



# New Jersey Courts

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## ESSEX VICINAGE ELEMENTARY SCHOOL MOCK TRIAL FACT PATTERN

### *Ima Wright v. Mountain Board of Education*

A free speech suit between Ima Wright and the Mountain Board of Education over a student's claim that she was improperly disciplined for her social messaging activities outside of school.

Essex Vicinage 2019 Law Day Committee  
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## Law Day Fact Pattern

This matter is about a high school student named Ima Wright. She is a senior at Indian High School and is very active on Snapchat. Usually she snaps about what is going on with her friends or in school. One day she sent out a snap about something that she thought was more important.

For years, Ima heard that her grandmother was a member of the Chippewa Delaware First Nation. Many people call these people Indians. Ima knew, however, that these people prefer to be called People of the First Nation. Ima thought of herself as part of this group.

Ima read that many of her people were upset with the names of some sports teams. They thought that it was insulting and mean to have sports teams such as the Washington Redskins and Cleveland Indians.

Ima knew that her own high school had the same problem. The football team is called the Indian Warriors. The school mascot is called Chief Warhoot. Ima sent her friends a snap saying that she thought this was insulting and should be changed. She said, half joking, that kids should wear a sticker on their hats that said ~~CHIEF WARHOOT~~.

Ima was shocked when some of her friends actually did it. They went to football games and handed out stickers for people's hats. They also booed Chief Warhoot.

Unfortunately, some of Ima's friends went too far. Somebody, nobody knows who, put a ~~CHIEF WARHOOT~~ sticker on a teacher's door at school.

Principal Telaw brought Ima into his office and told her that this must stop. Ima agreed and sent a snap telling her friends to stop. However, two days later, Principal Telaw found new stickers around the school. He was upset with Ima and told her that she was suspended. Ima brought this case to court saying that she thinks Principal Telaw should not have punished her.

## **Instructions for Teachers**

This fact pattern involves a civil case where a student, Ima Wright, claims that she was improperly disciplined in school. Ima believes that she is being improperly disciplined for things she did not do and for her social media activities away from school. Principal Telaw argues that Ima's snaps have caused students to damage school property and interfere with the learning environment. On the day of the mock trial, a judge and two attorneys will visit your school. One of the attorneys will act as the attorney for the plaintiff, Ima Wright. The other attorney will act as the attorney for the defendants, Principal Telaw and the Mountain Board of Education.

Teachers should select four students to play the parts of witnesses. The students should be familiar with their witness statements and the sequence of events. Two of the witnesses will be testifying for the plaintiff and two of the witnesses will be testifying for the defense. At the mock trial, witnesses will answer direct questions from the attorney calling them as witnesses and cross-examination questions by the opposing attorneys. Both attorneys will make final arguments. At the end, the judge will give an explanation of the law and then allow the students or the jury to decide the outcome of the case.

Teachers, if they wish, can also choose two students to act as co-counsel. They will assist the visiting attorneys. The students can suggest things that should be said for the opening and closing statements. The co-counsel can also suggest a list of questions for each witness. Teachers should inform the visiting attorneys and the judge of the names of the co-counsel prior to the start of the mock trial. If the judge, attorneys and teachers agree beforehand, the students

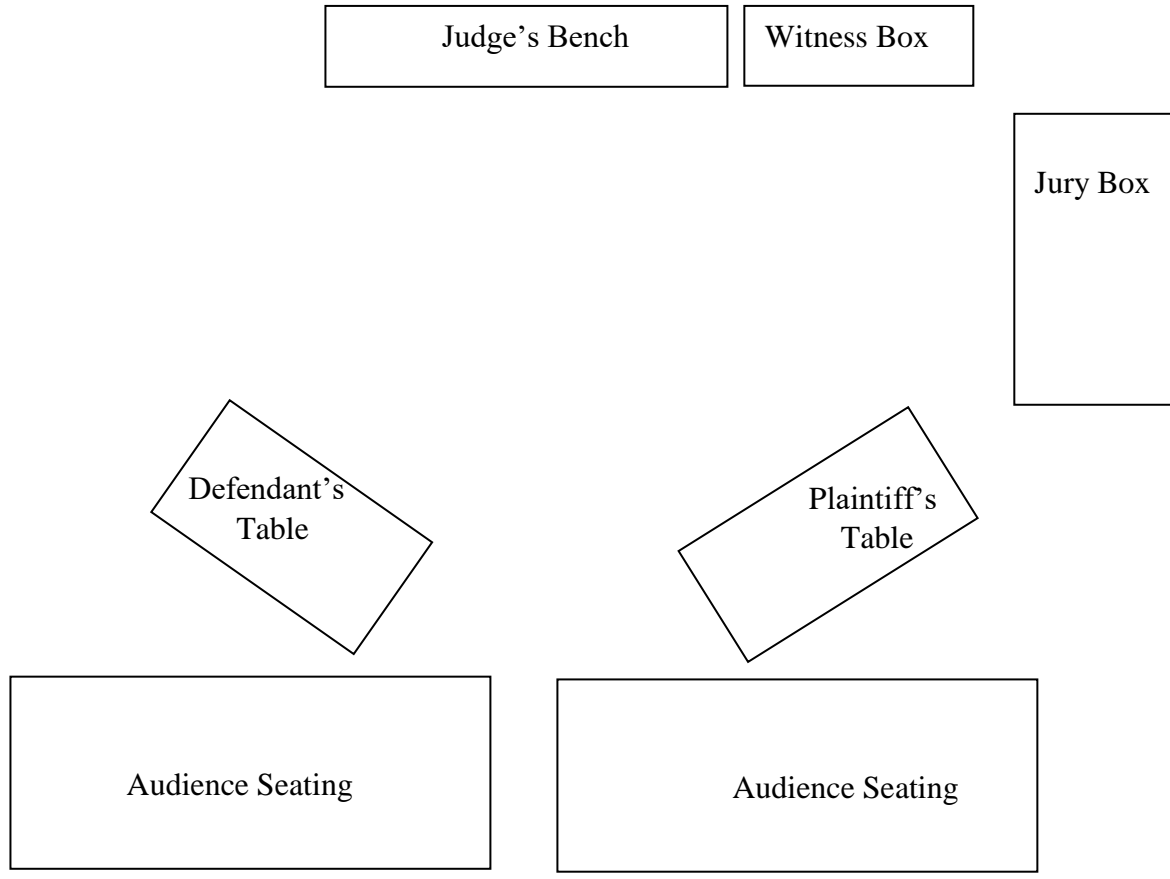
can change the above and present the case as the attorneys, with coaching from the visiting attorneys.

The judge will decide whether to have a jury of six students or have the entire student body decide the case as a whole. Students should be familiar with the entire fact pattern and understand the sequence of events prior to the date of the mock trial. There will be a question-and-answer period following the mock trial presentation. At the end of this packet, there are vocabulary words that will be helpful to this exercise.

The Law Day theme this year as selected by the American Bar Association is Free Speech, Free Press, Free Society. Judges, attorneys and teachers are encouraged to lead a discussion with the student body about these concepts at the end of the presentations.

## Creating a Courtroom

The room that will be used for the mock trial should be set up as shown below.



## **Instructions to the Attorneys and Judges**

The students have received the fact pattern in advance of the mock trial date. The teachers have selected students to portray the witnesses and possibly to act as co-counsel. The judge will preside over the mock trial. The attorneys will role-play. One attorney will act as the attorney for the plaintiff and one attorney will act as the attorney for the defendant. The judge will give beginning instructions to the students. Each attorney will make a short opening statement. The direct and cross-examination of each witness should take no longer than five minutes. Then the attorneys will each make a short closing argument.

The judge will then give the closing instructions and final charge. This will include a brief explanation of the applicable law. The judge will provide an overview of the facts of the case and an overview of the issues and arguments. The judge will then lead the students and jury through an analysis of the issues so that they can reach a verdict.

The students acting as jurors should be allowed to express their various viewpoints. Feedback and participation should be encouraged from all students. Vocabulary words are included at the end of this packet.

The Law Day theme this year, as selected by the American Bar Association, is Free Speech, Free Press, Free Society. Judges, attorneys and teachers are encouraged to lead a discussion with the student body about these concepts following the mock trial presentation.

## **Judge's Opening Instructions to Students**

My name is \_\_\_\_\_ and I am a Judge in the case of Ima Wright v. Principal Telaw and the Mountain Board of Education. This is a court case about a high school student, Ima Wright, who thinks she should not have been punished for her activities outside the school. Principal Telaw and the Mountain Board of Education are the defendants and believe Ima should be punished because she caused damage to school property.

I would like to introduce to you the attorneys. The plaintiff, Ima Wright will be represented throughout these proceedings by \_\_\_\_\_ (insert name of attorney(s) playing role of plaintiff's attorney). I would like him / her to rise and introduce himself/herself to you. The defendants, Principal Telaw and Mountain Board of Education will be represented by \_\_\_\_\_ (insert name of attorney(s) playing role of defendant's attorney). I would like him/her to rise and introduce himself/herself to you, and his / her client.

Ladies and Gentlemen of the Jury, you are the sole judges of the facts in this matter. Your determination of the facts is to be based solely upon the evidence submitted during the course of the trial. When I use the term "evidence" I mean the testimony of witnesses who will testify and any exhibits which may be marked into evidence.

The plaintiff and the defendant are entitled to jurors who are impartial and agree to keep their minds open until a decision is reached. Jurors must be as free, from bias, prejudice or sympathy, as best they can be.

You will first hear the opening statements from the attorneys. The attorney for the plaintiff, Ima Wright, will go first. The attorney for the defendants Principal Telaw and Mountain Board of Education will go next. What is said by the attorneys in an opening



statement is not evidence. The evidence will come from the testimony of the witnesses and the other evidence presented to you.

At the end of the testimony, the attorneys will speak to you again in closing statements. At that time, they will present to you their final arguments on why their clients should win.

After closing statements, you will receive your final instructions on the law from me and you will then then consider your verdict. You must weigh the evidence calmly and without bias, passion, prejudice or sympathy. You must decide the issues of this case upon the merits.

## Mock Trial Outline

### **OPENING STATEMENTS**

**ARE WE READY FOR WITNESSES? THE PLAINTIFF'S ATTORNEY MAY CALL ITS FIRST WITNESS:**

**WITNESSES FOR THE PLAINTIFF:**

Witness: Ima Wright

Witness: Willie B. Loud

**Plaintiff rests**

**WITNESSES FOR THE DEFENSE:**

Witness: Principal Ian Telaw

Witness: Sarah Tellall

**Defendant rests**

**CLOSING STATEMENTS**

**JUDGE'S INSTRUCTIONS AND FINAL CHARGE**

## Statement of Ima Wright

My name is Ima Wright and I am a senior at Indian High School. I have always enjoyed snapping with my friends and have the longest Snapstreak of all of my friends. Usually I just snap about friends or school. However, one day I snapped about something I thought was more important.

My family told me that grandma was a member of the Chippewa Delaware First Nation. Many people use the word 'Indian' but I know they prefer people to say member of the First Nation. I have always admired these people for their love of nature. I always thought of myself, at least a little bit, as part of this group.

I read that some First Nation people were upset that certain sports teams have names that are insulting. Many First Nation people have said the Washington Redskins and Atlanta Braves should change their names. This is a problem even in my school. Our football team is called the Indian Warriors and our school mascot is Chief Warhoot. I think this is wrong.

I sent a snap to everyone on my Snapstreak saying we should change the name of our football team and mascot. I even wrote, half joking, that people should put stickers on their hat which said ~~Chief Warhoot~~ and boo the chief.

I was shocked that some of my friends actually did it. They handed out stickers for people's hats that said ~~Chief Warhoot~~ and booed Chief Warhoot. I do not go to football games but my friend Willie B. Loud told me all about it.

Unfortunately, then, some people went too far. Somebody, nobody knows who, put a ~~Chief Warhoot~~ sticker on a teacher's door. Principal Telaw called me in to his office and said this has to stop. I agreed and sent the final snap telling everyone to stop. Two days later, however, more ~~Chief Warhoot~~ stickers went up around the school and the Principal told me I would be punished.

I do not think I did anything wrong. All I was did was talk about what I believed in. I did not put up any stickers. I should not be punished for saying what I think in my snaps. Besides, all my snaps were from home on my own time and had nothing to do with the school.

## Statement of Willie B. Loud

I am a student at Indian High School and a friend of Ima Wright. I saw Ima's snap about the Chief Warhoot and thought she was right.

I used my dad's Macbook and printed out a few sticker-labels that said ~~Chief Warhoot~~. I wore one on my hat to a football game. I was amazed when people came up and asked me where they could get one. I did not think anyone but Ima and I would get excited about this but I was wrong.

For the next game I printed out a bunch of stickers and gave them away. People were also shouting "boo" at Chief Warhoot. It was nice to see how many people agreed with Ima and me.

Unfortunately, somebody went too far. I do not know who did it but someone put up a ~~Chief Warhoot~~ sticker on a teacher's door. Ima sent a snap, the last in her snapchain, telling all her friends to stop everything. Ima said that Principal Telaw was going to punish her unless we stopped.

I stopped right away. I did not want to get my friend into more trouble. Some people did not listen and new stickers went up around the school. Ima was punished by Principal Ian Telaw.

I do not think Ima did anything wrong. Other people put up the stickers around the school, not Ima. Besides, Ima did not snap from school. She is being punished for what she did outside of school. Ima has a right to say what she wants and should not be punished for it.

## Statement of Ian Telaw

I am Ian Telaw, the principal at Indian High School. I am very proud of my school and our sports teams. I was very upset to see students booing and wearing stickers on their hats that said we should change the name of Chief Warhoot. We all go to Indian High School. It's only natural that our school mascot is called Chief Warhoot.

I have been the principal a long time and know that these things come and go. At first, I decided to do nothing. I did ask a student if she could find out who was behind this. Sarah Tellall told me that Ima Wright had written some snaps that started it all.

A few days later I discovered a ~~Chief Warhoot~~ sticker on the football coach's door. This is damage to school property. I called Ima to my office and told her that it had to stop. She agreed and promised me that she would tell everyone to stop.

I thought it was over. However, two days later a whole bunch of new stickers showed up. One of them was even on my office door!

I brought in Ima and told her that she was going to be punished. We have a student code of conduct at school that says you cannot damage school property. Ima said she did not put up any stickers but I do not believe her. Even if she did not put up stickers, her snaps got everyone else excited and was the cause of the damage.

It is my job to make sure the school runs smoothly. Ima's snaps hurt the ability of our teachers to teach. It hurts school spirit and the learning process. I believe the punishment Ima received was right.

## **Statement of Sarah Tellall**

I am a senior at Indian High School. I am a quiet person and do not have many friends at school. My one good friend is Principal Telaw. As a friend, I often help him out by finding out what is going on around the school.

A little while ago he asked me to find out who was behind the Chief Warhoot stickers. I do not understand why anyone would have a problem with Chief Warhoot. He is so funny with that dance and his chant.

One day at lunch I heard Ima Wright talking to Willie B. Loud. Ima told Willie that she was happy with how everything was going. Willie told Ima that she should keep snapping and he would keep handing out stickers. Ima was the brains and he was the muscle.

I told Principal Telaw what I heard. Principal Telaw told me that he was not going to do anything. These things are often forgotten. Besides, people had a right to boo and wear stickers if they wanted to.

Two days later, however, new stickers went up inside the school. Principal Telaw asked me to find out what I could. I heard two students whose names I do not know talking. One said to the other that Ima had stopped snapping. Nevertheless, she was still passing out stickers. Willie was home sick for a few days but Ima was still at it. I told Principal Telaw what I heard.

Ima Wright should not be putting stickers on doors at school. This is damaging school property. Even if she did not do it herself she was the one who started it all. Schools should be about learning and this nonsense gets in the way.

## **Judge's Ending Instructions and Final Charge**

### **GENERAL INFORMATION**

Ladies and Gentlemen of the Jury, the evidence in this case has been presented and the attorneys have completed their summations. It is now time for you, as jurors, to perform your job.

First, let me thank for your attention and for listening so well during this trial. I would also like to compliment the attorneys on how well they presented their cases.

### **NATURE OF THE CASE**

This is a civil case. The plaintiff, Ima Wright claims that she should not be punished by Principal Telaw. She says that she was merely stating opinions in her snaps and should not be punished for that. Ima Wright claims she never put up any stickers or damaged any school property. Ima also claims that she wrote snaps on her own time in her own home and that this has nothing to do with the school.

The defendant, Principal Telaw says that it is his job to maintain order at the school. He cannot allow students to damage school property. The school has rules that punish students who act badly. Ima Wright broke those rules and should be punished. The things Ima did made it difficult for students at Indian High School to learn.

### **FUNCTION OF THE JURY**

When we started the case, I explained that you are the jury and will decide the case on the facts presented. You must decide which witnesses are likely telling the truth. If you find that the plaintiff, Ima Wright, has proven her case you must find for the plaintiff. But if you decide

that Plaintiff has not proven her case, then you must decide in favor of defendants, Principal Telaw and Mountain Board of Education.

### **DELIBERATIONS**

As jurors, you are expected to use good common sense. It is your duty, as jurors, to talk with one another. Each of you must decide the case for yourself, but only after you discuss the case with your fellow jurors. As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Five of the six of you have to agree before a decision, one way or the other, is reached.

### **APPOINTING FOREPERSON:**

*(Insert juror's name)* you are the foreperson of the jury because of your position in the jury box. You will tell us when a decision is reached.

### **THE JURY DELIBERATES, WITH JUDGE'S GUIDANCE**



**Verdict Sheet**

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Plaintiff  
Ima Wright

: No. : \_\_\_\_\_  
: Date: \_\_\_\_\_

v.

: Judge: \_\_\_\_\_

Defendant  
Principal Telaw and Mountain Board of Education

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Question No. 1 reads:

Did Principal Telaw violate Ima Wright's First Amendment Free Speech rights by punishing her.

Yes \_\_\_\_\_ No \_\_\_\_\_

Ms./Mr. Foreperson, please rise.

Ms./Mr. Foreperson, has this jury agreed upon a verdict?

Ms./Mr. Foreperson, is that verdict unanimous?

## Law

The highest law in our country is the Constitution. The Constitution of the United States, in the First Amendment, says:

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

Often, courts are called upon to interpret the Constitution. Sometimes these cases are decided by the United States Supreme Court, the highest court in our country. One case that discusses issues about Freedom of Speech and students is Tinker v. Des Moines, 393 U.S. 503(1969). The United States Supreme Court found that students have a Constitutional right to free speech in schools. However, schools can have some rules to ensure that free speech does not interfere with the learning environment.

## Vocabulary List

**Admissible Evidence:** evidence the court allows to be admitted at trial.

**Attorney:** a person who has been qualified by a state or federal court to provide legal services, including appearing in court.

**Burden of Proof:** a duty placed upon a civil or criminal defendant to prove or disprove a disputed fact. In a criminal trial, the burden of proof requires the prosecutor to prove the guilt of the accused “beyond a reasonable doubt.” In a civil trial, the burden of proof is usually “by a preponderance of the evidence”.

**Circumstantial Evidence:** evidence in a trial which is not obtained directly from an eyewitness or participant and requires some reasoning to prove a fact.

**Credibility:** whether testimony is worthy of belief, based on competence of the witness and the likelihood that it is true.

**Cross Examination:** the examination of a witness by the party opposed to the one who produced her/him.

**Damages:** the amount of money which a plaintiff, the person suing, may be awarded in a civil case.

**Deliberate:** to weigh, discuss and consider.

**Direct Examination:** the examination of a witness by the party on whose behalf he she is called.

**Evidence:** every type of proof legally presented at trial (allowed by the Judge) which is intended to convince the trier-of-fact of alleged facts material to the case.

**Exhibits:** a paper, chart, or other item presented to the Court.

**Intent:** mental desire and will to act in a particular way, including wishing not to participate. Intent is a crucial element in determining if certain acts were criminal.

**Judge:** an official with the authority and responsibility to preside in a court, try lawsuits and make legal rulings.

**Jury:** a group of persons sworn to render a verdict or true answer on a question or questions submitted to them.

**Jury Charge:** direction that the Judge gives the jury concerning the applicable law of an issue or case.

**Preponderance of the Evidence:** requires the trier of fact (Jury or Judge) to believe that the existence of a fact is more probable than its nonexistence, in order to find in favor of the party who has the burden of proof. Often described as finding 50.1% in favor of one side.

**Testify:** to give evidence, 'under oath', as a witness.

**Verdict:** a jury's decision or judgment.

**Witness:** an individual who actually sees, hears or perceives something; an individual who provides testimony in court.