

PROJECT



NORTHLAND

CLASS ACTION

A HIGH SCHOOL ALCOHOL-USE PREVENTION CURRICULUM
SECOND EDITION

*Case 7: White v. Fountain City
Public School District #502*

Drinking and Hazing on Trial

Handouts: Step Assignment Sheet

Who's Who

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Transcript of Defense Attorney's Argument

Step Assignment Sheet

Team: _____

Steps for Building Your Case	Team Member Assignment
<p>STEP 1 Explain the responsibility of the school district.</p>	
<p>STEP 2 Explain how the school district failed to meet its responsibility.</p>	
<p>STEP 3 Explain the damages suffered by Tasha White.</p>	
<p>STEP 4 Prove that the damages suffered by Tasha White were caused by the failure of the school district to meet its responsibility.</p>	
<p>STEP 5 Conduct an interview with emergency medical personnel or a high school athletic director to add to the evidence.</p>	
<p>STEP 6 Respond to the arguments from the school district's attorney.</p>	
<p>BEFORE THE JURY VOTES Answer questions from the jury/class.</p>	<p><i>All team members</i></p>

Who's Who

The following list shows the key individuals in your case.

Tasha White:	Parent of DeAndre White
DeAndre “Dre” White:	Child of Tasha, died after a night of alcohol-fueled hazing by teammates
Terrence “TD” Daly:	Co-captain of the Hargrove Tigers varsity football team, planned the night of hazing
Mike Krensky:	Co-captain of the Hargrove Tigers varsity football team, planned the night of hazing
Reggie Brandel:	Teammate, paired with TD in hazing Dre
Richard Greely:	Coach of the Hargrove Tigers varsity football team
Jonathan Kline:	Former assistant coach of the basketball team, alerted Coach Greely about rumors of hazing
Benson Stroud:	Athletic director at Hargrove High School
Caroline Spence	Principal of Hargrove High School
Fountain City Public School District #502:	District to which Hargrove High School belongs

Prep Sheet 1: Responsibilities Neglected

Team: _____

Employee/former employee of Fountain City Public School District #502	Acted irresponsibly by . . .	Instead should have . . .
Coach Richard Greely		
Athletic Director Benson Stroud		
Principal Caroline Spence		

Prep Sheet 2: Relevant Facts

Team: _____

Summary of Relevant Facts	Sources

Step 1: Prove Responsibility (Duty)

Strategy Sheet

Team Member(s): _____

Responsibility, or “duty,” as it is called in legal terms, involves acting in a way that would prevent someone from foreseeable harm. It is important to show that the harm or injury should have been anticipated or foreseen by the responsible party.

In the case of *White v. Fountain City Public School District #502*, you must demonstrate

- a. What responsibilities the school district had to Dre White—both in not preventing the hazing and in not patrolling the woods behind the football field, a known place on school property for students to drink
- b. How the school district failed to meet those responsibilities

Team members working on step 1 will have five minutes to present the opening argument. What you say will be important because everyone else will refer to your arguments and build on them. Before you begin, read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say. Be sure to emphasize (a) the responsibility that the school district had as a governing body of Hargrove High School, and (b) the fact that it should have foreseen that students could endanger their lives by drinking in a known hot spot on the district’s property, unsupervised.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. ***Write out the facts you will present and what you will say to present them.***

3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in **case law**.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, as well as information about related happenings in the community. This can help you explain what is reasonable for the school district to know about how dangerous hazing can be, especially when alcohol is involved. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that the school district's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 2: Prove That Responsibility Was Not Met (Breach of Duty)

Strategy Sheet

Team Member(s): _____

You will prove that there was a breach of duty in the case of *White v. Fountain City Public School District #502*. An important part of breach of duty concerns doing what is reasonable to prevent someone from foreseeable harm. Your job is to prove that the district failed to meet its responsibility to Dre White. You must show (a) that the school district *was aware of the dangers* that could occur from hazing and drinking, and (b) that it *acted irresponsibly* with respect to Dre White in not investigating rumors of hazing and drinking and in not patrolling school property.

Team members working on step 2 will have five minutes to convince the jury that the school district failed to meet its responsibility to Dre White. It is important to show that (a) a reasonable adult could anticipate or foresee the harm that could occur on the school's property and that reasonable actions should have been taken by the school administration to prevent it, and (b) the coaching staff should have foreseen that harm (alcohol poisoning) could occur and should have taken action to prevent it.

Your presentation will have to build on what your team member(s) presented in step 1. It is important that you meet with this person so you know what he or she will be saying.

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say.

Be sure to emphasize (a) how the school district failed to meet the responsibility it had to Dre White, and (b) that it should have foreseen the harm that could occur from hazing and from students drinking on school property, unsupervised.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the **facts** you will present and what you will say to present them.*
3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in case law.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, as well as information about related happenings in the community. This can help you explain what is reasonable for the school district to know about how dangerous hazing can be, especially when alcohol is involved. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that the school district's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your counterarguments.*

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Step 3: Present Evidence of Damages

Strategy Sheet

Team Member(s): _____

To prove that a person or persons are negligent, you must show that some damage occurred. You will present damages in the case of *White v. Fountain City Public School District #502*. To prove that the school district was negligent, you must show that its irresponsibility *caused harm*. Remember that you are not talking about the harm done to Dre White. Rather, your job is to prove that harm was done to Dre's mother, Tasha.

Team members working on step 3 will have five minutes to convince the jury that Dre's mother has suffered damages. Consider these types of damages to Mrs. White:

- pain and suffering over the death of her child
- emotional distress
- loss of her child's companionship

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say. Be sure to emphasize how much Mrs. White has suffered emotionally.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*
3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the relevant laws apply (or do not apply) to your case.*

4. Examine the Case Law File in your casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in case law.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, as well as information about related happenings in the community. This can help you explain what is reasonable for the school district to know about how dangerous hazing can be, especially when alcohol is involved. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that the school district's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 4: Prove That Irresponsibility Caused Damages (Causation)

Strategy Sheet

Team Member(s): _____

You will present causation in the case of *White v. Fountain City Public School District #502*. You must prove that the damages suffered by Tasha White were *caused by* the school district's negligence in stopping hazing and patrolling the woods behind the football field. Be sure to read through the facts of the case carefully to find these important details.

Team members working on step 4 will have five minutes to convince the jury that the school district's failure to meet its responsibility was the direct cause of harm done to Tasha White. Remember that part of proving negligence is proving that it would be reasonable for the school district to be aware of the possibility that someone could get hurt.

Your presentation also must show that the school district's failure to meet its responsibility was the direct cause of the injuries described by your teammates. It is important to talk to the other members of your legal team when putting your presentation together. You must know what points will be emphasized in all the different parts, so that you can bring all the links in this chain of events together.

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Your statement should emphasize how the school district's actions (or lack of actions) caused the damages to Tasha White.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*

3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in **case law**.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, as well as information about related happenings in the community. This can help you explain what is reasonable for the school district to know about how dangerous hazing can be, especially when alcohol is involved. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that the school district's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 5: Present Expert Testimony (Supporting Causation)

Strategy Sheet

Team Member(s): _____

You will present expert testimony to support causation in the case of *White v. Fountain City Public School District #502*. As part of causation, it is important to show that drinking too much alcohol during the hazing caused the death of DeAndre White. To do this, you will need to present some facts by using the Info File in your casebook and by conducting an *interview with an expert witness*. You might interview emergency medical personnel who have treated persons with alcohol poisoning, or you might interview a high school athletic director about anti-hazing policies and how hazing, especially when it involves alcohol, can lead to harm, and even death.

Team members working on step 5 will have five minutes to use expert testimony to convince the jury that the school district's irresponsibility caused the harm that was done to Tasha White. Consider what happened to Dre and how this compares to situations described by the witness you interviewed.

Your presentation is actually part of the causation argument, so it will be important for you to meet with the person who is responsible for step 4. Or, you could work together with this person and both do the interview and share the work for steps 4 and 5.

Prepare for the Interview

1. Call the nearest hospital or ambulance service, or talk to your high school's athletic director to set up your interview.

Name of facility: _____

Phone number of facility: _____

- Say who you are, the name of your school, and why you are calling.
- Describe the case and the argument you are preparing.
- Explain that you want to interview him or her for about fifteen minutes.
- Ask permission to record the interview.
- Arrange a time to conduct the interview in person or by phone; otherwise, arrange to send your interview questions by e-mail.
- Write down the details of your interview appointment:

Name: _____
Job title: _____
Location: _____
Date and time of interview: _____
Other important details: _____

2. Consider the information you want from this witness, and think about what to ask. (Remember, you are trying to prove that there is no doubt that alcohol-fueled hazing caused Dre's death.)
3. Write out the questions you will ask this witness. *Sometimes it works best to write each question at the top of a separate sheet of paper, leaving plenty of space below for answers.*
See suggested interview questions on the next page.
4. If you will record the interview, prepare equipment for recording.

Suggested Interview Questions for Emergency Personnel

- How often do you treat or see people in the emergency room who have drunk too much alcohol in a short period of time?
- What are the symptoms of alcohol poisoning?
- How often is alcohol poisoning the result of a hazing incident?
- What are the ages of people who come in or are brought in with alcohol poisoning? Is alcohol poisoning more common in some age groups and less common in others?
- Can you describe some situations in which teens drank too much at a party or were forced to drink alcohol, such as in a hazing incident?

Add your own questions, too.

Suggested Interview Questions for an Athletic Director

- What is the definition of *hazing*?
- What is a school's responsibility when it comes to hazing?
- As a coach and an athletic director, have you ever had to discipline any players who participated in hazing new team members?
- Have you ever seen or heard of injuries that happened as a result of hazing?
- Have you ever seen or heard of hazing contributing to the death of a teen?
- How often is alcohol involved in hazing? What role does alcohol play in hazing?
- Does our high school have a policy against hazing? If so, what does it say? If not, how important do you think it is that our school create a policy against hazing?
- In your experience, are hazing-related injuries more common in some age groups and less common in others?
- How do you usually find out about hazing incidents?
- Can you describe some typical situations in which hazing can occur?

Add your own questions, too.

Conduct the Interview

- Make sure you have your questions, plenty of paper for taking notes, a few pencils, and any recording equipment needed.
- Be on time.
- Be sure to write notes about the details of what the person says. Don't be afraid to ask the person to repeat something.
- Ask follow-up questions to get details and to be sure that you understand the answers.
- Be sure to thank the person for his or her time and information.

Strategy Steps: Preparing for the Class Presentation

Review the facts of the case, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets. Your presentation must show that it was more likely than not that the school's irresponsibility contributed to the death of DeAndre White. Using the facts of the case and expert testimony will help convince the jury.

1. Begin by stating what you are going to prove in the next five minutes. This is your opening statement. Your statement must emphasize how schools are responsible for enforcing anti-hazing policies and how hazing can contribute to injury and even death. *Write your opening statement.*
2. Review the results of your interview. *Write out the statements from the expert that you will present.*
3. Back up your arguments with more details from the Info File. You can collect facts and opinions from experts, as well as information about related happenings in the community. This can help you explain what is reasonable for the school district to know about how dangerous hazing can be, especially when alcohol is involved. *Write out the additional information you will present.*
4. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your summary.*

The written statement that you prepare will need at least four paragraphs, one (or more) to address each of the four parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that the school district's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your counterarguments.*

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Step 6: Rebuttal

Strategy Sheet

Team Member(s): _____

You will write and present your rebuttal in the case of *White v. Fountain City Public School District #502*. Your job is to respond to the points raised by the school district's lawyer. To prepare your team's rebuttal, you will need to listen to the audio recording of the school district's lawyer presenting the closing argument. You can get this recording from your teacher. *You are the only member of your team who will be allowed to listen to this recording before the trial.* Your teacher will also give you a printed copy of the defense statement so you can follow along.

After your legal team has made its presentation (steps 1 through 5), the recording of the school district's lawyer defending the district will be played for the class.

Team members working on step 6 will have five minutes to make your team's final argument and convince the jury that the Fountain City Public School District was negligent. It is important to make a strong argument that leaves a lasting impression on the jury.

Strategy Steps: Preparing for the Class Presentation

Listen to the recording of the defense argument and write down the main points made by the school district's attorney. Plan and write counterarguments for these points. When you write your rebuttal, remember that your job is to **respond directly to the defense attorney**; you are not to summarize your team's entire argument. You may review notes from the other five steps, but your argument must address only points raised by the school district's attorney.

1. In the **opening statement** of your counterargument, explain how you disagree with the school district's attorney. Clearly summarize the main points made by the defense, and state that you will prove these points false.
2. Back up your opening statement with **facts** from the case, including the **affidavits** and **depositions**. Use this information to dispute the defense attorney's main points.

3. Summarize the *relevant laws* that apply to your case, and use this information to dispute the defense attorney's main points.
4. Summarize the *expert testimony* and *key evidence* from the Info File. Use this information to dispute the defense attorney's main points.
5. At the end of your five minutes, *summarize your rebuttal* by restating what you set out to prove and emphasizing how you proved it.

The written statement that you prepare will need at least five paragraphs, one (or more) to address each of the five parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

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Transcript of Defense Attorney's Argument

Below is a verbatim transcript of the defense attorney's argument found on the audio CD for this case. The audio CDs are first used by the students assigned to do the rebuttals for each of the cases. The whole class should listen to the audio CDs during the classroom presentations (prior to the rebuttal). Please note that the transcript below and the transcripts for the other cases are of spoken, not written, language and may include stutters, stammers, and incomplete sentences for dramatic effect.

Case 7: *White v. Fountain City Public School District #502* Drinking and Hazing on Trial

Ladies and gentlemen of the jury:

Thank you for your service today. This has not been an easy case. It is complex. It involves many people. It speaks to our entire community, our schools, our children, our past, our future. The death of DeAndre White was a horrible event for everyone in this city. To think that something like this that we hear about happening at colleges went on here in our own backyard is disappointing and deeply disturbing.

Because this incident—and I would use the word *crime* instead of incident—because this *crime* was so horrible, we want the perpetrators to be punished. We want them to get what they deserve. And what I would like to have you understand today is that they did get just that. Terrence Daly is on his way to jail. Richard Greely lost his job. The players involved have all been sentenced and are now banned from all sports for the rest of the year—for many of them this was their senior year, the crowning glory of their high school athletic career—but they're done now. And do you know what? That is as it should be. They deserve to lose their last year of varsity sports because DeAndre White didn't even get his first year. And that, members of the jury, is where it should end.

Mrs. White is not satisfied, however. Mrs. White wants more people to be held responsible. She wants the whole school district to suffer because of what their employees did and because the crime happened on school grounds. She wants to lay some of the blame on the athletic director and the coaches who all

have years, actually decades, of experience dealing with high school students because they didn't react to something some kids told a new, young, and inexperienced coach. We all went to high school. We know how rumors can spread, and it's even worse nowadays with cell phones and the Internet. You can't believe or investigate everything you hear. Now, it turned out that those students may have been right, but that doesn't mean that the coaches and the athletic director didn't make the right decision at the time.

And let's talk about the area behind the stadium known as "the woods." This is, indeed, school property acquired for the purpose of building a new junior high, which has not happened yet. The school district didn't invite those boys there to drink and haze their teammates. Our school district has eliminated several positions due to budget cuts. How could it justify patrolling that area because of what kids were doing there when school was not in session? It is their land, but is it really their responsibility?

Ladies and gentlemen, I ask you to remember that the ones who did this terrible thing are being punished already. It's time to stop punishing and start healing. Thank you.

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