 3-5 years in prison
- 2nd degree shoplifting—more than \$75,000
 Up to 5-10 years in prison

Since the iPhone14 Pro Max had a value of \$1,200.00, we would be looking at a 3rd degree shoplifting offense with up to 3-5 years in prison.

Source: https://www.lslawyers.com/n-j-s-a-2c-20-11-shoplifting.html



THE CASE OF THE MISSING CLASS PET

SCHOOL

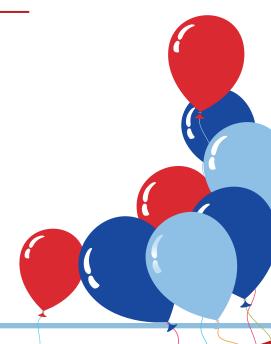
Nicolaus Copernicus PS #25 Jersey City Grade 3 Second Place

TEACHER

Christina Cole

STUDENTS

Bhooma Chaudhari Tanishka Choudhary Dishari Das Ayaan Dhamnakar Vihaan Gadve Neetha Grandhi Prayosha Kaklotar Warshik Kamble Shanmukh Konda Janya Kumar Saadia Malik Vidit Patel Saren Rambarrat Avaneesh Satrasala Zayan Shahbaz Aarika Singh Arianna Thomas



Class 311 took a poll to decide on the class pet. The poll was closed and the choices were either a fish or a turtle. The students decided that the class would have a fish instead of a turtle. The class pet was a fish named Finsy.

On a Wednesday afternoon, the students left for lunch, and Finsy was in his tank when they left. When they returned, Finsy was missing! A student named Ronny Gills saw water dripping out through the doorway. He asked everybody if they had seen the fish.

A teacher named Mrs. Beta said that she saw a boy named Jeff Shells go into the bathroom and come out with wet hands. His friend Nema Scales told him he should dry his hands when he came out of the bathroom. Mrs. Beta followed the trail to the bathroom. She found the fish in the toilet! Jeff Shells had been the only one to go to the bathroom during lunch. Ronny Gills said that Jeff Shells took the fish and should be punished. However, Nema insists Jeff Shells did not do it.

ISSUE

Did Jeff Shells steal the class pet with the intent to get rid of it because he wanted a turtle as the class pet?

WITNESSES

For the Prosecution Ronny Gills Mrs. Beta

For the Defense Jeff Shells Nema Scales

WITNESS STATEMENTS

Testimony of Ronny Gills

My name is Ronny Gills and I'm a student in Mrs. Beta's class. Last month, we took a class poll to vote on what kind of class pet we wanted for our class. It was a close poll and the choices came down to a turtle or a fish. The majority of our class was excited that the class fish won because most of us thought that having a class fish as a pet would be easier to maintain during the school year. Most of us have a fish at home so we know how easy it is to have a fish as a pet. When Mrs. Beta announced to the class that we will be getting a fish as a pet, the whole class cheered except Jeff Shells who shouted, "Noooooo! Fish drool and turtles rule! I don't want a fish as a class pet."

The day when Mrs. Beta brought in the class fish, Jeff Shells continued to tell the class that he did not like Finsy (the class fish). When we were lining up to go to lunch, Jeff Shells tapped the fish tank and said, "I hope you are not here tomorrow!" While at lunch, I saw Jeff Shells go to the bathroom and he came back with wet hands. Our classmate Nema said, "You should dry your hands when you come out of the bathroom. That's gross!"

When the class returned from lunch, there was a trail of water that led to the bathroom and our fish was missing! We told Mrs. Beta and she went into the bathroom and saw Finsy in the toilet bowl! Jeff was the only one who went to the bathroom during that time so I know he tried to get rid of our Finsy! He is guilty and should be punished because he took our class pet!

Testimony of Mrs. Beta

My name is Mrs. Beta and I'm the teacher

in room 311. Our class took a poll to decide on the class pet. I noticed that Jeff Shells was annoyed that the class did not vote to have a pet turtle as a class pet. When the class lined up for lunch, Jeff said to Finsy our fish, "I hope you aren't here when I get back from lunch."

I was working lunch duty that day and Jeff Shells asked to go to the bathroom. He was gone for about five minutes and when he returned he came back with wet hands. I heard my student Nema say, "Dry your hands when you come out of the bathroom." When we returned from lunch, we saw that the fish was missing. There was water on our floor and the drops of water led to the boy's bathroom. I followed the trail of water and I looked inside one of the bathroom stalls. There was Finsy swimming around in the toilet bowl!

Testimony of Jeff Shells

My name is Jeff Shells and I'm a student in Mrs. Beta's class. It's true that I was upset that our class did not have a turtle as a pet. I have a pet turtle and I enjoy having him as a pet, that's why I did not want a fish as a class pet. When our class lined up for lunch, I did say, "I hope you are not here tomorrow." I just said it to be funny and I said it under my breath, but I guess some of the other students heard me.

I went to the bathroom at lunch and there were other boys there from a second-grade class. They are on the other side of the cafeteria so Mrs. Beta couldn't see if the other boys were in the bathroom. I went to the bathroom and washed my hands. There were no paper towels left in the bathroom, so when I sat down at my table, Nema said, "Dry your hands, that's gross!" I whispered to Nema that there were no paper towels in the bathroom again!

When we came back from lunch, there was water coming from our classroom that led to the bathroom. The fish tank was empty and Finsy wasn't there. Mrs. Beta checked the bathroom and came back and said, "Finsy is in the toilet bowl!" I don't know how he got there but I'm upset that the class is blaming me. Even though I wanted a turtle as a pet, I would never want to be known as the class fish killer. Ronnie Gills kept telling the class that it was me but I didn't do it!

Testimony of Nema Scales

My name is Nema and I'm friends with Jeff Shells in room 311. It's true that Jeff Shells didn't like the class pet but he did not mind the fish as a pet. I said he was gross because he came back from the bathroom with wet hands. He whispered to me and said, "There were no paper towels in the bathroom." He told me that when he was in the bathroom, there were second-graders playing in the bathroom and they were in the hallway near our classroom. Several of the students were laughing and whispering in the bathroom, but he told me he couldn't hear what they were saying. Jeff is my friend and I know that he would never take the fish out of the classroom to flush it down the toilet. I think one of the secondgraders took it and tried to flush the fish down the toilet. Ronnie Gills is trying to blame Jeff and it's unfair!

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that there was intentional theft from the classroom.

SUB-ISSUES

1. Did the school have cameras in the hallway to see who entered the

- classroom and bathroom during the lunch period?
- 2. Were there paper towels in the bathroom during the lunch period?
- 3. Did any second-graders hear what the boys were whispering about during their lunch period?
- 4. Is Nema covering for Jeff because they are good friends?

CONCEPTS

- 1. Burden of proof.
- 2. Credibility of witnesses.

LAW

2C:20-3. Theft by unlawful taking or disposition

a. Movable property. A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with purpose to deprive him thereof.



STATE v. THOMAS FIBS

SCHOOL

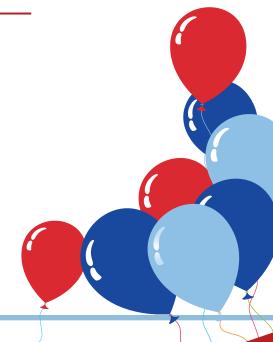
Chesterfield Elementary Chesterfield Grade 4 First Place

TEACHER

Nicole DiMaiuta

STUDENTS

Olivia Bate Shaunak Biswas Jack Kenny Shloka Mehta Christian Molina Landon Supal Aadhya Tadisina



On Wednesday, December 22, 2021, at 3:16 p.m., Thomas Fibs walked into Perlamuse Jewelry in Cranbury, NJ to apply for a job as a sales associate. Mr. Fibs is a 32year-old man that had gotten fired from his old job recently and needed to pay rent that was due by December 30th. Unfortunately, Mr. Fibs didn't get the job at the jewelry store. As he was walking out of the store, he witnessed a man leaving that was later accused of stealing a ring and a necklace, which together cost \$11,000. Since Mr. Fibs was at the jewelry store at the time of the crime, he was asked to be a witness in the trial. On February 3, 2022, Mr. Fibs told the judge and jury that he did not see the man steal anything.

Due to this, the man accused of stealing the jewelry was found not guilty. About four weeks later, Candid Camera, a customer in the parking lot of Perlamuse Jewelry on the day of the crime, noticed Mr. Fibs and the accused man were in the background of a video she had taken. In the video, Ms. Candid saw the two men talking closely and then saw them shake hands. Ms. Candid thought that this was very suspicious, so she took this evidence to the police station. The police believe that Mr. Fibs was lying in court and now is being accused of perjury.

ISSUE

Is Thomas Fibs guilty of committing the crime of perjury?

WITNESSES

For the Prosecution
Candid Camera
Landon Lord

For the Defense

Thomas Fibs Amanda Assist

WITNESS STATEMENTS

Testimony of Candid Camera

My name is Candid Camera and I'm 27 years old. I live in a small house in Cranbury, NJ and I am a jewelry designer for The Art of Jewelry. I love my job because I love drawing and am very fond of all different types of jewelry. That's actually how my best friend Emily and I met. One day, I wanted to get inspiration at a different jewelry store for my designs, so I went to Perlamuse Jewelry. It's only five minutes from my house and when I got there I met Emily, the store manager of Perlamuse Jewelry. We bonded over our love of jewelry and became close friends. I normally go to visit Emily on my lunch break and sometimes I even have lunch with her.

One time on my break, I went inside to visit her and something caught my eye, a shiny rhinestone ring. The moment I saw it, I couldn't stop thinking about how I wanted to add the ring to my collection! The ring cost \$3,000, so I took a long time deciding if I wanted to get it or not. On December 22, 2021, I finally decided to buy the precious, rhinestone ring. I went inside Perlamuse Jewelry and was so excited to buy it. Emily and I were chatting a little in the store and I told her about my decision to purchase the ring. After I bought it, I was extremely happy and couldn't wait to show it off to my friends. I was in the parking lot of Perlamuse Jewelry and took my phone out of my pocket, so that I could take a video and post it on Facebook.

About four weeks later, I was checking my phone to see if anyone else had replied

to my video. Then, all of a sudden one of my friends frantically texted me. She told me that there were two men in the background of my video that looked very similar to one of the guys on the news. That man was accused of stealing a necklace and a ring the same day I bought my ring from Perlamuse Jewelry. I watched the video again and was super surprised! At first, I thought I was seeing things because I didn't even notice anyone else was there since I was so obsessed with my ring.

However, I did recognize both of those men. The person on the left in the video was Thomas Fibs. Thomas was an employee at my job, but he got fired about a month ago because a ton of customers were complaining about him. I barely knew him but he had a reputation of lying to other coworkers and bragging about how amazing he was as a salesperson. The man on the right in the video was someone who I saw on the news. He was accused of stealing a necklace and a ring that in all cost \$11,000.

I quickly jumped in my car and drove to the police station. The evidence that I found in my video was very disturbing to me. They looked suspicious in the background and I think it could be possible that the man was trying to bribe Thomas into saying that he didn't see anything. Thomas is known to lie, so I am convinced he lied about what he saw that day of the crime too.

Testimony of Landon Lord

My name is Landon Lord and I am 49 years old. I am a landlord for an apartment building in Cranbury, New Jersey. I love my job because I get to help people and meet new people coming into the building. That's why I've been working here for 13

years. Thomas Fibs is a tenant that lives in my apartment building and has lived here for seven years. We had a great relationship and became close friends, but recently Thomas has been late paying his rent. This issue kept happening and as a result, we're not really friends anymore.

In December, Thomas really wanted me to extend his deadline for his rent, but I couldn't do anything about it. He was always complaining about when rent was due and how much it was, which was \$1,300. Thomas was already late on the past four months of rent and I was sick of it. I told him if he is late one more time, he would be evicted from the apartment building. Right after I said that, he got really mad at me and we haven't talked since.

On December 23, 2021, I was walking into the building when Thomas handed me \$1,300 in cash. I was totally shocked that he not only paid in cash, but was seven days early. He was also suspiciously happy when he gave it to me. Thomas has never paid with cash, just with his credit card, which makes me believe that he had to have gotten the money from someone. I asked him where the money came from and he paused for a moment, then said, "I have a very generous friend that loaned me some money." I never knew Thomas had any other close friends besides Amanda Assist, his neighbor, and thought the whole thing was odd. I asked Amanda if she lent him money and she said she didn't.

Early the next morning, I was reading an article and saw that someone had robbed the Perlamuse Jewelry store the same day that Thomas tried to apply for a job there. I think it's very suspicious that he gave me the money for rent the day after the crime was committed.

Testimony of Thomas Fibs

My name is Thomas Fibs and I am 32 years old. I live in an apartment in Cranbury, New Jersey. I used to work at The Art of Jewelry as a sales specialist, but was fired recently when I did nothing wrong. My boss said I got a lot of complaints, but my customers always said how kind and helpful I was. Since I got fired, I needed to find a new job in order to pay my rent on time. I saw a sign driving past Perlamuse Jewelry that said "Now Hiring," so I thought I could have a chance to work there but I was wrong. After my interview, they told me that I was not going to be hired because I was just fired from the other jewelry store. As I was leaving, I was so furious and accidentally bumped into someone in the parking lot. I quickly turned around, said sorry, shook hands with the man and then I left.

I was really stressed out and wasn't sure what I would do if I could not pay my rent. The next day, I went to my friend's house, explained how I lost my job and was very desperate for money. He was generous enough to lend me money and told me I had to pay him back, so I continued to look for a job. After I got the money, I handed it over to Landon Lord and was extremely happy that I would not be evicted. Landon was shocked that I even had the money, which made me even happier because he always doubted me.

Two months later, the same man that I bumped into at Perlamuse Jewelry was accused of stealing. I was called in as a witness because I was there the same day at the same time. When I was on the witness stand, the prosecutor asked what I saw that day and I explained that I did not see the man steal anything. I just bumped into him in the parking lot and he didn't look like he was in a rush, which was the truth. I only

saw him outside of the store, so I did not see him actually steal anything. I did not lie.

Testimony of Amanda Assist

My name is Amanda Assist, I am 31 years old and work at Studio 43 Hair Design as a hairstylist. I have lived in Cranbury, NJ my whole life, but I have lived in the same apartment complex as Thomas Fibs for the past 10 years. Tom is my next-door neighbor, which is how we became best friends. Tom is a cheerful man, but he is always having troubles with our landlord, Landon. Tom was always stressed about his rent because his last job didn't pay enough, so he kept falling behind on his payments. I can tell Landon despises Tom because he never gave him even an extra day to pay rent and would threaten to kick him out if he didn't pay on time.

On December 22, 2021, Tom asked me to look after his dog, Woofer, because he was going to an interview for a job at Perlamuse Jewelry. Tom said that if he got the job, he would finally make enough money to pay his rent. He went out for a few hours and when he came back, he was unusually sad. I'd never seen him that upset before and could tell that he was really hoping he'd get the job but unfortunately he didn't.

The next day, I called Tom to see if he wanted to eat lunch together to cheer him up and make sure he was okay, but he told me he was already invited to another one of his friends' houses. When Tom came back, I saw him outside of our apartment building and he was smiling, so I asked why he was so happy. Tom said his friend loaned him the money to pay rent, and I was excited for him because now he didn't have to worry about it.

On February 3, 2022, Tom was called in to be a witness for a crime where a man was

accused of stealing from Perlamuse Jewelry the same day he interviewed for a job. Tom told me that he was there the same day that the theft took place, but he didn't see anything. Since he was so sad that day, I believe that he didn't notice anything happening. Tom is a very kind, selfless, passionate, and persistent man. I would never believe that he would lie or take a bribe, even if he needed money.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that Thomas Fibs committed the crime of perjury.

SUB-ISSUES

- 1. Who was the friend that lent Mr. Fibs money?
- 2. What were Mr. Fibs and the accused man actually talking about in the parking lot and for how long?
- 3. Why did Mr. Fibs and the accused man shake hands?

- 4. Does Mr. Fibs have a history of lying?
- 5. How much money did this friend lend Mr. Fibs?

CONCEPTS

- 1. Perjury.
- 2. Burden of proof: beyond a reasonable doubt.
- 3. Circumstantial evidence vs. direct proof.
- 4. Credibility of witnesses.

LAW

If a person is guilty of committing perjury in any official proceeding, they can be sentenced to 3 to 5 years in prison and up to \$15,000 in fines.

https://www.findlaw.com/state/new-jersey-law/new-jersey-perjury-laws.html



THE CASE OF THE ROCK CLIMBER:

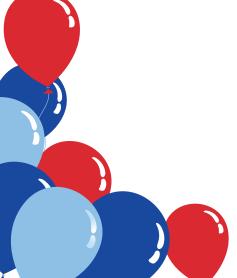
ROCK E. JOHNSON V. NED S. CLIFFS

SCHOOL

Joyce Kilmer Mahwah Grade 4 Second Place

TEACHER

Maureen Schaffner



STUDENTS

Arnav Bhilawade Jack Charles-Fein Stanley Chen Ander Greene Aaron Hung Mariia Nosulchyk Christian Ohansian Prisha Orpe Audrey Tremblay

On Friday, March 13, 2020, Rock E. Johnson and his friend, Danielle Diamond, went rock climbing at Climbing Uncharted. They took a lesson that showed how to tie knots, how to position your body, and how to check your materials. During the class, Rock E. Johnson was distracted by TikTok. The owner, Ned S. Cliffs, and the guide, Henry Hessonite, were focused on the class and did not notice. Rock E. Johnson signed a waiver that said that people cannot sue Climbing Uncharted if they get hurt.

Henry Hessonite took a small group to the far side of the cliff to go climbing. The rope snapped and Rock E. Johnson fell.
Rock E. Johnson was injured. He was not able to finish his last semester of college. He is now suing Ned S. Cliffs and Climbing Uncharted for the cost of his injuries and the cost of the extra semester of college that he needs to take.

ISSUE

Is Ned S. Cliffs and the Climbing Uncharted Company responsible for the rope snapping and Rock E. Johnson's injuries?

WITNESSES

For the Plaintiff
Rock E. Johnson
Danielle Diamond

For the Defense Ned S. Cliffs Henry Hessonite

WITNESS STATEMENTS

Testimony of Rock E. Johnson

My name is Rock E. Johnson. I am a famous TikToker with 6.8 million followers. I am a college senior at High Point

University. On Friday, March 13, I went rock climbing at Climbing Uncharted with my friend Danielle Diamond. First, we had a safety class with 26 other people. Ned S. Cliffs taught us some safety stuff and how to get the right gear. During the class, I got some TikTok notifications and looked away for a second. We signed a waiver, then went rock climbing.

Henry Hessonite, the guide, brought us to the far side of the cliff. Henry gave us ropes and we got ready to climb. I tied my rope on a rock and I climbed up a little. Then, I made my TikTok post. But while I was making the post, the rope snapped and I fell. I had a concussion, lost a few teeth, and got a dislocated ankle. This was told to me by the doctor after I got to the hospital because I blacked out when I fell. I was just going to graduate in a few months, but because of my injuries I have to wait until September! Plus, I have to pay for another semester of college!

Testimony of Danielle Diamond

My name is Danielle Diamond. On Friday, March 13, 2020, my friend Rock E. Johnson and I went to a rock-climbing company called Climbing Uncharted. First, we took a safety lesson. We learned about how to tie knots, how to position your body, and how to check your equipment. I noticed that Rock got distracted by a TikTok notification. I wanted to tell him to listen to the teacher, but I heard the teacher say something important and I forgot to tell him. After the lesson, our guide Henry Hessonite said that he was new and not to give him a hard time. Before we went climbing, we signed a waiver so that we could not blame the company for injuries while climbing.

Our guide got some ropes and brought

us to the far side of the cliff to start climbing. I noticed that the bag of ropes he got wasn't in the bin of checked ropes. It was on the floor. I guessed that it just fell out of the checked bin. Henry brought us to the far side of the cliff. I noticed there were a lot of sharp rocks in the area. As Henry was giving some warnings about the sharp rocks, Rock got distracted again by TikTok. Henry gave us the ropes and we tied them and started climbing.

When we were halfway up, Rock E. Johnson started TikToking again. He let go of the rope to start videotaping us, then the rope snapped and he fell halfway down. Rock got seriously hurt and now he hates the outdoors. He told me he will never go climbing again.

Testimony of Ned S. Cliffs

My name is Ned S. Cliffs and I am the owner of Climbing Uncharted. On Friday, March 13, 2020, a famous TikToker Rock E. Johnson was coming to climb and we were so ready! An hour later, he was here and we were giving a safety lesson about checking equipment and how to tie the rope. We always make sure that our ropes are good and ready. We have a bin for unchecked ropes and a bin for checked ropes and we are super careful when checking our ropes. All our guides check their climbers' knots carefully.

Rock E. Johnson signed a waiver that he wouldn't blame my company for accidental injuries. I left Rock and his friends to climb with their guide. Later I received a message that he fell and got seriously injured. They said that he had been distracted by TikTok and the rope snapped. I have been truly worried for his safety and health.

Testimony of Henry Hessonite

My name is Henry Hessonite. I started working at Climbing Uncharted on March 2, 2020. On Friday, March 13, 2020, I was watching the owner teach the safety class. The lesson included how to tie knots, how to position your body, and how to check your equipment. I was very focused on the lesson and nothing else.

After the safety lesson, I gathered my group and picked up a bag that was on the floor in front of the checked ropes bin.

Then I noticed that the famous TikToker Rock E. Johnson was in my group. I was so excited! I took my group to the far side of the cliff, which is my favorite spot. I warned them to not tie their knots near sharp rocks. Then we tied our knots and they all looked good to me. So, we started climbing. Then Rock E. Johnson fell. I quickly sent a message to my boss, Ned S. Cliffs, to tell him that Rock fell. I called an ambulance and they took Rock to the hospital.

INSTRUCTIONS

The plaintiff must prove to the jury by a preponderance of the evidence that Climbing Uncharted is responsible for Rock E. Johnson's injury.

SUB-ISSUES

- 1. Did Climbing Uncharted use faulty ropes?
- 2. Did Rock E. Johnson tie his rope near a sharp rock?
- 3. Does the waiver affect the case or not?
- 4. Is the plaintiff at fault for being on TikTok?

CONCEPTS

- 1. Obligation of the company.
- 2. Breach of obligation.
- 3. Actions of the plaintiff.

LAWS

- 1. Climbing Uncharted had an obligation to provide a safe rope for their climbers.
- 2. It must be proven that Climbing Uncharted breached their obligation.
- 3. When Rock E. Johnson signed the waiver, it did not release him from all responsibility to climb safely.



THE AWARDS CEREMONY

HONORS v. TAILOR

SCHOOL

Johnnie L. Cochran Jr. Academy East Orange Grade 4 Honorable Mention

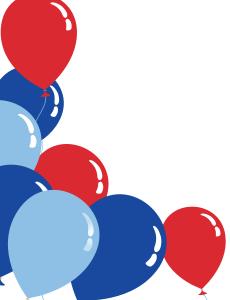
TEACHER

Patricia Hurt

STUDENTS

Bryan Allen
Au'bri Bethea
Arianna Brun
Andrea Bueno
Jordan DaCosta
Miriam Diallo
Roxanna Doughty
Sanabia Flaveney
Aaryn Gunn
Adabelle Jimenez
Khyir Johnson
Kiyoir Jones
Sarii Lewis
Zaire Lindo
Abigail Magliore

Christian Palmer
Prince Reece
Abby Rivera
Myla Rivera
Shendens Roberts
Kiran Robinson
Jayline Roseme
Mekhi Schmader
Aaron Seale
Alaizia Simms
Matthew Stradford
Bailey Thompson
Laioni Turner
Tamia Velez
Ibn Waller



Onika Honors is a fifth-grade student at the Cochran Jr. Academy. She is excited about the upcoming awards assembly, as she believes she will be receiving a certificate for perfect attendance as well as honor roll. Principal DoRight has informed the students that they must wear the school colors at the ceremony, which are grey and burgundy. Onika has decided to ask her mom to make her a pleated grey skirt. Onika plans to complement her skirt with a pretty burgundy Ralph Lauren sweater.

As graduation approaches, Momma Honors decides to ask her dear friend, Ms. Tailor, to make a pleated skirt because she does not have enough time in her schedule. Ms. Tailor assured both mother and daughter that the outfit would be completed in time for the ceremony. Two months prior to the ceremony, Ms. Tailor arrived at the Honors' family home to take Onika's measurements. Ms. Tailor brought with her a flexible measuring tape. She asked Onika to stand upright, in a relaxed position, with her feet together. Ms. Tailor asked Onika to breathe normally as to make sure the tape comfortably fit her body as she measured for the skirt.

Days before the graduation, Momma Honors became concerned that the skirt would not be completed in time as she had not heard from Ms. Tailor. Onika was excited to see the completed skirt, and how it would look with her designer sweater. A frantic Ms. Tailor delivered the pleated skirt the morning of the graduation ceremony.

Ms. Tailor stated, "I accidently jammed my index finger in the car door several weeks ago." This injury made it incredibly difficult to sew by hand, or use her sewing machine. Even with her injury, Ms. Tailor wanted to keep her promise and finish the skirt. When Onika tried on the skirt, Mama Honors said it was obvious that the skirt had been sewn improperly. The skirt was too small and it had a noticeable stain on the fabric. Momma Honors complained that the material appeared to be cheap, because one could see through the skirt. There was no hem allowance at the bottom of the skirt. Reluctantly, Momma Honors convinced Onika she would have to wear the skirt or not participate in the awards ceremony, which was within the next two hours. A teary-eyed Onika put the skirt on with her decorated burgundy top.

As the ceremony began, Onika was called to the podium to receive her certificates. That is when she heard a tear from the side of her skirt as she arose to go on stage. When Onika glanced at the side of her skirt, she saw a three-inch tear. Believing that her friends would see the tear if she went on stage, she ran to her mom in the audience, crying, pointing to the tear on the skirt. Momma Honors could not convince Onika to accept her award on stage.

Momma Honors is suing Ms. Tailor for the cost of the skirt and the emotional distress her daughter suffered from the embarrassment of wearing a botched skirt. Onika feels that she cannot face her friends because of this incident.

ISSUE

Does Momma Honors have a breach of contract against Ms. Tailor for failing to properly sew Onika's skirt for the school assembly?

WITNESSES

For the Plaintiff Momma Honors Onika Honors

For the Defense

Ms. Tailor Principal DoRight

WITNESS STATEMENTS

Testimony of Momma Honors

My name is Momma Honors and I am the mother of Onika Honors. I paid Ms. Tailor one hundred dollars in advance to sew a skirt for my daughter for her graduation ceremony. I paid her two months before the ceremony, and she assured me that the skirt would be completed in time. I tried several times calling her cell phone, but she never answered the phone. Ms. Tailor didn't bring the skirt until the morning of graduation. Ms. Tailor said she accidentally slammed her finger in the car door two weeks before.

This injury delayed Ms. Tailor completing the skirt on time. I was completely unhappy with the skirt as the material appeared to be cheap and not well made. I had to convince Onika to wear the skirt since I didn't have time to find a replacement. My heart was broken when I saw Onika crying as she pointed at her skirt. I am suing Ms. Tailor for the return of my money and the emotional distress she caused me and my daughter.

Testimony of Onika Honors

My name is Onika Honors and I am a fifth-grade student at Cochran Academy. My mother had Ms. Tailor make a skirt for me for the awards ceremony. I was so excited about the ceremony because I was going to be recognized for perfect attendance and honor roll. I had a lovely burgundy top to go along with my grey skirt. I couldn't believe that I didn't get to see the skirt until the day of the graduation.

The skirt was too small and didn't fit

correctly. My mom convinced me to wear the skirt anyway even though it was too tight! As I was sitting in the auditorium, I heard and then saw a tear on the side of my skirt. I was too embarrassed to go on stage when my name was called so I ran to my mother in the audience and began to cry. I was so embarrassed in front of my friends. I do not want to go back to school because I believe I will be bullied.

Testimony of Ms. Tailor

My name is Ms. Tailor and I am a seamstress. Mrs. Honors requested that I make a skirt for her daughter for graduation, and I agreed. Unfortunately, I had an accident with my finger which stopped me from getting the skirt to the Honors family earlier. I came to the Honors' home and personally took measurements for the skirt. When I measured Onika, she was a perfect size 7/8. Based on my measurements, I purchased what I believed would be the most suitable material. Momma Honors never specified the type of material to purchase. I did my best given the information she supplied. I have a no refund policy.

When I arrived the morning of the ceremony, it was obvious to me that Onika was now a size 9/10. The reason the skirt tore was because the skirt was too small. Onika had gained weight and that is not my fault. I do not believe Ms. Honors should get her money back. I am not responsible for Onika's weight gain. This is the mother's fault. She should have called me to make the necessary adjustments as my phone has never been disconnected. Kids grow all the time.

I want the Honors to stop spreading rumors that I am a poor seamstress or I will sue them. I want Mrs. Honors to bring the

torn skirt to court. The judge and jury will see that there was nothing wrong with the skirt, only that Onika gained some weight.

Testimony of Principal DoRight

My name is Principal DoRight of Cochran Academy. Recently we had an awards ceremony and all students were required to wear the school colors, burgundy and grey. I informed the students any clothing combination would be permitted such as a skirt or a pair of slacks, as long as they represented the school colors. I was not made aware of any issue with Onika's skirt until I saw her refuse to come on stage to receive her certificates.

Had I been made aware of the problem, I'm sure we would have been able to find an appropriate substitute skirt or pair of slacks. I was able to finally see the tear in the skirt and I think it was an unfortunate incident that didn't have to happen. We at Cochran have a no-bullying policy, so I strongly doubt that her peers would have said anything about the skirt. Onika unnecessarily brought attention to herself.

INSTRUCTIONS

Momma Honors must prove by a preponderance of the evidence that Ms. Tailor was negligent in making the skirt. An emotional distress lawsuit may be brought

against someone who acts in a manner that directly causes another person to suffer a significant amount of distress even if it is unintentional.

SUB-ISSUES

Can Momma Honors ask for damages for the delay of the delivery of the skirt?

CONCEPTS

- Momma Honors must prove by a preponderance of evidence that Ms.
 Tailor acted recklessly or intentionally.
- 2. In a civil case, the plaintiff has the burden of proof and must present more convincing evidence. The plaintiff must prove more likely than not each element of her claim.

LAW

New Jersey courts have held that emotional distress maybe exhibited by feeling shame, depression resulting from a traumatic event. Proving that a defendant's conduct was extreme can be difficult. Emotional distress is one of the hardest things to prove and assign value to. When there is a breach of contract, the law allows for the defendant a chance to fix the problem. It appears from the facts that there was no time to fix the skirt for graduation.



THE PAYNEFUL ACT OF HEAVY LIFTING

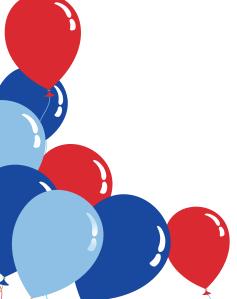
PAYNE V. ELITE MAGNET ACADEMY HIGH SCHOOL

SCHOOL

Stony Brook Branchburg Grade 5 First Place

TEACHER

Toni Lynn Burke



STUDENTS

Claire Dailey Annie Gamarello Ashwin Iyer Kaitlyn Liebowitz Stephen Lombardo Khoco Neil Anshi Patel Kehsav Ponnam Ridhaan Salvi Jackson Waldek Nathan Yakubov

On the afternoon of May 26, 2022, at the Elite Magnet Academy High School, Ivan Payne, an 8th-grader and prospective freshman football team player, sustained serious injuries in the weight room. The causes of this unfortunate incident are in dispute by the parties in this case and are described below:

Elite Magnet Academy High School is a magnet school that "pulls in all of the best students and athletes" from the surrounding areas and their football teams are exceptionally competitive. Early in the month of May, a recruiting session was held at the high school for prospective freshman football team players. During the afternoon of the first meeting, Nuvi Coshe, the firstyear freshman football coach, introduced himself, his assistant coaches, and handed out information. The information included staff contact information, a practice schedule, and his communication policy, which stated that he and his assistant coaches would all be included on any communications from the team.

One of his assistants, Benjamin "Benj" Press, was the varsity football team captain, and was asked by his varsity coach to work with the freshman team as a volunteer. Benj was well known by the students, had good grades, a positive attitude, and exceptional talent.

During this first session, the prospective recruits rotated to stations headed up by the different coaches. Benj Press had his own station and met with the prospective 8th-grade recruits. He took all of their cell phone numbers and made a group chat to share workout ideas and team information. He promised them that with his guidance, and if they followed his workouts, they would definitely make the team.

In the following weeks, a few practice sessions were held and Benj was texting more and more with the recruits in the group chat. He was enjoying his popularity with this new group and decided to show them what a real workout looked like to motivate them. In one text in particular, Benj posted a video that he and some of the varsity players made. In the video, he told the kids if they do what he does in the video, they will surely get on the team.

The video showed him and a few other varsity players in the high school weight room breaking the school bench press record. Benj was doing the bench press, his one friend was behind the bar spotting him, and a third friend filmed the whole thing.

Pointing into the camera, Benj, in his most convincing and influencing voice, pumped up the prospective recruits, telling them they must be stronger if they want to make the team. Using his influence on his newfound audience, he shouted and added that if anyone could break the school record, they'd be guaranteed a spot!

The next day, the prospective recruits were all hyped up about the video and talking about who had the best chance to break the record. Ivan and his tight group of friends knew this would be their best chance—maybe their only chance—of getting on the team. They wanted to set the standard and attack this challenge first. Feeling pressured to complete this task to prove themselves, feeling pressured by the other teammates, and feeling pressured to impress volunteer coach Benj Press, they made a plan to carry out immediately.

After practice was over the following day, they stayed back and waited until everyone was gone. They made their way to the weight room. The door was closed and the lights were off, but it wasn't locked. They

knew they had to act quickly. Ivan approached the weight bench and saw that the barbell and weight was already on the rack. All of a sudden, they heard a noise out in the hall. Not wanting any of the other recruits to see them, Ivan quickly jumped down on the bench and motioned to his friend to take his phone out and start filming. Just as he laid down, he placed his hands back above his head and gripped the bar. He pushed up, and he immediately felt something wasn't right. The weights were way too heavy and his wrist buckled. He let out a loud grunt and then a horrific scream. The weights collapsed on his chest.

At that moment, his two friends rushed to the bench and were able to pull the bar off of him and rest it on the rack. Hearing the commotion, Nuvi Coshe rushed into the weight room from his office and saw Ivan laying on the bench in pain. When he asked the boys what they were doing there, they told him they were trying to make the team by breaking the bench press record like Coach Pres showed them on his video. Coach Coshe had no idea about this communication but decided to deal with it later. He immediately called 911 and an ambulance arrived and took Ivan to the hospital.

Ivan's parents, Mr. and Mrs. Payne, were extremely upset when they found out what happened. They could not understand why the boys would be allowed in the weight room unsupervised and why such a challenge would be encouraged by a member of the coaching staff, especially the student volunteer. Mr. and Mrs. Payne were furious that Benj Pres was allowed to communicate with the boys directly without supervision, as was indicated in the recruiting meeting.

Ivan was admitted to the ER and saw Dr.

Fiz E. Cal to be examined and treated. The doctor took x-rays of his wrist and chest and concluded that he had a severe wrist sprain and fractured two upper ribs. The doctor admitted Ivan overnight for observation to make sure he didn't have a collapsed lung or difficulty breathing.

The next day, Ivan was released from the hospital with a brace for his wrist, an ace bandage for his ribs and prescribed medication for the pain. During the discharge discussion, Dr. Fiz E. Cal told Ivan that since his rib injuries would take at least three months to heal, and several weeks of physical therapy for his wrist, he would not be able to continue the team tryouts and therefore, would be ineligible to play. In addition, Ivan would not be able to participate in the 8th-grade end of the year events involving physical activities, such as field day, the dinner dance, and the overnight camping trip. The news was devastating to Ivan and his parents.

Ivan's parents are suing the Elite Magnet Academy High School for medical expenses as well as the non-refundable deposits for the 8th-grade activities, since the school would not refund them at this late date. The Paynes feel that as a paid employee of the school, it was the freshman coach's fault that their son was injured. They are suing because Nuvi Coshe was negligent in not properly supervising the volunteer coach's communications with the prospective recruits and therefore allowed this unfortunate incident to occur.

ISSUE

Is Elite Magnet Academy High School liable for the injuries that Ivan Payne sustained in the weight room even though he was influenced by a volunteer coach's actions?

WITNESSES

For the Plaintiff
Ivan Payne
Dr. Fiz E. Cal

For the Defense

Nuvi Coshe Benjamin "Benj" Pres

WITNESS STATEMENTS

Testimony of Ivan Payne

My name is Ivan Payne and I am an 8thgrade prospective recruit on the Elite Magnet Academy High School freshman football team. It has always been a goal of mine to play for them. I knew the competition would be tough. They are the school that "pulls in the best students and athletes," but I was determined to do anything I could to make that team!

A few of my friends and I attended the recruiting meeting at the high school with Head Freshman Coach, Nuvi Coshe, who introduced the assistant coaches. We were pumped to see that Benj Pres, the varsity captain, was going to be helping out with the freshman team. Everyone knew Benj. He was the best quarterback the school had in a long time and he even holds some school records. I knew he would help us be winners! Now, I really wanted to be on this team!

As the meeting went on, we rotated to the different coaches who gave us different information. When we were with Head Coach Coshe, he told us that we had to be on top of our emails because he and his assistant coaches would be sending out a lot of information and they would all be included on any information that was sent.

When we got to Benj Pres' station, he gave this ginormous speech telling us if we wanted to be on this team, we had to

practice, practice, practice. We all wanted to be winners, right?! He was so awesome! Everyone was so pumped! At the end of his speech, he put all of our cell numbers in his phone and made a group chat to send us workouts and team information.

During the next few weeks, we had more practices and Benj was texting us more and more in the group chat. We all thought it was so cool to be on this group chat with the varsity captain. He texted us workouts and practice information. He kept us so pumped up about the team that we all did what he said, and he promised, if we followed what he did, we would definitely make the team. I always did what he said. All the time.

A few weeks later, he posted a video in the group chat of him and his friends in the weight room at the high school. They were attempting to break the school's bench press record. 1 rep, 325 lbs. Crazy! And, he did it! Benj Pres broke another school record! We all watched the video over and over again. After he did it, he pointed to the camera and yelled that if any one of us out there could break the school's record, during the last few weeks of practice, we would be on the team! On the team! That was our ticket! This video and the pressure we felt was our motivation! We knew what we had to do and we had to do it fast. We wanted to be the first to do it. We decided we would do it the next day after practice.

On May 26, at the end of practice, Benj gave us this pep talk. We knew we had only five days of recruiting practices left and then they would pick the team. He said that this was our last chance and that we should do what we had to do to make the team. He challenged us to practice super duper hard, do all of his workouts, and stay in condition because the last five practices would make

or break the team.

When the practice ended and the group broke up to go home, my friends and I started to make our way into the building toward the weight room. When we got there, we stopped in our tracks because the lights were off and the door was closed. We had to get in! I could just hear Benj and those other guys calling us losers if we were the ones that couldn't meet the challenge. Everyone would look up to us if we did, and if we did it first. My pressure turned to adrenaline, so I grabbed the door and shook it. It was unlocked! We quickly went to the bench press. We heard a noise out in the hall and we knew it was now or never.

Still running on adrenaline, I saw the barbell was still on the bench's rack. I told my friend to take out his phone and start filming. I jumped onto the bench, laid down, and grabbed the bar, just like Benj did. I was confident. I heard Benj's voice over and over in my head, challenging me to beat the record. With a great push, I lifted it up. It was super heavy. But I continued to push. Suddenly, my hands shook and my right wrist bent backwards. I realized my wrist was giving way. It couldn't support the huge weight of the barbells. It buckled. I couldn't stop it. I yelled out a grunt and then a scream. The barbell was falling back toward me and landed on my chest. I heard a crack. The pain was stabbing and I could barely breathe. The last thing I remembered was my friend staring down at me before I blacked out.

Because of Benj Pres and his stupid video, I severely sprained my wrist, cracked two ribs, and couldn't continue the tryouts and play on the freshman team. I couldn't even go to all the cool things that the 8th-graders got to do like the dinner dance, 8th-grade overnight camping trip, and field day. Head

Coach Nuvi Coshe should have never let Benj Pres send that video. I wish I had never listened to him!

Testimony of Dr. Fiz E. Cal

I am Dr. Fiz E Cal. I am Ivan's treating physician. One of my specialties is sports medicine. On May, 26, 2022, Ivan came into the ER by ambulance for injuries he sustained in the high school weight room. I examined him and immediately ordered two x-rays. One of his wrist and one of his ribs. The x-rays confirmed what I suspected, he had a severe sprain of the wrist, a Grade 3 sprain to be exact. This is a complete tear of the ligament which is in line with the amount of weight Ivan told me he was trying to press. In addition, the torso x-ray showed that ribs 3 and 4 were fractured. This injury is also in line with the amount of force and weight that fell on him while on the bench.

Ivan's prognosis is good, however, there will be a longer period of recovery. At the very least, the wrist may take up to a month to heal and I am prescribing 4-6 weeks of physical therapy after that. At this point, it does not look like it will require surgery, but I'll know better in a week. As far as the fractured ribs are concerned, these will take about three months to completely heal. I have prescribed pain medication because fractured ribs are very painful, especially upon movement and inhaling.

Upon Ivan's discharge, in addition to the devastating news that his freshman football career was over before it started, I also broke the news to him that he would not be able to participate in the 8th-grade end-of-the-year events involving physical activities such as field day, the dinner dance, and the overnight camping trip.

When Ivan explained how this

happened, I was quite shocked. In my experience as a sports medicine professional, 8th-grade boys of this size and stature, in this stage and level of development and training, should never try to bench press anything beyond their own weight without the proper training and supervision. In all my years of administering emergency sports medicine in this town, I have never come across any problems like this from Elite Magnet Academy. This incident is certainly out of the ordinary and the coach needs to get his staff under control.

Testimony of Nuvi Coshe

My name is Nuvi Coshe and I am a firstyear head freshman football coach at Elite Magnet Academy High School. I was hired because I had been an all-star for the academy back in my day, and I went off to play Division 1 college football. I always wanted to come back to my alma mater and coach. I have the skills, drive, and experience to bring this freshman team back to the glory days of the past! This was a great opportunity for me!

I also was very happy to be able to give Benj Pres, our current varsity captain, some coaching experience, because his plan is to someday come back and coach, like me! So why not pay it forward? The varsity coach suggested he volunteer as an assistant coach on my staff because he was very popular with the students, had good grades, was well respected by the teachers, and had exceptional talent. What more could I ask for? I was happy to have him! But never would I have thought something like this would happen.

It was May 26, 2022, about 20 minutes after our practice wrapped up, when I heard a scream coming from the weight room. I

was very confused, because nobody was supposed to be in the weight room at that time. When I ran into the weight room, I found Ivan Payne laying on the weight bench, disoriented and in excruciating pain. There were two friends with him and they were standing by his side. I immediately called 911 and tried to stabilize Ivan on the bench until the ambulance came.

I asked the boys what they were doing there and they told me Ivan was trying to break the school record of bench pressing 325 lbs. I was shocked! I asked them why would you ever, ever do that? And unsupervised? This went against everything we taught them about proper conditioning safety practices! I asked them again, why would you do this? The two boys started explaining to me that they were following what Benj Pres told them to do to make the team. He posted a video of himself breaking the school record and they took up his challenge to do the same. The boys told me that Benj told them whoever broke the record would make the team. At that point, I heard the ambulance approaching, but I knew that I would be having a serious conversation with Benj. He had violated my number one rule, that I must be included on every communication my assistants send, and he didn't. I didn't even know that he set up this group chat.

Once Ivan was in the hospital, I talked with Benj to see why he went against my communication rule. Benj told me that he was only trying to do what was best for the team by getting kids that really wanted to be winners! He told me that he knew that I wanted the team to be successful like when I was there and he was using his influence and popularity to convince them to work hard. He created this group chat without

telling me after I had clearly stated that all communications would need to be shared with me. I was deeply disappointed and confused by Benj's actions. I expected better from Benj because he's been part of Elite Magnet Academy's football program for three years and he knows the high standard and level of care in our training that we expect from all involved with our teams. Elite Magnet Academy High School should not be liable for Ivan's injuries because Benj did not include me in the group chat and his plan was not run by me or any of my assistant coaches. He was clearly acting on his own and he is solely responsible.

Testimony of Benjamin "Benj" Pres

My name is Benjamin Pres, but my friends call me Benj. I am a senior at Elite Magnet Academy High School and the captain of the varsity football team. I have been playing football for almost four years and I will be going to college next year. I was asked by my varsity coach to volunteer as an assistant coach on the freshman team and I was really honored. He said such nice things about me and I didn't want to let him down. He also told me that the new freshman coach was Nuvi Coshe and I knew the name right away. He was a legend at Elite Magnet! For me to get to help him make a winning team was awesome!

We had our first recruitment meeting and when Coach Coshe introduced me, the room went wild! I felt great! I ran around the room and high-fived some 8th-graders, and I immediately knew I was going to do everything in my power to get us a winning team! I had to do it for Head Coach Coshe and I had to make my varsity coach proud.

When we began to meet with the recruits, I got all of the cell phone numbers and made a group chat. I mean, is there any

other way to get in touch with each other? Everyone uses their cell phones and I told the prospective players that I would be sharing workouts and team information with them through this group.

After a few weeks of practice, I noticed the recruits were getting a little tired and bored of the same routine. With only about a week of practices to go, they needed some heavy duty motivation. And I knew how to give it to them! Since last year, my friends and I began practicing to break the school bench press weight record -1 rep at 325 pounds. So, we started training. After practices, we would head to the weight room to work out. I was getting stronger and making progress, where my other two teammates were a little behind. But I was close, real close and ready to do it. I thought it would be great motivation for the 8thgraders to see it be done!

So, we headed into the weight room, I put my weight lifting gloves and shoes on and I was ready. I felt confident. My friend was ready with his phone to film and my other friend was behind me as my trusted spotter. I took a deep breath, reached back and grabbed the bar. I pushed up hard and exhaled. I held it for a second or maybe two and then my spotter helped me guide it back to the rack. Immediately, I let out a scream of success and I looked right into the camera and challenged those 8th-graders then and there to break the school record! Yeah, I told them they would make the team if they did it!! But I knew that was impossible. But the goal was to get them into that weight room and get stronger. Because stronger football players are better football players and we wanted to be the best!

When Coach Coshe told me what happened, I felt bad for the kid, but I told him that he took it upon himself to try the

challenge. I didn't force them. Yes, coach wasn't happy with my contacting the students directly. I am not allowed to be a volunteer any more, but I have another record under my belt and it'll help me go into the season stronger and better so we can win!

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the school was negligent by the actions of their employee freshman coach and therefore, liable for the student's injuries and costs of the end-of-the-year school activities.

SUB-ISSUES

- 1. Was the freshman coach negligent for the communication of the volunteer coach to the students that caused the students to do the challenge which resulted in the student's injury, even though he didn't prepare the video and wasn't even aware that it was sent?
- 2. Was the freshman coach negligent for the video prepared and sent by the volunteer coach even though the volunteer coach didn't tell the freshman coach about it before or after it was sent, didn't ask permission to send it, and didn't copy the freshman coach, even though the volunteer coach was told to do this?
- 3. Were the student's injuries foreseeable based upon the content of the video, the challenge given by the volunteer coach and the pressure that the volunteer coach put on the students?
- 4. Was the freshman coach negligent because he didn't know that the students were in the weight room and did not lock the door when he wasn't in there?

- 5. Did the injured student contribute to the negligence because he went into the weight room when there were no coaches present, he didn't check the weights before he did the bench press and didn't have a spotter, even though the volunteer coach checked the weights and had a spotter on the video?
- 6. If the freshman coach was negligent, should he be liable for the costs of the school activities in addition to the medical expenses?
- 7. Is the injured student competent to testify since he is a minor?

CONCEPTS

- 1. Negligence.
- 2. Burden of proof—preponderance of the evidence.
- 3. Comparative negligence.
- 4. Liability.
- 5. Damages.
- 6. Expert witness.
- 7. Competency of child witness.
- 8. Foreseeability.
- 9. Proximate cause.
- 10. Duty of teachers and school personnel to students.
- 11. Credibility of witnesses.

LAWS

- 1. Negligence: the failure to exercise, in the given circumstances, that degree of care for the safety of others which a person of ordinary prudence would exercise under similar circumstances. It may be the doing of an act which the ordinary prudent person would not have done, or the failure to do that which the ordinary prudent person would have done.
- 2. **Expert Witness:** a witness having special knowledge of the subject that he

- is testifying about. That knowledge must generally be such that is not normally possessed by the average person.
- 3. Comparative Negligence: the proportional sharing between plaintiff and defendant of compensation for injuries, based upon the relative negligence of the two; the reduction of the damages to be recovered by the negligent plaintiff in proportion to his fault.
- 4. **Foreseeability:** a concept used to limit liability of a party for the consequences of his acts that are within the scope of a risk that a person of ordinary care would reasonably expect might occur.
- Proximate Cause: a cause that in a natural and continuous sequence produces the incident and resulting injury and without which the resulting

- incident would not have occurred. An incident that results in the ordinary course of events from his/her negligence.
- 6. Duty of Teachers and School
 Personnel to Students: School
 personnel owe a duty to exercise
 reasonable care for the safety of
 students entrusted to them. This duty
 extends to supervisory care required for
 the student's safety or well being as well
 as to reasonable care for the student at
 school-sponsored activities in which
 the student participates. The duty may
 be violated by the commission of an act
 or in the failure to act.

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THE CASE OF THE MISSING BAG

STATE V. GEORGE WILLIAMS

SCHOOL

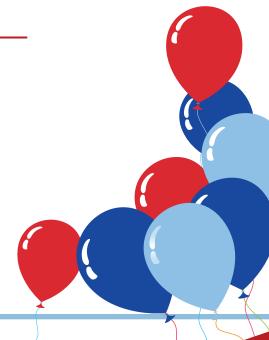
Wedgwood Elementary Sewell Grade 5 Second Place

TEACHER

Therese Colligan

STUDENTS

Carlotta Costello Jonathan Coyle Colin Flannery Jordyn Gorski Lucas Gould Jude McGlinchey Connor Moffitt Aria Reitano Nathaniel Torres



Alexa Brown was walking at about 7 a.m. on Sunday, January 1, 2023. At about 7:15, she noticed her bag was gone; her phone and wallet were in the bag. Just seconds before a man wearing a black-hooded sweatshirt and black sweatpants bumped into and ran past Alexa. Alexa looked around and saw the man then run to his car, which was right next to that part of the park. Alexa remembered the man's license plate number and took it to the police insisting he stole her Lululemon bag worth \$100, which she claims held her phone that was valued at \$1,100 and about \$75 cash. She still had her keys in her pocket.

Once Alexa was at the police station, the police searched the database on the computer and found his name was George Williams. The police questioned the park ranger at the scene, Richard Harrison, and requested footage from the time of the incident in the location where Alexa stated she had been running.

The park ranger obliged, but the images were very grainy, unclear, and difficult to identify since it was several feet from the incident; however, they could see the man in all black at the scene and that he was, in fact near Alexa, then ran to his vehicle. The footage revealed a trash can closer to the camera filled with trash. There was something with a yellowish hue, but the image was also very grainy and pixelated. The park ranger indicated he was changing a faulty light bulb in a lamppost nearby at the time of the incident; he too noticed the man and his sprint to his vehicle.

The footage also showed a bystander nearby, Bobby Bryant, who was questioned by police at the time. He was sitting on a bench at the time of the alleged crime and claimed he was preparing for a workout of

his own.

Later that day, Patricia Riley, Alexa's friend, said she "snapped" Alexa on Snapchat after her run and her location said that Alexa was still at the park at that time. She and Alexa had met for breakfast earlier in the morning at approximately 6 a.m. at a local coffee shop.

That evening, the police questioned and arrested George Williams and charged him with theft of the victim's bag and belongings.

ISSUE

Is George Williams guilty beyond a reasonable doubt of stealing the bag, iPhone, and cash, property valued at more than \$1,000?

WITNESSES

For the Prosecution Alexa Brown Richard Harrison

For the Defense Bobby Bryant Patricia Riley

WITNESS STATEMENTS

Testimony of Alexa Brown

I'm Alexa Brown. At the time of the incident, I was running in the park. I noticed a man in a black hoodie jog past and bump me, but when I looked back, my bag was missing. I checked my pockets for my phone, but then I remembered I had put it inside my bag that was missing. I looked around the park on the path I took, but it was nowhere to be found. I had my iPhone in there and about \$75 cash because I met my friend for breakfast before my run. Next thing I knew, I saw the man in the black hoodie sprint to his car, or what I thought

was his car in the parking lot.

Testimony of Richard Harrison

I am Richard Harrison, and I work for the Park's Department as a Park Ranger. I've been here for 10 years, and I've seen all kinds of things. I was just going about my daily responsibilities that day. The night before I noticed that one of the lamps was out, so I needed to change the light bulb in the lamppost first thing. As I stood on and looked down from my ladder, I noticed a young woman (Alexa) searching the area. I asked if she needed help and she indicated that her Lululemon bag with her phone was missing and she thought it had been stolen. At that time, I also noticed a man in a dark hoodie sprinting towards the parking lot. I thought it looked a bit suspicious, but I didn't pay too much attention to the commotion.

Testimony of Bobby Bryant

I am Bobby Bryant. I was just chilling on a park bench early in the morning before I started exercising. I got there around 7:15 after I finished my daily morning chores at home. While I was sitting down, I noticed a girl (Alexa), walk by a man with a dark hoodie who was difficult to see. There was a trash can with something yellow inside, but I couldn't tell what it was. I just wanted to get my workout in. I honestly didn't notice if she had a bag, but I could tell she was wearing AirPods at the time she passed the same man with the dark hoodie.

Next thing I knew, the man started running to his car. It was around that same time when I saw the same young woman searching for her bag. I asked if I could help and she told me her bag was misplaced with her phone and some cash. She was upset and insisted the guy in the black hoodie

took her bag. I did not see that, but I helped her search the trail a bit, then went on to continue my own workout.

Testimony of Patricia Riley

I am Alexa's friend Patricia Riley. We've been friends since second grade. We agreed to meet each other at 6 a.m. at the local coffee shop. I even complimented her on her new Lululemon runner's backpack. We had our breakfast and chatted, but she had to get going to run. She told me she felt like she needed to clear her head and wanted to do a hike/trail run. She left and I went about my day.

At about noon, I went to snap her on Snapchat, and I noticed her location still indicated that she was in the woods at the park. I thought it was a mistake, so I kept trying to reload, but it didn't update. At first, I thought it was odd for her to be in that part of the woods, but she did say she wanted to hike. She had a standard route, but every now and then she likes to change it up.

INSTRUCTIONS

Is George Williams guilty beyond a reasonable doubt of stealing Alexa Brown's Lululemon bag with her iPhone and cash?

SUB-ISSUES

- 1. Did Alexa leave the bag in the coffee shop before she started her run?
- 2. Was her phone even in the bag?
- 3. Why did George hurry to his car so abruptly?
- 4. Why was George wearing all black and no coat on a winter day? Did he intend to be there for only a short while? Why was he there?
- 5. Did Alexa drop her bag in the trash can without noticing?

- 6. Did Alexa and/or the police search the nearby trash can?
- 7. Was the surveillance system working properly?
- 8. Does George Williams have any previous offenses?

CONCEPTS

- 1. Burden of proof—guilty beyond a reasonable doubt.
- 2. Circumstantial evidence vs. direct proof.

LAW

New Jersey criminal statute N.J.S.A. 2C:20-3, unlawful taking of or exercising of control over someone else's property. The offender has to act with the intention of depriving the owner of said property.

In order for it to be considered petty theft, the value of the stolen property must be less than \$200. If the value is higher, the charge becomes an indictable offense, with much stronger penalties and possible prison time.



THE CASE OF THE PARACHUTE PREDICAMENT

THE SHOOT FAMILY v.
LET IT RIP SKYDIVING INDUSTRIES

SCHOOL

Demarest Elementary Bloomfield Grade 5

Honorable Mention

TEACHERS

Jessica Barton Lorajean Tice

STUDENTS

Ryan Cao Regina Deputato Lucas Gales Amy Gasi Daniel Glogowski Nicholas Kolbenschlag Jessica McGowan Jhoel Nebiar

FACT

On Thursday, February 4, 2021, Paris Shoot arrived at Let It Rip Skydiving Industries with her mother Lawndory Shoot. The plan was to celebrate her 17th birthday by taking a daring dive to kick off her milestone year. Lawndory needed to be there to sign the disclosure since Paris is a minor.

Let It Rip is well known for their scenic, cost-effective dives and is closely located to their home, leaving little time to second guess the decision. Let It Rip is also the only skydiving facility that allows divers to jump without an attached instructor on their first jump. This is uncommon as most facilities ask for their diving students to have a minimum of three tandem jumps before taking a solo trip.

Paris's excitement was mounting so much that she could hardly pay attention during the training videos and hands-on instruction. All she could think about was how epic her jump was going to be and the filters she was going to use for her social media post. She would be the envy of all her friends. She also purchased the video to have her jump memorialized for years to come, so another diver would be close by filming every step.

While the plane was rising to the mandatory 13,000 feet, Paris began to feel a bit uneasy. What had the instructors told her about the steps to pull the parachutes? In which order should they be pulled? After how many feet should she pull the cords? It was time to jump, and she was so distracted by not knowing what to do, that she did not realize how quickly the earth was getting closer and closer. She froze, and all she could think about was how devastated her mom would be if anything happened to her. Her mom did not agree with this, but

gave in due to Paris's constant nagging and insistence.

Suddenly, she heard someone yelling her name, trying to wake her from her trance, but their voice was muffled from the wind. She heard them yelling something and watched as they pulled the blue cord. They shouted for her to do the same and then wait 30 seconds to pull the yellow cord. As Paris pulled the blue cord, she realized it may have been too late. She was falling at a great rate of speed, and the ground was getting closer. She immediately pulled the yellow cord, but the parachute did not open. She was falling faster and faster. She could see everyone on the ground frantically waving and trying to tell her to brace for the fall. She continued to pull the yellow cord, and the parachute finally opened, but not all the way. It was too late, and everything went black. Paris landed on the ground much harder than she was supposed to.

Rescue workers rushed to Paris's side, evaluating her when Paris suddenly awoke. She was taken to the local hospital where it was determined that she fractured her arm, broke both of her legs, and had a major concussion. The Shoot family is suing Let It Rip Skydiving Industries for Paris's medical bills totaling \$2,200,000.

ISSUE

- 1. Is Let It Rip Skydiving Industries responsible for Paris Shoot's medical expenses due to their negligence in providing safe diving equipment to their customers?
- 2. Is Let It Rip Skydiving Industries responsible for Paris Shoot's medical expenses despite her lack of attention during the training sessions?

WITNESSES

For The Plaintiff
Phil Lergi
Lawndory Shoot

For The Defense Wi Flii Ripp Cordd

WITNESS STATEMENTS

Testimony of Phil Lergi

My name is Phil Lergi and I am the safety inspector at Let It Rip Skydiving Industries. I have been working at Let It Rip for a little more than a year after being out of work for quite some time for medical reasons. I suffered an injury to my left eye during a dive at my previous place of employment. The diver flipped her head back and fractured my left orbital bone causing vision loss in my left eye. I now wear special glasses. I told Ripp Cordd, the owner of Let It Rip, that I need special glasses to see on the job.

More than a month ago, my glasses fell and broke during a routine training session. I have limited funds and asked Ripp if he could replace my glasses. I mean, it is important that I see as best as possible when inspecting all of the diving equipment. Ripp refused to pay for my glasses, and I am unable to afford a new pair. I am wearing an old pair that does not accommodate my vision loss.

I was in the shed preparing the supplies for the dives this afternoon when I heard a bloodcurdling scream that was getting louder and louder. I ran outside onto the jump field, and saw a diver hit the ground with a loud thud. I inspected all the equipment after the diver was taken away by ambulance and found a tear in her parachute. I am not sure how that tear got

there but, if I was able to see better, I may have seen it before this tragic accident happened. This is why Ripp Cordd should be responsible for Paris Shoot's medical expenses.

Testimony of Lawndory Shoot

My name is Lawndory Shoot and I am Paris Shoot's mother. It is all Let it Rip's fault for my daughter Paris's injuries. She was so excited to make this dive for her 17th birthday. We even hired a videographer to record the moment for her so she would have a keepsake.

When we arrived at Let It Rip Skydiving Industries, I had to sign the liability release paperwork since Paris is under the age of 18. At that time, Paris was taken to the training shed to prepare for the dive.

Once she left, I walked around the diving grounds and stumbled upon Mr. Phil Lergi. We chatted for a bit, and he told me about his accident at his previous place of employment. He assured me that Paris would be okay, and the protective equipment would insure her safe dive. It is obvious now that he clearly did not do his job properly. Let It Rip Skydiving Industries should pay for my daughter Paris's medical expenses.

Testimony of Wi Flii

My name is Wi Flii and I am a flight instructor at Let It Rip Skydiving Industries. I was the diver who was hired by Mrs. Shoot to record her daughter's jump. This is a fantastic job for me and an opportunity for me to help commemorate a diver's greatest thrill.

During the training session, I noticed that Paris Shoot was not paying attention to the flight videos. These videos are so important for the safety of all who are involved in a dive. They detail which of the cords should be pulled and when to insure a safe landing. She was texting and making videos. I encouraged her several times to be sure she was watching the detailed safety instructions but to no avail.

Unfortunately, there was no adult around to make sure that she was paying attention. Although the videos detailed the risks that go along with skydiving, Paris felt confident that accidents would not happen to her, especially on her birthday.

When the videos finished, the flight trainer asked Paris if she had carefully followed the videos and if she understood what she had to do. She assured him that she knew exactly what to do and was ready to go. We both shared a look of disbelief, but there was nothing we could do. She gave consent, and her mother signed the liability release forms.

Testimony of Ripp Cordd

My name is Ripp Cordd, and I am the owner of Let It Rip Skydiving Industries.

First, let me say that I am deeply sorry for the injuries sustained by Ms. Paris Shoot. When I heard of her accident, I immediately contacted my instructors to get the details of what happened. During the investigation, I was informed that Paris Shoot, from the observation of both the training instructor and Mr. Flii, was not attentive during the training videos despite their repeated efforts to encourage her to follow along carefully. They both reported that she was on her phone, recording videos and posing for social media while the details of the jump were being explained to her.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Let it Rip

Skydividing Industry's negligence directly caused Paris Shoot's injuries.

SUB-ISSUES

- 1. Was Ripp Corrd negligent for not replacing the much-needed eyewear for his safety inspector, which could have resulted in faulty equipment?
- 2. Was Mrs. Lawndory Shoot negligent for not remaining in the training area during her daughter's training session, leaving an unattended minor despite the liability release rules?
- 3. Was Phil Lergi negligent for performing a faulty inspection on the diving equipment?
- 4. Was Paris Shoot negligent for her lack of attention during the training session?

CONCEPTS

- 1. Proximate cause.
- 2. Personal damages.
- 3. Contributory negligence.
- 4. Parental responsibility.
- 5. Customer and worker safety.
- 6. Causation.

LAW

- 1. **Proximate Cause**—the defendant's negligence was a proximate cause of the accident and the plaintiff's injuries are connected to the defendant's negligent actions.
- 2. **Personal Damages**—the sum of money that can be claimed by a person from a wrongdoer for injuries or loss caused.
- 3. Contributory Negligence—a doctrine of common law that if a person was injured in part due to his/her contribution to the accident, the injured party would not be entitled to collect any damages from another party who supposedly caused the accident.

- 4. **Parental Responsibility**—the looking after, or monitoring a child's activities by a parent. The most basic form of parental supervision includes keeping children away from dangerous objects and situations and hurting themselves or others.
- 5. **Customer and Worker Safety**—it is incumbent upon the owner of a
- business establishment to not only provide a safe environment for the workers present but also for customers who are purchasing goods or services from that owner.
- 3. Causation (tort law)—in order to find the defendant liable, you must find that defendant's negligence was a proximate cause of injury.



THE CASE OF THE TAMPERED VAPE

SCHOOL

Warren Township Middle Warren Grade 6 First Place

TEACHER

Susan Cooper

STUDENTS

Isabella Lofling Madeline Mungerkar Siena Patoilo Varnika Pujari

FACTS

On September 14, 2023, Jeremiah Ferrari, a 16-year-old teenager from Chicago, Illinois, sold a vape kit to 22-year-old Jason Smith to make a few dollars. In the city of Chicago, Jeremiah walked out of his 3 o'clock to 6:30 p.m. part-time job at Papa Jenn's. When he walked out, he went to a Beta gas station and bought a Drule vape kit. While walking, he saw two men, Jason Smith and Liam Miller, in an alleyway.

Jeremiah walked down the alley, approached Jason and Liam, and said, "Yo, bros! What's poppin'?" Then, Jason saw Jeremiah's face and asked, "What is a little boy doing alone in a sketchy alleyway?" Jeremiah replied, "You know, surviving, making profit. I see that you like to smoke, want to buy a vape?" Jason replied, "Sure, I haven't smoked in a while" and he paid \$20 to Jeremiah.

On the night of September 15, 2023, when Jason was out eating dinner with his work friends from Mulavin Construction, he took out the vape that Jeremiah sold to him, he collapsed onto the floor, and then went into cardiac arrest. His co-workers called 911 and, on his way to the hospital in the ambulance, Jason was pronounced dead. When the hospital did an autopsy, they found he died from a drug overdose of Fentanyl that was identified in the vape pen. Jeremiah Ferrari was charged as an adult (not as a juvenile) with involuntary manslaughter.

ISSUE

Who tampered with the vape kit? Did Jeremiah Ferrari put liquid Fentanyl into the vape that he sold to Jason Smith? Did someone else tamper with it or did Jeremiah purchase it already tampered?

WITNESSES

Witnesses for the Prosecution Liam Miller Elizabeth Grace Neill

Witnesses for the Defense Jeremiah Ferrari Dr. Shaun Murphy

WITNESS STATEMENTS

Testimony of Liam Miller

My name is Liam Miller and I currently live in Chicago, Illinois. I work for Mulavin Construction. I have known Jason Smith for about three months. On September 14, 2023, I was with Jason working on the apartment construction near 13th Street. We were fixing up the wall boards when Jason needed a break after he had a fight with one of our co-workers. We decided to walk around an alley when we saw a teenage boy walking toward us. He shouted to Jason and me, "Yo, bros! What's poppin'?" Jason replied by saying "What is a little boy doing alone in a sketchy alleyway?" I knew the kid was a teenager, but I didn't care. The boy asked us if we wanted to buy his vape kit. He ended up selling one to Jason.

At first, I wanted to stop him from buying it, but I didn't. I thought to myself that the boy was just a kid and Jason was an adult to do what he wanted. What harm could a teenager do? I knew that Jason vaped and he mentioned it helped relax his anxiety, but I never would pry into his business. As we were walking back to the construction site, I saw some bluish-green liquid inside the vape cartridge that Jeremiah was holding. I told Jason that it looked weird, but he didn't listen and he put the vape in his pocket. I used to vape and I never saw a color like that before. Usually the liquids are

clear. It wasn't until the next day that Jason collapsed at work and was pronounced dead shortly after being taken away in the ambulance.

Testimony of Elizabeth Grace Neill

My name is Elizabeth Grace Neill and I am an EMS technician for the city of Chicago. On September 15, 2023, my team and I were called to one of the Mulavin Construction sites on 301 South Avenue. Jason Smith was going into cardiac arrest. After questioning some of his co-workers, I gathered that he has no medical history of cardiac issues and that he takes medications for depression and anxiety. Because he was so young, I assumed his cardiac response was most likely induced by a substance.

When I was putting Jason on the stretcher inside the ambulance, he murmured what I thought sounded like, "Crazy one." I'm not completely sure that's what he said, but "crazy one" is the street name for Fentanyl. I have heard it a hundred times before because we are always picking up users who overdose on Fentanyl either because they are prescribed it and abuse it, or they are just using it illegally. That was the last thing Jason said before going into cardiac arrest.

Testimony of Jeremiah Ferrari

My name is Jeremiah Ferrari and I go to William Frankfurt High School, which is a private high school. My parents, Lorenzo Ferrari and Susan Ferrari, work for JBJ Construction. My mother works as a bookkeeper and my father works as a contract manager. I've lived in Chicago, Illinois for my whole life. I have had straight A's throughout middle and high school so far, and have been known to be very responsible. My parents have taught

me to treat my elders with respect and treat any stranger as if I know them personally.

On the afternoon of September 14, 2023, I was thinking about the fight I had just had that morning with my parents and the "F" I had gotten on my science test. I was in a bad mood and I was not thinking straight. I understand the consequences of consuming drugs and I am not a drug dealer, but that day after I finished my job at Papa Jenn's, I walked to the Beta gas station. There, I bought a vape kit that included a battery, atomizer, and a few cartridges for \$40, which I had never, ever done in my life.

I realized while walking home that I really didn't want the vape kit and when I saw the two guys in the alley, I thought it was a good idea for me to unload it. I asked the men if they wanted to buy the vape kit and the one guy, Jason, gave me \$20 for it. I lost money on the deal, but I felt better not smoking it.

That was all that happened that night. I never used the vape and I have no idea what was in the cartridges. I bought it from the Beta gas station and a very short time later, I sold it. I had nothing to do with Jason Smith overdosing on Fentanyl. I'm just a high school kid and I made a mistake selling the kit, but I didn't do anything to hurt anyone.

Testimony of Dr. Shaun Murphy

My name is Shaun Murphy and I am 68 years old. I am a physician and I have worked for Chicago Medical Center for 35 years. I have been the Ferrari family's primary care doctor since January 1993. I was called to testify as a character witness for Jeremiah Ferrari. As his family's doctor, I have watched Jeremiah grow into a fine young man. He seems to be staying on a good track and his health is excellent. He's

worked for me doing odd jobs in my office on weekends and he is reliable and trustworthy.

Jeremiah's father, Lorenzo Ferrari, has been through many ups and downs with his health. Over the past couple of years, he has broken several bones and dealt with severe back pain.

In June 2019, I prescribed Lorenzo a pain management plan of OxyContin (Oxycodone) for him to feel relief from his pain. When he broke his ankle in 2020 due to falling down the stairs, his pain was extreme. I prescribed a short-term dosage of Fentanyl to manage his pain. Fentanyl is a potent synthetic opioid for use as pain relief and anesthetic.

I suspected after a few months that Lorenzo might be abusing Fentanyl and the prescription was stopped.

I mention this because I know that Fentanyl was found in this case against Jeremiah. He is a great young man and I want to set the record straight that the Fentanyl that was prescribed to his father ended months ago. Every time Jeremiah's dad would come to the office for his appointments, he would bring Jeremiah with him. When Jeremiah's father used the restroom during appointments, I would talk with Jeremiah. Every time we would talk, Jeremiah would talk to me as if he trusted me. When he shoved somebody into the lockers at school, he told me he was really angry and didn't mean to, that it was an accident. He also told me that he felt bad because the gift he gave his teacher on Teacher Appreciation Day wasn't as large and expensive as the gifts everyone else gave her. At Jeremiah's middle school, there was a mommy and son dance a couple of years back. Jeremiah told me that it was the most fun thing because he got to spend

alone time with his mom and have fun with her. Jeremiah is so loving, caring, and has a conscience.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that Jeremiah Ferrari illegally sold a Fentanyl-filled vape to Jason Smith, that ultimately caused fatal cardiac arrest.

SUB-ISSUES

- 1. Did the employee at the Beta gas station tamper with the vape kit before selling it to Jeremiah?
- 2. Is it relevant that the Beta gas station attendant sold a vape kit to a minor?
- 3. Does anyone have a vendetta against Jason to tamper with the vape kit?
- 4. What is the motive for anyone to want to harm Jason Smith? Was it accidental?
- 5. Did Liam know what Fentanyl was when he questioned the bluish-green liquid in the vape cartridge?
- 6. What did Jason mean when he said "crazy one?"
- 7. Does Lorenzo Ferrari's Fentanyl use have anything to do with Jeremiah selling the vape?

CONCEPTS

- 1. Proving beyond a reasonable doubt.
- Credibility of witnesses.
- Minor being tried as an adult.
- 4. Involuntary manslaughter.

LAWS

1. Illegal misuse of a prescribed medication: There are both federal and state laws that make misusing or sharing prescription medications illegal. If you take a pill that was prescribed to someone else or give that

- pill to another person, it is not only against the law, it's also extremely dangerous.
- 2. T21 law applies to sales of tobacco products—including cigarettes, smokeless tobacco, hookah tobacco, cigars, pipe tobacco, electronic nicotine delivery systems including e-cigarettes and e-liquids—to anyone under 21 years of age.
- 3. Tobacco/Vapor 21 Law: Federal law passed December 20, 2019 prohibits sales of all tobacco and vapor products to anyone under the age of 21 years old. FDA stated law became effective on that date. States may choose to continue with current age law at the risk of losing federal funding. New Jersey already bans the sale of tobacco and vapor products to adults under the age of 21 years old.
- 4. A person 21 years of age or older who purchases a tobacco product, including

- an electronic smoking device or vapor product, or a cannabis item as defined in section 3 of P.L. 2021, c. 16 (C. 24:6I-33), for a person who is under 21 years of age is a petty disorderly person.
- 5. Legislation passed in 2015 allows prosecutors to request minors be tried as adults in cases involving certain charges such as drug sales, robbery or murder.
- 6. Involuntary Manslaughter: In federal court, an involuntary manslaughter charge can result in a sentence of imprisonment for one to six years, while many states provide for a range of sentences depending on the severity of the negligence or the underlying misdemeanor. The elements of involuntary manslaughter are: (1) an unlawful act or a lawful act committed in an unlawful manner; (2) "criminal negligence"; and (3) death. The underlying act that leads to death can take different forms.



CHEERLEADING FAIL

SCHOOL

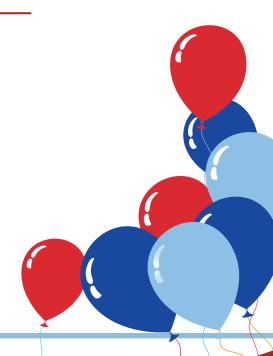
Berkeley Township Elementary Bayville Grade 6 Second Place

TEACHER

Adam Steinmetz

STUDENTS

Thea Mitchell Madison McInerney Naomi Makulinski



FACTS

On November 22, 2022, during cheerleading practice, Samantha Jones got injured from falling while performing a stunt. Jacklyn Whitlock and Hazel Williams were in charge of catching Samantha Jones, the team captain. Jacklyn Whitlock and Hazel Williams, victims of Samantha Jones, a documented bully, were bullied by Samantha for the past four years in school. Bullying incidents included fights, injuries, bruises, and nosebleeds, sustained by the victims, Jacklyn Whitlock and Hazel Williams.

During the team's afternoon cheerleading practice at Oak Press Intermediate, Samantha Jones had told Jacklyn Whitlock not to catch her on the throw. While performing the stunt, they threw Samantha in the air as they normally would, and both Jacklyn Whitlock and Hazel Williams stepped back as Samantha Jones fell to the ground.

Samantha Jones sustained a minor concussion, broken legs, and bruises all over her body. Samantha Jones is suing Jacklyn Whitlock and Hazel Williams for dropping her, which resulted in her being rushed to the hospital. Samantha Jones demands Jacklyn Whitlock and Hazel Williams pay for her medical bills and give her compensation for her pain and suffering.

ISSUE

Are Hazel Williams and Jacklyn Whitlock responsible for Samatha Jones's injuries?

Is Samantha Jones responsible for her own injuries since she told the defendants not to catch her?

WITNESSES

For the Plaintiff
Charlotte Barrett
Anthony Jones

For the Defense

Coach Melisa Harrington Edith Whitlock

WITNESS STATEMENTS

Testimony of Charlotte Barrett

On November 22, 2022, I was at cheerleading practice with Samantha. My parents were busy, so Samantha offered to drive me. Hazel and Jacklyn were being mean to Samantha and calling her names before we started the routine. Samantha told them, "If you hate me so much, then don't catch me! I guess I'll land it on my own!" Samantha obviously said this sarcastically. Hazel and Jacklyn rolled their eyes at her. It was very rude. Samantha tells me all the time about how rude they are.

During the routine Hazel and Jacklyn threw Samantha up, but stepped out of the way when she was coming down. The coach had never told them to do this and they knew they had to ask the coach about something before they did it, if it was not already in the routine. Samantha was stunned by what they did and was not prepared to land on her own. She fell hard to the ground and her tibias broke. It was disgusting to see the bones sticking out of her legs. We hurried to call 911. Hazel and Samantha are obviously responsible for the injuries sustained by Samantha.

Testimony of Anthony Jones

On November 22, 2022, My wife Lisa and I were heading to our daughter's cheerleading practice to pick her up. When we got there, the girls were in the middle of their routine. We decided to get out of our car and watch our little girl. The routine was a good one and they were doing very well, especially Samantha. At the end of the routine, Hazel, Jacklyn and Samantha got into a basket toss form. Hazel and Jacklyn

tossed up Samantha, but then they stepped out of the way and Samantha fell to the ground screaming! I knew for a fact that Hazel and Jacklyn were supposed to catch my precious Samantha.

I hurried over and looked at what had happened to Samantha. Both of her tibia bones were sticking out of her legs. Charlotte told me in the ambulance that Hazel and Jacklyn were supposed to catch her. Samantha had told them not to catch her, but sarcastically. They have to have known she was kidding. No one in their right mind would have thought anyone could have landed that on their own. Hazel and Jacklyn are obviously responsible for my little girl's injuries.

Testimony of Coach Melisa Harrington

On November 22, 2022, I was coaching the Oak Press Middle School cheerleading team. There are 12 girls on the team. Samantha is the team captain and has been there for her entire time she was in middle school while Hazel and Jacklyn have also been there for the same amount of time. Samantha has bullied Hazel and Jacklyn during practices and I've had to get the school nurse to come. I've told Samantha plenty of times before not to bully them but she continues to do so, from what I've heard from teachers and other students; but she continues as the team captain because she is very talented.

During this practice, we were going over our routine, and as I've heard, Samantha challenged Hazel and Jacklyn not to catch her and that she would land on her own, during the advanced stunt. She is a good cheerleader so I wasn't surprised she wanted to do this.

Hazel and Jacklyn tossed her up during the routine and when they moved back so

she could land, Samantha tried to land on her feet but her tibias couldn't take it and they broke. When she landed, she started screaming. We hurried to call 911.

Samantha should have known what she was capable of doing and should not have tried to do something that was dangerous. Samantha had tried to do this before, but from not as high and still couldn't land. So I don't know why she would try the same thing from an even higher distance. Hazel and Jacklyn are not at fault.

Testimony of Edith Whitlock

On November 22, 2022, I was driving my daughter Jacklyn to her cheerleading practice. She was very excited to see Hazel, but not very excited to see Samantha there. I've had to talk to Samantha's parents about this before and they said they would take care of it. I'm quite sure they haven't as Jacklyn continues to tell me about all the bad days she has because of Samantha.

When I came back to her cheerleading practice to pick her up, the girls were still doing the end of their routine. Jacklyn and Hazel tossed up Samantha, but then stepped out of the way so Samantha could land. For some reason Samantha was stunned at what they did and started to panic. She fell to the ground screaming. Jacklyn told me that Samantha had told them not to catch her and that she would land on her own, and Jacklyn never lies to me. They were also close to the coach at the time, so the coach could hear the plan. The coach told them nothing, so they continued with the plan.

Samantha's parents called me later in the day at the hospital, saying that they were very upset and that they were suing Jacklyn and Hazel for the injuries their daughter had sustained. My daughter and Hazel are

not responsible for Samantha's injuries. She got what she deserved. She asked for it and got it.

INSTRUCTIONS

The plaintiff, Samantha Jones, must show by a preponderance of the evidence that Jacklyn Whitlock's and Hazel Williams' negligent conduct was responsible for the injuries that she sustained from her fall.

SUB-ISSUES

- 1. Is Samantha Jones responsible for her own injuries?
- 2. Are Jacklyn Whitlock and Hazel Williams at fault?
- 3. Which witness should be believed?
- 4. What was Samantha Jones' motive for saying don't catch me?

CONCEPTS

- 1. Preponderance of the evidence.
- 2. Negligence.
- 3. Damages.
- 4. Credibility of witnesses.

LAW

The defendants will be found negligent if the plaintiff can prove that the defendants' conduct contributed to the injuries sustained. The plaintiff will be found negligent if it can be proved that she contributed to her injuries.



ROBERTS-JONES v. THOMPSON-JONES

SCHOOL

Clinton Township Middle

Diane Cormican

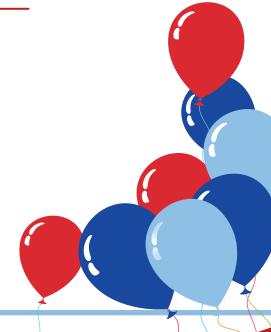
TEACHER

Clinton Grade 6

Honorable Mention

STUDENTS

Sabrina Brennan Kaitlyn Cantagallo Wilson Eide Claire Jun Maddy Latsko Baibre Lynch Megan Olivo Noah Pennucci Nico Zamrok



FACTS

Michelle Thompson and David Jones were married in 2005. David was working in sales for a tech company, and Michelle had a job as a waitress. They purchased a home and had their first child, Elizabeth (14), in 2009 and a few years later, they had their youngest, Parker (9).

Michelle had a history of alcohol abuse, and had been to rehabilitation before she was married. When Elizabeth was a baby, Michelle began drinking again. She was arrested for drunk driving in 2015, and ordered to attend Alcoholics Anonymous meetings; she was also ordered weekly check-ins with her counselor, where she was tested to show that she was not using alcohol.

When Parker was only two, he showed signs of disability. His growth was well below normal, and he had auditory and mental processing problems. He was diagnosed with fetal alcohol syndrome, which is due to the mother drinking in excess while pregnant. Michelle and David brought Parker to several specialists, and worked with Parker to catch him up to the other children his age.

In 2017, Michelle broke her leg falling down the stairs. She soon became addicted to the pain medication she was prescribed. She got fired from her job at a pharmacy because she was suspected of stealing drugs. Also that year, she had another drunk driving ticket, and her license was suspended. Michelle began drinking again, and the couple were arguing more.

In 2018, David filed for a divorce. He bought a new house on the other side of town. The parents agreed on joint custody. The children would go back and forth between their mom's house to their dad's house every four days. David agreed to pay

off Michelle's home in the divorce agreement. However, the children stayed with their dad more than the agreed upon days. David got married to Becky Roberts in 2020. The children bonded with their stepmother, Becky.

Michelle's addiction made their time at her home challenging. This included several times where the children were left alone. Elizabeth called 911 two times when she found her mother unresponsive. On three occasions, the neighbors called the police about loud and disruptive parties at Michelle's house. One time when the children were there, Elizabeth allegedly awoke to find an adult stranger sleeping on a chair in her bedroom.

Michelle began canceling their visits, and David and Becky had the children more than half the time. David and Becky agreed that they would seek full legal and physical custody of the children, and sought counsel to get the process started. The two met with an attorney on August 8, 2022. David brought the journal that he had been keeping about Michelle's behavior for the past five years, and gave it to the lawyer.

On August 23, 2022, David was in a fatal car accident. The children were at their biological mom's house, and she did not want them to go back to David's and Becky's house after the funeral. For several months, Michelle refused to allow Becky to see the children and would not allow any phone calls or contact with their stepmother.

Elizabeth eventually made contact with her stepmother, and she told her of the situation with her mother. She wanted to return to the home she had with her father and Becky. Elizabeth wrote a letter to the court, requesting the joint custody rights be reinstated for her stepmother.

Becky is asking that the children should remain in the joint custody arrangement, even though their father is deceased. Becky claims that the stability the children had was at her home, and that they wanted to be there. She claims that having the joint custody, both physical and legal, is in the best interest of the children's welfare and a lack thereof would be harmful to their wellbeing.

ISSUE

Becky is seeking joint custody rights of Parker and Elizabeth in order to provide a consistent and nurturing environment for the children.

WITNESSES

For the Plaintiff
Becky Roberts-Jones
Elizabeth Jones

For the Defense
Michelle Thompson-Jones
Margaret Caddell

WITNESS STATEMENTS

Testimony of Becky Roberts-Jones

My name is Becky Roberts-Jones. I met David when he was still married to Michelle, as we worked together for 10 years. I first met Michelle when Parker was a baby, and have been involved in both the children's lives since they were very young. I was a witness to Michelle's addiction issues, and saw how it affected David and the children for years. When Parker was only two, it was clear that he had some developmental issues. He was diagnosed with FAS, Fetal Alcohol Syndrome, which is due to his mother drinking in excess while she was pregnant, and David blamed her for this. She was drinking heavily. Parker's

disability is clearly going to shape his future. David worked with him and his teachers, and became an expert on helping children with FAS. It was not a surprise when David told me that he had filed for a divorce.

Because we were already wonderful friends, it wasn't long after that when we started dating. We got married two years after the divorce. David had joint custody with Michelle, and the children would spend half the week with their mom, and the rest of the time with us. David and I would usually pick up and drop off the kids on Tuesday and Saturday. There were other times when they would just stay with us all week, when Michelle was having issues, or when she was in rehab.

I was prepared for stepmother rejection, but Elizabeth and I bonded instantly. She confides in me, and we have a mutual respect and admiration for each other. Parker took a little bit of time, but we soon bonded and became a family unit. Their time with us was the only stable part of their lives. I am very close with both of the children, and love them like they are my own.

Michelle's addiction has been a major worry for me and David, and has taken a toll on the children. For years, David had kept a journal of all the incidents with Michelle involving the children. There are more than I can name, but they involved drunk driving with the children in the car, leaving the children home alone, neglect, substance abuse, parties with countless strangers in the house, and some dangerous situations. Both children have been forced to take on adult responsibilities from a very young age, including cooking, shopping, laundry, and taking care of each other. There were also two times when Michelle

was unresponsive and the children called David for help. He told them to call 911, and then he went to pick up the kids when the ambulance took Michelle away.

The children have told us on numerous occasions that Michelle would have crazy parties and the house was a mess. Elizabeth woke up one time to a stranger passed out on her bean bag chair in her room!

David and I were very concerned, and we took the first steps to petition for full custody of both children. We simply didn't think that they were safe with Michelle. After David died, Michelle has not let me have any contact with Parker or Elizabeth. She claimed that I have no parental rights, and that I am no longer a part of their family. I was incredibly hurt when she said this to me, and I know that David would have been heartbroken if he heard Michelle saying something like that.

Elizabeth contacted me and we were able to meet one day after school. She and Parker both want to come back with me, either part time or full time, and they are angry at their mother for not allowing that. Elizabeth has written a letter to the court requesting that parental rights be extended to me, and still share joint custody like it was before David's death. It is clear that this is what is best for the children, and preventing them from doing so would be harmful to their well-being.

Testimony of Elizabeth Jones

My name is Elizabeth Jones, daughter of Michelle. I am 14 years old. I love my mom, but growing up with a parent with a drug and alcohol addiction has been very difficult. I have memories from a very young age of my mom being so out of it that it was scary, and some of her doing wild things. My dad tried very hard to keep

her under control, and checked her into a rehab clinic a couple of times. Each time she would come home and be fine for a few weeks, but then it would start all over again.

It was almost a relief when my parents finally got divorced. My dad bought a bigger house, and I had a big bedroom with lots of room for sleepovers. My stepmother was wonderful, and she was always there for me and Parker. She takes care of everything.

When we were at my mom's house, I felt endangered. My mom has a lot of friends, and sometimes they stay over. One time I woke up to see a stranger passed out on my bean bag chair in my bedroom! My mom is not a morning person, so she usually left it up to me to get Parker up and off to school. Once when I was making breakfast, I burnt my hand on the stove. I went to school anyway, but it hurt so bad I went to the nurse's office. She called my dad, and he came to get me at school and took me to the doctor.

When I am at my mom's house, I can't have friends over or even do after-school clubs, because my mom can't always come to school to get me. I cannot depend on her to drive, because I'm really scared to ride in the car when she has been drinking. I have to go home to take care of my mom and Parker.

Every time I went to my mom's house, I hated it more and more. I am just so done with it and I never want to go back to my mom's house. I just want a normal mom like Becky, who cooks nice homemade meals and bakes cookies, lets me have sleepovers, takes us on trips, helps us with homework, and takes care of us.

After my dad died, my mom said to Parker that we shouldn't stay with Becky anymore, and she blocked her calls. She started manipulating my brother. I don't have a phone, so I borrowed a friend's phone to call Becky. I missed her so much, and wanted to go back to her house! She has been more of a mother to me and Parker, and she is our family. Becky is all we have left of our dad, and is the only stability we have.

Testimony of Michelle Thompson-Jones

My name is Michelle Thompson-Jones. I am 35 years old and have a daughter, Elizabeth, who is 14 and a son named Parker, who is 9. I was married to David Jones for 12 years.

Parker was diagnosed with FAS when he was young. I do take full responsibility for it. I was very young when I was pregnant with him, and did not realize the impact of drinking while pregnant. I try to work with Parker every day to ensure his health and safety. Including taking him to therapy twice a week and getting him a support teacher in school. Every family has their challenges and I believe this is one of ours. It has strengthened our mother-son relationship, and I believe it will continue to grow. I will not hesitate to get whatever I need for Parker and Elizabeth to be successful and happy. I have grown to learn from my mistakes, and have sought help for my addictions. I have been sober for 11 weeks now.

Things were rocky with David, and I always tried to fix that relationship. Most of the time I was married to him, I felt very alone and out of control. He worked very long hours, and was often away on business trips. He moved up in the company, and started making good money, but our family suffered. I am not proud that I turned to alcohol to cope with it. We got married too young, and divorce was a chance for both of us to start over. David agreed to give me the

house, and he paid off the mortgage in the divorce. We agreed on joint custody. He would pick the kids up every Saturday and they came back after school on Tuesday.

In conclusion, I dont think it's fair for Becky to get joint custody with MY kids. I have overcome my addictions, and I know how to best take care of my kids. It will be easier for the kids to move on and accept their father's death if they weren't around Becky anymore. Elizabeth likes that she has a nicer home and expensive things, but money cannot buy happiness. It could be hard for them to be in that house with the stuff their late father owned and lived in. Because she was married to my ex-husband, that does not give her any parental rights.

Testimony of Margaret Caddell

My name is Margaret Caddell and I am 34 years old. I am a drug and alcohol counselor at Trenton Rehab Center. I do individual and family counseling related to addiction. I was assigned to be Michelle's counselor while she was in rehab due to drunk driving. She has improved tremendously and I think she can provide a great environment for her children.

When she was in rehab for the first time back in 2015, she didn't feel comfortable at first, but she got used to me and let me help her. We settled on goals and boundaries for her. Michelle was healthy enough to leave residential rehab after two months, but we continued to work together in order to help solve her problem. During that time, I encouraged her to get a job with flexible hours. Her old job as a waitress at a bar and grill was very unhealthy because she could easily access alcohol. That's why I was happy when she got a daytime job seven years ago.

After the divorce, I started doing family

counseling with the children, at Michelle's request. Some sessions were with the children alone, and some were also with the children and their mom. There were a lot of issues to work through, but their bond is evident. Michelle would do anything for her children to be happy and successful. Divorce can be so difficult and confusing for children, and there were a lot of anger issues to work through.

I asked Michelle if David would consider being a part of the family therapy, too. She said absolutely not, that he did not believe in therapy and would not open up about any difficulties they were having. I asked the children about their dad, and they didn't want him to know that they had talked to me. This was very concerning. I see that often, when one parent is adamantly against therapy. This kind of rejection of help is often indicative of an emotional wall, and can create strain in their relationships.

When I asked the children about their stepmother, they both admitted that they were conflicted about blaming her for the divorce. Elizabeth once told me that Becky took her shopping a lot, trying to buy her love. Parker was jealous of the time that his father devoted to Becky, but appreciated her cooking and mothering.

Grieving over the loss of their father is, in fact, even more difficult returning to his home, and the life that they shared there. While they apparently have developed fondness for their stepmother Becky, I don't believe that it would be harmful to their well-being to break their relationship with her.

INSTRUCTIONS

The plaintiff must prove that it is in the best interest of the children to remain in a

joint custody situation with their biological mother and stepmother.

SUB-ISSUES

- 1. Are there any documented police calls about child endangerment?
- 2. Are there any documented medical records about child endangerment?
- 3. Did David leave a will?
- 4. Did David have a life insurance policy? If so, how is it distributed?
- 5. What is Michelle's financial situation?
- 6. How much life insurance did David have?

CONCEPTS

- 1. Child endangerment.
- 2. Child custody.
- 3. Hearsay.
- 4. Credibility of witnesses.

LAWS

Title 9-CHILDREN—JUVENILE AND DOMESTIC RELATIONS COURT

9:2-4a Best interest of child primary consideration.

Any other provisions of law to the contrary, in any action concerning children undertaken by a State department, agency, commission, authority, court of law, or State or local legislative body, the best interests of the child shall be a primary consideration.

9:2-5. Death of parent having custody; reversion of custody to surviving parent; appointment of guardian by superior court; removal.

In case of the death of the parent to whom the care and custody of the minor children shall have been awarded by the Superior Court, or in the case of the death of the parent in whose custody the children actually are, when the parents have been living separate and no award as to the custody of such children has been made, the care and custody of such minor children shall not revert to the surviving parent without an order or judgment of the Superior Court to that effect. The Superior Court shall have the right, in an action brought by a guardian ad litem on behalf of the children, to appoint such friend or other suitable person, guardian of such minor children, and shall have the right to remove such guardian, and to appoint a new guardian or guardians, and to make such judgments and orders, from time to

time, as the circumstances of the case and the benefit of the children shall require.

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Overview of the parts of NJ child custody laws:

https://www.detommasolawgroup.com/blo g/2019/october/everything-you-need-toknow-about-child-custody-/

http://www.ehow.com/about_6529104_new-jersey-stepparent-adoption-laws.html

Note: While custody issues are decided by a judge and are not decided by a jury, for the purposes of the Law Fair Competition, all of the mock trial cases will be jury trials



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