



New Jersey Courts

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ESSEX VICINAGE 2017 LAW DAY

**THE 14TH AMENDMENT
TRANSFORMING
AMERICAN
DEMOCRACY**

...shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, nor shall any State make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor shall any State deny to any person within its jurisdiction the equal protection of the laws. Representatives and Senators of the several States, and Members of the several State legislatures, and all electors in the United States, shall, when they take the Oath of Office, swear to support the Constitution of the United States, and to support the laws of the United States, and to support the Union of the United States.

MIDDLE & HIGH SCHOOL MOCK TRIAL FACT PATTERN

Andrews v. Springdell

As modified by the 2017 Essex Vicinage Law Day Committee

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Fact Pattern

Lynn Andrews is a 16 years old junior at Lincoln High School. She entered Lincoln High School in Springdell, New Jersey, in September 2016 as a transfer student, shortly after her family moved to New Jersey from Boston, Massachusetts.

During the first two years of high school, Lynn attended Butler Preparatory Academy in Boston. This is a private, all-girls high school where Lynn was the star of the state champion soccer team. Prior to high school, Lynn played on the soccer team at her middle school in Boston and on a number of travel soccer teams. While some of these teams were all girl, other teams had both boys and girls.

Now that she has moved to New Jersey, Lynn hopes to continue playing soccer. Barring injury, she believes she has a good chance at getting an athletic scholarship for soccer when she goes to college in two years.

Lincoln High School has an excellent boys' soccer team. It has competed in the finals of the state tournament in three of the last five years. It plays in the top bracket of high school soccer teams in New Jersey.

Last year Lincoln High School elevated their 'club' girls' soccer team to a fully accredited high school team. The high school is still searching for a permanent girls' soccer coach although two candidates are being interviewed. The high school is attempting to find suitable field for the girls' team to utilize for practices and games. The high school field is fully booked for practices and games for the boys' soccer team. The plan is to bus the girls' team to another local school and use one of their general purpose athletic fields. As it has only recently been organized, the girls' soccer team is assigned to play in the lowest bracket of New Jersey High School girls'

soccer teams. As a startup team, there is little prospect that the team will be invited to participate in any regional or state soccer tournaments at the end of the season.

Lincoln High School has an all-state girls' field hockey team. The best female athletes at Lincoln High participate in field hockey. Last year, two of the field hockey team members received athletic scholarships to colleges.

On September 15, 2016, Lynn appeared at the try outs for the boys' soccer team that had been posted around the school. Coach Raymond Hartley, wasn't sure what to do when Lynn showed up so he allowed her to try out. He spent a lot of time watching Lynn during the practice. It was the coach's opinion that Lynn had a lot of talent. He did not want to commit himself but his initial assessment was that Lynn might be a good enough soccer player to compete and even earn a spot on the boy's team.

Coach Hartley was later informed of the Springdell School District rule that girls were prohibited from playing on boys' teams whenever a school had both a boys and girls team in the same sport. The coach suggested that Lynn play for the girls' soccer team. He also suggested that she learn how to play field hockey. She was a good athlete and there might be a chance for her to obtain a scholarship in that sport. On September 22, 2016, Lynn and her parents met with Coach Hartley and Superintendent Martin Wrobel. The Superintendent agreed with Coach Hartley's decision and Lynn was again denied the opportunity to try out for the boys' team.

At this trial, Robert Andrews as the parent for Lynn Andrews, seeks to demonstrate by clear and convincing evidence that it is unfair to deny Lynn the opportunity to try out for and play on the boys' soccer team when she has the ability to compete. Denying Lynn from the boys' soccer team will diminish and perhaps curtail her chance to receive a college athletic scholarship

p for soccer. Lynn believes that telling her to learn a new sport and switch to field hockey is not a realistic alternative.

Robert Andrews argues that denying Lynn from the boys' soccer team is a violation of Title IX of the Civil Rights Act. This federal statute provides that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

It is uncontested that Springdell Schools receive federal financial assistance.

Robert Andrews further argues that denying Lynn from playing on the boys' soccer team is a violation of the United States Constitution.

Section 1 of the 14th Amendment to the United States Constitution provides:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Robert Andrews believes that denying Lynn the opportunity to compete for the boys' soccer team denies Lynn her constitutional rights to 'equal protection of the laws' because she is being discriminated against because of her sex. Plaintiff asks the court for a preliminary and permanent injunction requiring the defendant, Springdell School District, to permit Lynn to try out for and play for the Lincoln High School boys' soccer team if based upon a good faith determination of her capabilities she is found to be qualified.

Defendant, Springdell School District, answers that there is a substantial risk to the personal safety of Lynn Andrews if she is allowed to participate in a rough sport such as soccer.

The risk to Lynn and to the school district in allowing her to play a contact sport with boys is too great for the school system to assume.

Springdell further argues that they have met the guidelines for Title IX and the Equal Protection Clause of the United States Constitution. Lincoln High School does offer a girls' soccer team which Lynn is eligible to play for. Lynn can further try out for and exercise her athletic skills in other sports offered for high school girls such as field hockey. If she is such a good athlete, she should be able to maximize her scholarship opportunities no matter what sport she chooses to participate in. The Springdell School District further argues that morale on the boys' soccer team would be negatively affected by having a girl player. The defendant asks that the court deny the plaintiff's petition.

Instructions for Teachers

This fact pattern involves a case in which the plaintiff Robert Andrews, father of Lynn Andrews, seeks an order from the court permitting Lynn Andrews to try out for and if appropriate play for the boys' soccer team at Lincoln High School in Springdell, New Jersey. The students should be familiar with the entire fact pattern and understand the sequence of events prior to the date of the mock trial.

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 Robert Andrews, father of Lynn Andrews. The other attorney will act as the attorney for the defendant Springdell School District.

Teachers should select four students to play the parts of the witnesses. The students should be familiar with their witness statements and the sequence of events. Some of the witnesses will be testifying for the prosecution and some of the witnesses will be testifying for the defense. Witnesses will be cross-examined by the opposing attorneys. Both attorneys will make their closing arguments and the judge will then lead a dialogue with the student body to decide the outcome of the case.

Teachers should select two students to act as co-counsel. They will assist the visiting attorneys. The judge, attorneys and teachers will decide beforehand whether the student attorneys will assist visiting attorneys or actually present the case being coached by the attorneys. If the students are assisting the attorneys, they may suggest things that the attorney should include in the opening and closing statements. Students can suggest direct and cross-examination questions for the witnesses. Teachers should inform the visiting attorneys and judge of the names of the student co-counsels prior to the start of the mock trial.

Whether or not to issue an injunction in cases like this are normally decided by a judge without a jury. For purposes of this mock trial presentation, a jury will be empaneled to help the

court decide the issues presented. The judge will decide whether the student body as a whole will act as the jury or whether 12 students will be selected as a jury. The student body or jury will decide whether the plaintiff should be granted a preliminary and permanent injunction allowing her to try out for and play for the boys' soccer team.

Instructions to Judges & Attorneys

The students will have received the fact pattern in advance of the mock trial date. The teachers have selected students to portray the witnesses and 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 an opening argument of not more than five minutes. The direct and cross-examination of each witness should take no longer than five minutes. Then the attorneys will each make a five-minute closing argument.

The judge will give the ending 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 through an analysis of the issues so that they may make a decision.

The students acting as jurors should be encouraged to express their various viewpoints. Feedback and participation are encouraged. Following the presentation, a question-and-answer period is usually held with the students. Further, the theme for Law Day this year is the 14th Amendment to the United States Constitution and the concepts of the 'due process' and 'equal protection of law'. Material has been provided at the end of the fact pattern which discusses these concepts. The judge and attorneys are encouraged to lead a discussion with the students about these issues with the student body.

Judge's Opening Instructions to Students

My name is _____ and I am a judge in the case of the Andrews v. Springdell. This matter involves a case in which the plaintiff Robert Andrews, father of Lynn Andrews, seeks an order from the court permitting Lynn Andrews to try out for and if appropriate play for the boys' soccer team at Lincoln High School. Plaintiff argues that denying his daughter this relief is a violation of Title IX of Federal statutes and Section 1 of the 14th Amendment to the United States Constitution guaranteeing all citizens equal protection of the law.

The defendant Springdell School District argues that no injunction should issue as they have provided both a boys' soccer team and a girls' soccer team. Lynn must try out for and play on the girls' team. They argue that they have complied with their obligations under Title IX of the federal law and have not violated the Equal Protection clause by denying Lynn from the boys' soccer team.

I would like to introduce you to the attorneys. The plaintiff Robert Andrews, father of Lynn Andrews, 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 defendant, Springdell School District will be represented by _____(insert name of attorney(s) playing role of defense 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 State and the defendant are entitled to jurors who are impartial and agree to keep their minds open until a verdict is reached. Jurors must be as free from bias, prejudice or sympathy as much as humanly possible and must not be influenced by pre-conceived ideas.

The first order of business will be the plaintiff's opening statement. In the opening statement, the plaintiff's attorney will present the plaintiff's case and will outline what he/she expects to prove. Following that, the defense counsel, if he/she chooses, will make an opening statement. You will then hear testimony from various witnesses and other evidence introduced by the plaintiff and the defendant.

At the conclusion of the testimony, the attorneys will speak to you again in closing statements. What is said by the attorneys in opening and closing statements is not evidence. The evidence will come from the witnesses who will testify and from the documents and tangible items that are received in evidence.

Following closing statements, I will provide you with final instructions on the law and you will then retire to consider your decision. It is your duty to weigh the evidence calmly and without bias, passion, prejudice or sympathy. You must decide this case upon the merits.

OPENING STATEMENTS

Are we ready for opening statements? We will begin with the prosecutor.

ARE WE READY FOR WITNESSES? THE PLAINTIFF MAY CALL ITS FIRST WITNESS.

WITNESSES FOR THE PLAINTIFF:

Witness: Lynn Andrews - Student, Lincoln High School

Plaintiff: Robert Andrews - Father of Lynn Andrews

WITNESSES FOR THE DEFENSE:

Witness: Raymond Hartley – Lincoln High School Boys' Soccer Coach

Defendant: Martin Wrobel – Superintendent of the Springdell School District

CLOSING STATEMENTS

JUDGE'S INSTRUCTIONS AND FINAL CHARGE

Statement of Lynn Andrews

My name is Lynn Andrews. I am 16 years old and live in Springdell, New Jersey. I am a junior at Lincoln High School.

I started playing soccer in the Pee Wee league up in Boston when I was seven years old. We would go out and play in almost any kind of weather. It can get extremely cold and snowy it gets in Boston but we played anyway. I played on the girls' team in grade school and middle school. Until we moved to New Jersey, I played on numerous recreational leagues which consisted of girls' teams and some mixed which had boys and girls.

I attended my first two years of high school at Butler Preparatory Academy in Boston. This is a private all-girls high school. As a freshman, I made the varsity soccer team. Our high school went on to become state champions. As a sophomore I was voted the team's most valuable player after we again got to the State finals. I love soccer. It's a big part of my life.

My parents and I recently moved to New Jersey. I knew that Springdell was a powerhouse soccer town. I heard that the Lincoln High School soccer team competed for the state championship in three of the last five years.

You can imagine my shock when I found out that Lincoln High School barely had a girls' soccer team. The girls' soccer team was only organized last year. Until last year, the team existed as a 'club team' competing against other schools on an informal basis. I understand that the girls' soccer team right now doesn't even have a permanent coach and has no home field to practice or play on.

I decided that the only thing I could do was to try out for the boys' team. I showed up at the try outs in September. Coach Hartley looked a little shocked when I showed up and told me that the girls' try outs were next week. I calmly informed him that I thought I was good enough to play on the boys' team. The look on the coach's face was priceless. It seemed he didn't know what to do so he just let me stay and compete.

I showed him and everyone else who saw me at try outs that I belonged on that field and playing for that team. I wasn't always the fastest or strongest player out there but I easily showed that I could compete. It was fun playing at a level of competition that made me feel comfortable.

After try outs, Coach Hartley called me over and talked with me privately. He said that he was skeptical in the beginning but was beginning to change his mind about my ability to play. He said he had to check into the rules regarding girls playing on the boys' soccer team, but if the rules permitted it, he would give me a fair shot at making the team. Coach Hartley seemed to be a really nice guy and knew there was a chance that I could help the Lincoln High School soccer team.

Later, I was told by Coach Hartley and the Superintendent of the Springdell School District, Martin Wrobel, that I was not eligible to play for the boys' soccer team at Lincoln High. They told me that the law only allowed girls to play on boys' sports teams if there was no similar girls team offered at that school. Since Lincoln High School had a girls' soccer team, I was ineligible for the boys' team. Superintendent Wrobel also told me they he was concerned because soccer is a rough sport and they were afraid I would get hurt.

I think they are totally wrong. I've played in mixed leagues with boys and girls before and have never had a problem. I believe the boys on the soccer team will get used to me being there, particularly if I can help the team. I am hoping to play soccer in college. I will need to get an athletic scholarship based upon my high school record. That will never happen with the way Lincoln High School girls' soccer team is organized. None of the college scouts will ever attend their games or recruit their players. I believe that if I am good enough to play on the boys' team that I should be allowed to play on the boys' team.

Statement of Robert Andrews

My name is Robert Andrews. I live in Springdell, New Jersey with my wife and my 16 year old daughter Lynn.

Lynn has played soccer for what seems her entire life. I remember when she first started in the Pee Wee league. They didn't have enough coaches for all the students who signed up so they wrangled me into being a coach. I didn't know the first thing about soccer, but my daughter and I learned about the sport together and it brought us closer.

They call Pee Wee soccer 'swarm ball' in Boston. More often than not, all six players on the both teams run toward the ball wherever it is on the field and try to kick it. Sometimes even the goalies get bored and start chasing the ball all over the field. However, early on Lynn learned that the better way to play was to stay at your position and to pass the ball to whoever was open. She seemed to have a natural instinct for soccer. Her drive to play has never waned over the years.

We were so proud of Lynn when she made the high school varsity team as a freshman. She played in every game in the state championship, despite an injury. Her team ultimately won the state championship that year. The following year, her team got to the finals and Lynn was named the most valuable player on her team.

Soccer has been Lynn's way of triumphing over adversity. When she was eleven, she broke her leg in several places in a skiing accident. She had two operations and extensive physical therapy. I still remember her saying that she was going to get through it all so that she wouldn't miss the school soccer season.

I think a lot of Lynn's self-esteem comes from this personal victory. It is important to her psychological wellbeing and her future plans that she be allowed to compete at the highest level that she is qualified for. I have no doubts that she would be safe and would excel as a member of the boys' soccer team if given the chance. I was encouraged when Coach Hartley said that he would give her a chance if the rules allowed. I was most upset when the Superintendent informed me that the rules prohibited girls from playing on boys' sport teams whenever there was a girls' team in the same sport at the school. I think this violates Title IX of the federal statutes and the Equal Protection Clause of the 14th Amendment to the United States Constitution.

Statement of Raymond Hartley

My name is Raymond Hartley. I am 42 years old and live in Springdell, New Jersey. I am the head boys' athletic coach at Lincoln High School and coach of the boys' soccer team.

In September, Lynn showed up at try outs for the boys' soccer team. I initially thought that she had mixed up the dates for the boys and girls team try outs. However, she told me, in no uncertain terms that she knew it was the try out for the boys' team and she thought that she was a good enough player to make the team.

I was rather shocked by her poise and self-confidence. I also wasn't sure what the rules were for girls playing on boys' sports team. I know that a few years ago, before the girls had their own soccer team, there was a female student who was allowed to play on the boys' Junior Varsity soccer team. She even got into a few games during the season. I decided to allow Lynn to participate at the try outs. I figured that when she saw how fast and hard soccer is played at the boys' high school level, she would decide she was better suited for the girls' soccer team.

I did keep an eye on Lynn during the try outs in order to make sure she didn't get hurt. It turns out that I didn't have to. Even watching her for just one afternoon, I could see that Lynn is a natural soccer player. She was not all ways the fastest or strongest playing trying out for the team. But she had good instincts for the game and was a smart intense player. She also didn't seem to mind throwing an elbow or two when the situation called for it.

I do not know that Lynn would make the boys' soccer team. We have excellent athletes at Lincoln High who do not make the soccer team. Our team has competed for the State Championship in three of the last five years and plays in the top bracket of boys' high school soccer in this state. What I do know is that I went from a skeptic to undecided. It is possible that Lynn would qualify the boys' soccer team and contribute if permitted.

If she were to make the team it would not be easy. Soccer is a contact sport and I know the boys play a rough game. I think that even if Lynn is a superior player, she'll take a battering out on the field. The boys on the other teams may assume she is a weak link and focus on her in their offensive strategies.

I also have to keep in mind that team morale is a delicate balance. I think a girl on the boy's team might tip that balance. Boys are used to competing against other boys as part of the process of becoming an adult. If Lynn is a stronger player than some of the boys, this might be a blow to their egos.

Teen-age kids can be cruel in their teasing. We are all on guard against bullying and harassment in our schools. Members of a boys' soccer team, with a girl player, may take a lot of razzing from other teams which will distract them from their competitive goals.

If permitted by the rules, I would give Lynn a chance to make the boys' soccer team. But I do understand that it would not be easy for her or for the other team members and that it could be dangerous for Lynn.

Statement of Martin Wrobel

My name is Martin Wrobel. I am 49 years old. I live in Springdell, New Jersey and I am the Superintendent of the Springdell School District.

In September of this year, I met with Coach Hartley, Robert Andrews and his daughter Lynn Andrews. I heard arguments from all sides but stand by my decision that Lynn should not be allowed to try out for or play on the boys' soccer team.

We do our best in Springdell to try to comply with the federal statutes known as Title IX. The Title IX guidelines are pretty clear. They state:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

As I see it, we comply with these guidelines by offering both a girls' soccer team and a boys' soccer team. Every student at Lincoln High School, whether they are male or female, has the opportunity to play high school soccer. The guidelines do not require winning sports teams, only the opportunity to play that sport at the high school level.

There are some sports, particularly non-contact sports, where girls and boys play on the same team. Sometimes schools do not have enough players to field both boys and girls ski teams or tennis teams. I've heard of some schools where there are girls who try out for and make the boys' cross country track teams. But these all involve schools which do not have enough participation to field both boys' and girls' teams. Here at Lincoln High School, we have lots of students trying out for the sports teams and Lynn is not being discriminated against.

The Springdell school system also has a rule regarding this situation. Rule 2:A-3.4 of the Board of Education guidelines states:

“Girls are prohibited from participating on boys' basketball, boxing, football, ice hockey and wrestling teams. Girls can play baseball, field hockey, lacrosse, soccer and power volleyball on boys' teams if there is no girls' team offered by the school in that sport and after review and approval by the school's doctor, physical education teacher and a family physician.”

This rule is particularly important because soccer is a rough sport. I know that some states have laws banning girls from playing contact sports on boys' teams. While New Jersey does not have such a law, I understand the motivation behind it. As School District Superintendent, I have to concern myself with both the education of our students and their well-being and safety. Soccer is a hard contact sport as played by the boys. In my opinion it is too rough for girls. Last year I instituted a new concussion protocol for the boys' and girls' soccer teams to keep our students safe. I could not, in good conscience, allow any student out on a playing field where I felt there was a greater than average likelihood that an injury would occur.

I know that Lynn is disappointed by my decision. However, she can use her athletic skills to try out for and play on the girls' soccer team. If she is as good as everyone says, she may make the difference in creating a winning team.

No one knows the future. If Lynn is a standout player she may still receive the scholarship she hopes for. She does not come from an underprivileged family and I assume that her attending college is not contingent on getting an athletic scholarship. She can also try out for the girls' field hockey team. We are most proud of our all-state girls' field hockey team at Lincoln High School. All the best female student athletes at Lincoln High participate in field hockey. Last year, two of the team members received athletic scholarships to colleges.

Judge's Ending Instructions to Students 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. We now arrive at the time when you, as jurors, are to perform your final function in this case.

At the outset, let me express my thanks and appreciation to you for your attention to this case. I would like to commend counsel for the professional manner in which they have conducted themselves and for their courtesy to the court and jury during this trial.

As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Also, speculation, conjecture and other forms of guessing play no role in the performance of your duty.

NATURE OF THE CASE

The plaintiff, Robert Andrews, seeks from the court an injunction requiring the Springdell School District to permit his daughter Lynn Andrews to try out for and play on the boys' soccer team if based upon a good faith determination of her capabilities she is found to be qualified. Plaintiff argues that denying her an opportunity to compete is a violation of the 14th Amendment to the United States Constitution which guarantees equal protection of the law too all citizens of the United States and which prohibits unlawful discrimination based upon sex. Plaintiff further argues that Title IX, a federal statute prohibits discrimination in education based upon gender.

The defendant, Springdell School District, claims that they have not violated Title IX or otherwise improperly discriminated against Lynn Andrews under the United States Constitution. They argue that Lynn Andrews has a right to play high school soccer. They have complied with

that right by offering a girls' soccer team at Lincoln High School. The Springdell School claims that their rule prohibiting girls from playing on boys' sports team when there is a girls' team available is reasonable and should be enforced.

FUNCTION OF THE JURY

At the start of this case, I explained that you are the judges of the facts. You and you alone are the sole and exclusive judges of the evidence, the credibility of the witnesses and the weight to be given to the testimony of each witness. It is your sworn duty to arrive at a just conclusion after considering all the evidence which was presented during the course of the trial.

FUNCTION OF THE COURT

The function of the court is to determine all questions of law arising during trial and to instruct the jury as to the law which applies in this case. You must accept the law as given to you by me and apply it to the facts as you find them to be.

CREDIBILITY OF WITNESSES

As the judges of the facts, you are to determine the credibility of the witnesses. In determining whether a witness is worthy of belief, you may take into consideration the witness's demeanor, inconsistent statements and any and all other matters in the evidence which serve to support or discredit the testimony.

INSTRUCTIONS AS TO VERDICT FORM

To assist you in reporting a verdict, I have prepared a verdict sheet.

APPOINTING FOREPERSON:

(Insert juror's name) you are the foreperson of the jury because of your position in the jury box. You will preside over the deliberations and tell us the verdict when reached. Your vote carries no greater weight than that of any other deliberating juror.

THE JURY DELIBERATES, WITH JUDGE'S GUIDANCE

THE VERDICT IS RECEIVED AND READ AS TO EACH COUNT

Verdict Sheet

Robert Andrews, : Date:

Plaintiff : No.

v. : Judge:

Springdell School District

Defendant

-----X

We, the jury, find that the plaintiff _____ or _____
(Has) (Has Not)

established by the preponderance of the evidence that the defendant Springdell School district has improperly discriminated against Lynn Andrews on the basis of her sex in violation of the Equal Protection Clause of the United States Constitution or on the basis of Title IX of federal statutes.

Foreperson

Ms./Mr. Foreperson, please rise.

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

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

Vocabulary List

Admissible Evidence: evidence the court allows to be admitted at trial. Evidence which the trial judge finds is useful in helping the trier-of-fact, which cannot be objected to on the basis that it is irrelevant, immaterial, or violates the rules against hearsay and other objections.

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.”

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 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.

Injunction: A judicial order that restrains a person from starting an act or continuing an act or compelling a person to perform a certain act.

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: the greater weight of the evidence required in a civil (noncriminal) lawsuit for the trier-of-fact (jury or judge without a jury) to decide in favor of one side or the other.

Testify: to give evidence 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.

Additional Information: The 14th Amendment

Today the 14th Amendment stands among the most often cited and the most litigated of any provisions of the United States Constitution. Rarely does a Supreme Court term go by without a landmark ruling that has its roots in the 14th Amendment.

Section 1 of the 14th Amendment to the United States Constitution states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

To truly appreciate the impact the 14th Amendment has had in transforming American democracy, it is important to learn about some seminal decisions. Students interested in this topic can research any number of United States Supreme Court decisions including the decisions in Brown v. Board of Education of Topeka, 347 U.S.483 (1954) (separate but equal); Gideon v. Wainwright, 372 U.S. 335 (1963)(right to an attorney in criminal matters); and Loving v. Virginia, 388 U.S. 1 (1967)(interracial marriage).

Due Process of Law

What is meant by the 14th Amendment's requirement for "Due Process" of law? Looking at it simply, due process is making sure the government acts fairly. It is a safeguard that protects certain rights like life, liberty or property. It ensures the government does not take away these rights unjustly. The 14th Amendment is not the only place in the Constitution where due process appears. It is also mentioned in the 5th Amendment. So why did Congress decide we needed to include it again when they wrote the 14th Amendment? The 5th Amendment applies to the federal government and the 14th Amendment applies to the states. This means there are limitations on the kinds of laws both the federal government and state governments can make when the law will affect a person's rights.

There are two kinds of due process. The first type is concerned with the process the government must follow. If a government passes a law that takes away or affects one of your rights, it must provide you with certain information. The second kind of due process is a bit more complicated. It looks at the reasons the government made the law and the kind of right affected. If the right is a fundamental right, then it is very difficult for the government to make the law.

Equal Protection Clause

Equality in the 14th Amendment means the same as it does in your math homework. In a math problem you have to solve the answer for the numbers being added, subtracted, multiplied or divided. What is on one side of the equal sign has the same value as the other side. The Equal Protection Clause makes sure that every person is treated the same as everyone else under the law.

The 14th Amendment says the government cannot: “deny any person within its jurisdiction equal protection of the laws.” This means the government could not decide to treat one person differently from another person just because it wants to. If the government decides to treat some people differently than others, it must first have a very important reason or goal. Then the government must explain to the court why treating some people differently is necessary to achieve that goal.

Civil War and Reconstruction: History of the 14th Amendment

At the end of the Civil War in 1865, during a period in history called Reconstruction (1865-1877), Congress passed the 13th Amendment which abolished slavery once and for all, but it did not carve out specific rights for newly freed men and women. Many questions remained about whether they were citizens, could vote or if they could own land. Even though they were now free, what would protect them and make sure that they were treated fairly? The first Civil Rights Act which was passed in 1866 despite President Johnson’s veto, defined citizenship and the idea of equal protection. To ensure that no one could argue whether Congress had the power to pass the act, Congress adopted the 14th Amendment in 1868. The first state to ratify the 14th Amendment was Connecticut on June 30, 1866 after which 35 more states would follow.

Citizenship

Who is a citizen? This may seem like a simple question now, but it has not always been so simple. A citizen is someone who is included as a member of a country under the law. A citizen may have rights that are not afforded to non-citizens. For example, only citizens are able to vote in elections and get U.S. passports. Until the 14th Amendment was ratified after the Civil War, many people who were born in the United States and lived here were not recognized as U.S. citizens. The largest group of people who did not have the status of citizens due to their race was African Americans.

A U.S. Supreme Court decision in 1857 called Scott v. Sanford (commonly referred to as the Dredd Scott Decision) determined that a person who was a slave or whose family members had been slaves could not be an American citizen. Many people disagreed with this decision, so when the 14th Amendment was written and added to the Constitution, Congress changed the definition of a citizen to include “all persons born or naturalized in the United States.” This critical definitional change meant that anyone born in any state of the United States is automatically a citizen. It does not matter if you were born in Oklahoma, Oregon or Ohio. This changed millions of lives of former slaves who were now legally recognized as citizens and entitled to the same rights as everyone else.

Conclusion

The 14th Amendment has reshaped American law and society. Through its Citizenship, Due Process, and Equal Protection clauses, this amendment has transformed and advanced the rights of all Americans. It has played a pivotal role in extending the reach of the liberties contained in the Bill of Rights to the states. Ratified during Reconstruction a century and a half ago, the 14th Amendment still serves as the cornerstone of landmark civil rights legislation, the foundation for any number of federal court decisions protecting fundamental rights and a source of inspiration for all those who advocate for equal justice under law.

(Adapted, with edits, from the 2017 Oklahoma Bar Association Law Day committee)