



New Jersey Courts

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ESSEX VICINAGE MIDDLE & HIGH 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

Ima Wright is an 18 year old senior at Indian High School in Mountain, New Jersey. For years, her grandparents have told her that she and her family were descendants of the First Americans. According to family legend, Ima's great grandmother was a member of the Chippewa Delaware First Nation.

When her senior AP history and social studies class studied Native Americans, Ima learned that many of these groups are referred to as Indians and Native Americans but prefer to be called the Indigenous People of the Americas or People of the First Nation. As part of a research assignment, Ima read an article about the ongoing controversy concerning the names of several professional sports teams. The article talked about how many First Nation people feel disrespected and belittled by team names such as the Cleveland Indians, the Atlanta Braves, the Kansas City Chiefs and the Washington Redskins.

The article caused Ima to consider her high school's sports teams. She believed that Indian High School should not use the name the Indian Warriors. Ima was also ashamed of the school's mascot, Chief Warhoot, and his chant. She believed that the antics of Chief Warhoot and the name Indian Warriors were insulting and demeaning and needed to be changed.

For years, Ima had been active on Snapchat. She had one of the longest running Snapstreaks among her friends. She would usually snap about what was going on with her friends and in school. One day she snapped a criticism of the Indian Warriors and the school's mascot. She suggested, that everyone wear stickers to the football games which read,

~~“CHIEF WARHOOT”~~ with a bright red line through it. She also snapped that fans of the football team who cared about social justice should ‘boo’ whenever Chief Warhoot did his war chant.

Much to Ima’s surprise, her friend Willie B. Loud created and handed out stickers for people’s hats that said ~~“CHIEF WARHOOT”~~. Several students attended football games and either booed or took a knee whenever Chief Warhoot took the field. Two of the high school players even joined in and ‘took a knee’ when Chief Warhoot did his war chant. Over several weeks, the number of people wearing stickers grew to 50 or 60 at each game.

Ima was thrilled that her snaps inspired people to act. She was proud that she was able to influence members of the community. She wasn’t much of a sports fan and didn’t attend games. She did continue to snap about it.

Unfortunately, some of the high school students went too far. Some unknown students took some extra stickers and put them on lockers, bathroom stalls and classroom doors around the school. There was even a sticker on the front door of the high school.

Principal Telaw was not amused. He conducted an investigation and learned about Ima Wright’s Snapstreak. He called Ima into his office and told her that the ongoing protest was disrupting the high school and must stop. Principal Telaw advised Ima that she risked being suspended. He also advised Ima that he was considering a formal letter of reprimand. Ima told Principal Telaw that she would post a request to end the protest. Ima, as her final snap, reluctantly requested that her friends call off the protest.

Ima was devastated. Although she strongly believed in what she was doing, she felt intimidated by Principal Telaw. Two days earlier she received an email from New Jersey

University. The email congratulated her on earning an early acceptance to New Jersey University with a full merit scholarship and free tuition for all four years of college. The offer would remain valid as long as Ima kept up her grades and maintained a clean disciplinary record.

Two days later Principal Telaw came into his office to find a sticker on his own door. He was told there were also stickers on the doors of the basketball and football coach. He even received a telephone call from the president of the Board of Education asking what type of school Principal Telaw was running. There was a ~~“CHIEF WARHOOT”~~ sticker on the door of the Board of Education building.

Principal Telaw felt betrayed by Ima Wright. He immediately ordered a one-week suspension. Further, he wrote a stern letter explaining his actions and added it to Ima’s school records. After receiving reports of the disciplinary action, New Jersey University advised Ima that they were considering rescinding their early acceptance and merit scholarship.

Ima Wright has brought the present lawsuit seeking to overturn Principal Telaw’s disciplinary actions. She seeks an order from the court reversing the principal’s decision and removing associated disciplinary actions from her record.

Instructions for Teachers

This fact pattern involves a case in which the Ima Wright seeks an order from the court overturning the disciplinary action taken against her by Principal Telaw and the Mountain Board of Education. The defendant argues that her social media activities, all conducted from outside of the high school, should not result in discipline by the principal or Schoolboard. 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, Ima Wright. The other attorney will act as the attorney for the defendant, the Mountain Board of Education.

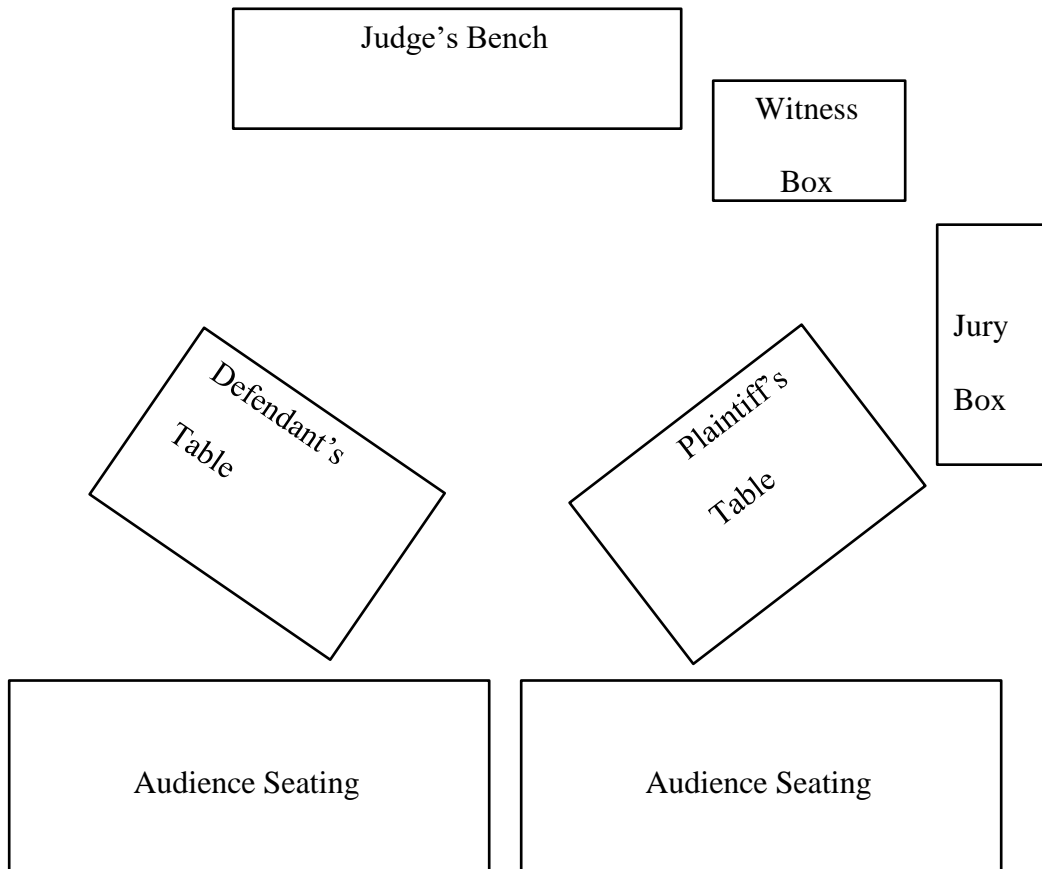
Teachers should select four students to play the parts of the witnesses. The students should be familiar with their witness statements and the sequence of events. Some of the witnesses will be testifying for the plaintiff and some of the witnesses will be testifying for the defense. Witnesses will be 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 also choose two students to act as co-counsel. They will assist the visiting attorneys. The judge, the attorneys and the teachers will decide beforehand whether the student attorneys will assist visiting attorneys or actually present the case while 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.

This type of case is normally decided by a judge without a jury. For purposes of this mock court presentation, a jury will be empaneled. The judge will decide whether the student body as a whole will act as the jury or whether six students will be selected as a jury.

Creating a Courtroom

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



Instructions to the 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 defendants. 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 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 through an analysis of the issues so that they may reach a verdict.

The students acting as jurors should be allowed to express their various viewpoints. Feedback and participation should be encouraged. Following the presentation, a question-and-answer period is usually held with the students.

The theme selected by the American Bar Association for Law Day this year is Free Speech, Free Press, Free Society. This presentation should focus on these cornerstones of representative government. It, hopefully will provide a better understanding of these rights to ensure, as the U.S. Constitution proposes, “the blessings of liberty for ourselves and our posterity.” There is material 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 Wright v. Mountain Board of Education. This matter involves a claim by Ima Wright that she was improperly disciplined by Principal Telaw and the Mountain Board of Education for social media activities which occurred outside of the high school. In this lawsuit, she asks that disciplinary action taken by Principal Telaw be overturned.

I would like to introduce you to 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 defendant, the Mountain Board of Education 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 must 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 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 humanly possible, and must not be influenced by preconceived ideas.

The first order of business will be the plaintiff's opening statement. In the opening statement, the plaintiff 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 verdict. 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:

Ima Wright

Willie B. Loud

WITNESSES FOR THE DEFENSE:

Principal Ian Telaw

Sarah Tellall

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 in Mountain New Jersey. For my entire life, I have been told by my parents and grandparents that our family are descendants of the First Americans. I believe that my great grandmother was a member of the Chippewa Delaware First Nation.

I was happy when my A.P. history and social studies class studied the Indigenous People of the Americas. I learned that many of these groups do not like the terms Indians and Native Americans but prefer the Indigenous People of the Americas or People of the First Nation. I was fascinated to study about the history of my people and their deep spiritual appreciation for the land and nature.

As part of the course, we talked about an ongoing controversy. Many First Nation People feel disrespected by the names of sports teams and their mascots. I read an article about periodic protests of professional sports teams such as the Cleveland Indians, the Atlanta Braves, the Kansas City Chiefs and the Washington Redskins.

This article caused me to consider our schools own sports teams. The sports teams use the name Indian Warriors and have Chief Warhoot as their mascot. At every football and basketball game he runs out, chanting a war chant and waving his tomahawk.

For years, I have been active on Snapchat. I am told that I have one of the longest running snapstreaks of all my friends. Usually I just snap about the things going on in my life, my friends, and my college search.

One day, I decided to snap a criticism of the Indian Warriors and our idiotic school mascot. I suggested, half kidding, that everyone wear a patch on their hats to the next football game that said Chief Warhoot with a red line through the middle of it. I said that anyone with an ounce of social conscience should boo whenever Chief Warhoot did his moronic war chant.

I was shocked to hear that some of my friends took me seriously and printed out stickers saying **CHIEF WARHOOT**. They stuck the stickers on their hats at football games and booed every time Chief Warhoot took the field. This continued for a couple of games. I am told that two of the football players actually took a knee whenever Chief Warhoot ran out on the field. I was

thrilled that people were inspired by my snaps. I am not much of a sports fan, do not go to games, and have never worn a sticker. Although, I did snap about them. My original idea seemed to take on a life of its own.

I got called into the principal's office one day. He told me that people had put up ~~CHIEF WARHOOT~~ stickers on several lockers and a bathroom stall in the school. Principal Telaw told me that this protest had to stop. The booing at football games and the defacing of school property was disrupting the learning environment of the school. He was considering suspending me or writing a letter of reprimand.

I was devastated. I could not understand why I was being punished. I was not putting up stickers and I was not the one booing at football games. I just snapped about it and other people decided to do whatever they wanted to do.

Besides, what I snapped was on my own time was none of the schools business. I never snapped while at school and am being punished for off campus activities.

I had another problem. Two days before talking to Principal Telaw I received a congratulations email from New Jersey University. I had received early acceptance into college and had received a merit scholarship. The scholarship offered would cover my tuition for all four years of college. This was my ticket to attend college. My family does not have a lot of money. With this opportunity, my dream of graduating college and becoming a software engineer might actually come true. There were only a few conditions, one being that I must maintain my grades and have a clean disciplinary high school record.

I immediately told Principal Telaw that I would end my Snapstreak with a request to all of my friends to stop the protest. As soon as the meeting was over, I sent the snap that I had promised.

Two days later I was called back into the principal's office. As I walked in, I saw a ~~CHIEF WARHOOT~~ sticker on the door to his private office. Principal Telaw told me that the football coach, the basketball coach and the President of the Board of Education had also received ~~CHIEF WARHOOT~~ stickers on their office doors. He was furious. He told me that I had betrayed his trust and would be suspended for one week. He also added a stern letter to my school records saying that I was not a person of good character and could not be trusted. Shortly

after my suspension, New Jersey University sent me a letter saying they were considering rescinding the early admission and scholarship.

I do not believe I did anything wrong. I merely expressed an opinion, on my own time and to my friends. I do not believe that Principal Telaw or the Mountain Board of Education should have disciplined me. I have filed this lawsuit asking the court to overturn their decisions and remove the discipline from my school records.

Statement of Willie B. Loud

I am a student at Indian High School and am a friend of Ima Wright. We know each other pretty well. Ima and I have been in the same classes for the past eight years. If we could, we would sometimes hang out at lunch.

I have always admired Ima's skills on social media. She has the longest running Snapstreak of anyone in our school. Usually she snaps about herself, her plans for the future or what's going on with her friends. However, one day she snapped about being a member of the Ramapough Lunaape First Nation. She explained about the controversy going on with various the names of various professional sports teams. Ima said we should do something about the name of the Indian Warriors teams at our school.

I thought that Ima was totally right. However, I did not think many people at our school would get excited about it. Most of us are more concerned with who is seeing whom and which couple is breaking up. I was wrong. After Ima's snap, there were a couple of people who snapped back that Ima was right and we should actually do it.

I used my dad's MacBook and printed out a few sticker-labels that said **CHIEF WARHOOT**. I thought the bright red lettering on a white background looked pretty good. At the first game there were just a few of us who wore the stickers on our hats and booed whenever Chief Warhoot did his stupid dance. I had people coming up to me all game and asking where they could get stickers. Before the next game I printed another 20 stickers and ran out soon after I got there.

For all of the remaining games I came prepared with lots of labels and handed them all out. I talked to a couple of the guys on the football team and even convinced them to join the protest. They began to take a knee whenever Chief Warhoot ran out on the field. I was so proud to be able to put in place the idea my friend Ima Wright had come up with.

Unfortunately, things got a little out of control. Someone, and I don't know whom, took some of the labels that I had handed out at the football games and started putting them up around the school. I'm told that several lockers were hit along with a stall in the boy's bathroom.

Ima had nothing to do with this. She never even wore a sticker, as far as I know. The only thing she did was make the initial suggestion in a snap. She is not much of a sport person

and never went to any of the football games. I kept her in the loop of what happened and she would snap about it.

After the stickers started going up at the school, Ima was called in before Principal Telaw. Ima snapped that Principal Telaw was going to discipline her unless the protest ended. I immediately stopped everything. I would never want to get my friend Ima in trouble. But apparently some others did not care so much and put up ~~CHIEF WARHOOT~~ stickers on the office door of the principal, the football coach and the basketball coach. I hear even the Board of Education building was hit.

Principal Telaw also called my parents and asked them to come see him. My parents decided that I was just not working out at this school. I was always getting in trouble. They sent me to stay with family in a different state and made arrangements for me to go to a new school.

I am not sorry about the stickers. Having Chief Warhoot as a school mascot is insulting and demeaning. I am sorry that the protest got out of hand and Ima got in trouble. I believe she was just snapping, on her own time and in her own place – never at school. She wasn't even really involved in the protest but is the one who got in trouble. She should have a right to speak her mind and inspire others to action. What she first suggested had nothing to do with damaging school property or interfering with the learning environment. Others took what she first suggested and crossed over lines they shouldn't have crossed. Those are the people who should be punished.

Statement of Ian Telaw

My name is Ian Telaw. I have been the principal at Mountain High School in Mountain, New Jersey for the last four years. I generally refer matters involving discipline to one of my vice principals. However, in the present matter I decided to review and decide upon all student disciplinary action personally.

The first I learned of the protest was when I was attending an Indian Warriors football game. I heard member of the crowd booing every time the school mascot Chief Warhoot took the field. I had no idea what was going on. We pride ourselves in having positive and active school spirit at Indian High School. Everyone loves the antics of Chief Warhoot with his wacky dance and war chant. He can really get the students and alumni fired up. When I first heard the boos, I thought it was students from the opposing school making mischief.

Chief Warhoot is a long standing tradition at the school. He was our school mascot when I attended Mountain High School as a student more years ago than I care to admit. I know this because for half of my senior year, I was Chief Warhoot and led the cheers urging the Indian Warriors to victory. Chief Warhoot is a cherished tradition and helps define the identity of our school.

At the next game I continued to hear booing. I looked into the matter further and noticed that everyone booing was also wearing a white sticker with a red line through it on their hat. When I got close, I was shocked to see a student, from our school, with a sticker on her hat that said ~~CHIEF WARHOOT~~. I asked her why she was wearing the sticker and she said that the mascot was demeaning and insulting to members of the First Nation.

Despite my outrage, I decided to do nothing. There are always strange groups and ideas floating around the school and these things usually just die out. I did notice however that the protest seemed to be growing by the third game of the season. I also noticed a couple of football players kneeling whenever Chief Warhoot took the field. However, if you try to crack down on things like this, it just calls attention to it. Besides, the students have a right to boo and take a knee. I thought all this would blow over quickly.

I did talk to one of the seniors, Sarah Tellall. We speak frequently and she tells me about things that are going on around the school. It is nice for principals to have students to talk to so

they can learn about all the things going on that they are not supposed to know about. She said she would try to find out what was happening. She came back and told me that Ima Wright had started the whole thing with some snaps about Chief Warhoot being a racist and insulting to Native Americans. I didn't get it. These students all go to Indian High School. Who do they think we would have as a mascot, Artie the Artichoke?

All this changed when I started to see ~~CHIEF WARHOOT~~-stickers pop up around the school. There were three found on school lockers and one on a student bathroom room stall. Now this group was defacing and damaging school property. One of the school lockers with a sticker was the school's quarterback. I thought it odd that among all the lockers in the school, the quarterback's locker got the sticker. It almost seemed that someone was targeting a football player who chose not to kneel during Chief Warhoot's dance.

I called Ima Wright to my office and laid down the law. This protest was destroying school property. It was interfering with the orderly education processes at Indian High School. It was interfering with cherished traditions and school spirit. I said I didn't care how she did it but the protest must stop. She assured me that she was not involved with the protest, didn't know who was involved and would send a snap to her friends asking them to stop any activities.

I did not believe Ima when she said she had no part in the protest. It did matter to me as long as the damage to school property, learning environment and school spirit ended. Ima was a good student and had never been in trouble before. I told her there would be no discipline unless she continued the protest. I thought we ended on a positive note with Ima saying it would all stop.

Two days later, I discovered Ima's true character. I came into my office and saw a ~~CHIEF WARHOOT~~-sticker on the door to my office. There were emails from the football coach and the basketball coach saying that their offices had ~~CHIEF WARHOOT~~-stickers on the door. I then got a telephone call from my boss, the superintendent of schools in Mountain, asking what in the world kind of high school was I running. There was a ~~CHIEF WARHOOT~~ sticker on the front door of his office in the Board of Education building attached to the Mountain High School.

This crossed a line. I reviewed the school discipline code. Section 9A.3 of the Indian High School Disciplinary Code provides that: ". . . no student shall engage in web publishing that incites lawless actions detrimental to the educational process. This conduct is prohibited whether

it takes place on or off school district property. Any individual who violates this rule is subject to discipline.” Section 9A:4 (d) and (e) provide examples of such prohibited conduct including but are not limited to:

- (d) posts of inappropriate messages/photos/videos; and
- (e) posts that disrupt the functioning of the school or lead to damage to school property.

I called in Ima Wright and advised her that she was suspended from school for a week. I also put a stern letter in her school records explaining what had transpired. The school disciplinary code is clear. The actions of Ima and her cohorts are in clear violation of the rules and should not go unpunished. I would ask the court to uphold the discipline imposed by me and my employer, the Mountain Board of Education.

Statement of Sarah Tellall

I am a senior at Indian High School. For the four years that I have been there I have always been friendly with Principal Telaw. I am not the most popular person in the school and Principal Telaw is always interested in me and how I am doing. We would often talk about school events and what was going on among the students and teachers. I'm not much of a talker. But I understood a long time ago that you can learn a lot by just listening to what everyone else says.

A while back Principal Telaw asked me to try to find out who was behind the Chief Warhoot protest. I do not understand why anybody would find the school mascot insulting. I think his antics are funny. They sure get everyone in the crowd up on their feet cheering for the Warriors. I particularly like the part where Chief Warhoot pulls out his tomahawk and waives it in the air. He then starts chanting, starting low and getting louder and louder, "Who who who who Who who who". By the time he is at full volume, everyone else is up and joining him. The crowds at our football games are like members of the team, just not on the football field. The louder we get, the more the other teams fear us.

One day I overheard Ima Wright talking to her friend Willie B. Loud at lunch. We were at the same table but as usual, I was sitting sort of by myself. I've know Ima for quite a while and she is also kind of quite. She does not really take much part in school activities as she always seems to be studying.

I was quite surprised when I heard Ima asking Willie how the protests were going and if there was anything else she could do to help. Ima said that she was going to keep the pressure on with her snaps and get as many people to the games as she could. Willie told Ima, with a smile, that Ima was the brains and Willie was the muscle. As long as Ima kept getting the word out with her snaps, he would handle the rest. I remember specifically Ima saying she really wishes she could be at the football games to see things. However, she was afraid of risking her chance to get a scholarship and early admission into New Jersey University. Willie said he understood and not to worry.

I told Principal Telaw what I heard and asked him what he was going to do about it. Principal Telaw was not at all surprised that Willie B. Loud was involved. Willie has always been trouble. He was taken back when he heard about Ima. She was a good student who had not been in trouble before.

Principal Telaw told me he decided to let all this die out on its own. He said these types of things sprouted up every now and then but only became worse if you tried to stop it. Besides, he wasn't happy about it but students do have a right to speak their mind.

Two days later, Principal Telaw called me in again. He was furious as he told me about the sticker on his door and the coaches doors. He told me that even the Board of Education Superintendent received a sticker. I told him what I knew which is that Willie B. Loud had not even been to school or in the state since he last talked to the principal. Apparently, Willie's parents had enough of Willie getting in trouble and had sent him to stay with relatives. I also told Principal Telaw the rumor that I heard that Ima Wright had stopped snapping but was still talking to her friends. She told them about the threat of punishment and how Principal Telaw was determined to ruin her life.

The actions of Ima Wright were detrimental to learning and education at Indian High School. She caused people to vandalize the school, mock the mascot, boo the home team at our own football games and ruin school spirit. Her actions demand punishment and Principal Telaw was fully justified with his suspension.

Judge's Closing 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 CHARGES

The plaintiff in this action is Ima Wright. She brought this lawsuit saying that she was improperly disciplined by the Principal of Indian High School. Ms. Wright claims that she was exercising her rights of free speech under the First Amendment of the United States Constitution. The First Amendment provides that: "Congress shall make no law . . . 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." Ima Wright claims that the conduct complained about did not occur at the school. She believes the discipline imposed by Principal Telaw violated her constitutional rights and should be set aside by the court.

Principal Telaw argues that a student's right to free speech is not absolute. There will be times when free speech and free expression can be limited in public schools because of legitimate educational goals. The right to free speech of students cannot unduly interfere with a school's education mission.

The United States Supreme Court, in a case decided 50 years ago named Tinker v. Des Moines Independent Community School District, ruled that neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” The Court said that school officials can, however, prohibit students speech which actually disrupts the learning environment or the school’s educational mission.

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

Plaintiff

Ima Wright

: Date:

: No.

v.

: Judge

Defendant

Ian Telaw

-----X

Question No. 1 reads:

By imposing discipline for her conduct, did defendant Ian Telaw improperly interfere with plaintiff Ima Wright's Constitutional rights to freedom of speech.

Yes ____ No ____

Ms./Mr. Foreperson, please rise.

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

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

Applicable Law

United States Constitution

The first amendment to the United States Constitution provides:

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.

Case Law

Tinker v. Des Moines, 393 U.S. 503(1969)

In this 1969 landmark case, the United States Supreme Court affirmed the First Amendment rights of students in public schools. In general terms, the decision states that a school district violated students' free speech rights when it prohibited a form of symbolic speech (in this case black armbands worn to protest the Vietnam War) without showing the armbands would cause substantial disruption of the educational process in the school.

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.