

The Case of the Jaw-Shattering Locker

FACTS

On Friday, May 12, 2009, at Lakeriv Middle School, Becky Badly and Clum C. Kaylason were running down the hallway. Clum collided with a locker. She fell down in pain and agony. She suffered a broken jaw and scrapes and bruises on her arms and legs. In addition, the iPod and lunch money she had in her hand were missing.

Nurse Fix U. Upp came upon Clum as she sat on the floor, helpless and in pain. She brought Clum to her office, treated her wounds and called her mom. When Clum's mom arrived, her jaw was so swollen that she couldn't talk. They went directly to the hospital, where Clum was x-rayed and found to have a severely fractured jaw.

The following day, Mrs. Kaylason filed a lawsuit against Becky Badly. Mrs. Kaylason claims Becky bullied her daughter, assaulted her, and stole her iPod and lunch money. She wants Becky's family to pay for Clum's medical bills, which amounted to \$2,300, a new iPod, which costs \$125 and the stolen lunch money in the amount of \$3. Furthermore, Mrs. Kaylason is seeking damages for her daughter's physical and emotional stress (pain and suffering) in the amount of \$1,000.

ISSUE

Is Becky liable for causing Clum to break her jaw and is she responsible to pay damages (medical expenses, pain and suffering, etc.)?

WITNESSES

For the Plaintiff

Clum C. Kaylason

Fix U. Upp

For the Defense

Becky Badly

Napps A. Lott

WITNESS STATEMENTS

Testimony of Clum C. Kaylason

My name is Clum C. Kaylason. I am in the sixth grade. I know I look small for my age, but I'll be 12 at the end of this month. I've never been very popular at school, but this year I've been trying to change that. I joined the school band, which I enjoy a lot. I wanted to try out for the school field hockey team, but my mom thought that was a bad idea. She says I'm too accident prone and would probably get hurt.

Anyway, I'm here to tell you what Becky Badly did to me on May 12. Right before lunch that day I was bullied helplessly by Becky. She and I have had many unpleasant encounters in the past. Becky seems to get a thrill out of making fun of me. Usually she just says mean stuff to me or about me, but this time she went too far.

That day, Becky chased me down and gave me a hard shove, which sent me straight into the lockers. My lunch money (\$3) and iPod flew out of my hands and I fell on the floor. Becky took my stuff and ran away. She laughed at me and took off, running toward the cafeteria.

Right then, Ms. Fix, the nurse at my school, turned the corner and saw me. I must have looked pretty bad because I was lying on the floor, curled up in ball trying to ease my terrible pain. She brought me right down to her office and took care of my injuries. Then she called my mom. I wanted to tell Nurse Fix and my mom what Becky did, but I couldn't speak because the swelling was so bad. On the way to the hospital, I wrote everything down.

I spent the rest of the afternoon at the hospital. At the end of that miserable day, I had a fractured jaw, no iPod, and no self-esteem whatsoever. I had to miss the school concert last month because I couldn't play the tuba with a busted jaw! That really made me depressed. My life at school is miserable because I never can tell when Becky is going to strike. Right now, I don't ever want to go back there again!

Testimony of Nurse Fix U. Upp

My name is Fix U. Upp. I have been the nurse at Lakeriv Middle School for 13 years. On May 12, 2009, I left my office and headed to the school cafeteria to get lunch. As I approached the cafeteria, I heard the sound of lockers slamming, students running and lots of yelling. Noisy halls and lockers slamming are not unusual sounds in a middle school, especially on Friday afternoon, so I did not think anything of it at the time. Later, it occurred to me that the commotion was caused by Becky's attack on Clum.

As I rounded the corner, I came upon a student lying on the floor. It was Clum C. Kaylason. I recognized her right away because she's been in my office a couple of times this year. When I saw her there on the floor, I observed welts and bruises on her legs, and she was holding her jaw, wincing in pain. I asked her what happened, but her jaw had swelled up so much, she could barely speak.

I hurried into the cafeteria to find someone to help me get Clum down to my office. I saw Becky right near the door and I called out to her, but she couldn't hear me because she was listening to an iPod. So I asked another student named Kevin to lend me a hand. We carried Clum to my office. I treated her wounds and called her mother. When Mrs. Kaylason arrived, I suggested she take Clum to the emergency room for further medical treatment.

Later that afternoon, Mrs. Kaylason was kind enough to call the school to give us an update on Clum's condition. During our conversation, I was informed that Becky Badly had something to do with what happened to Clum. I wasn't a bit surprised. Becky has a reputation for being a bully. I know that because I have seen her in the principal's office on many occasions. Over the past few years, the problem of bullying at our school has been on the rise. You know, if students like Becky don't receive harsh punishments, the problem will continue and more kids like Clum will be hurt.

Testimony of Becky Badly

My name is Becky Badly. On whatever day that this incident occurred, I'll admit, I was running down the hallway. Several kids were running, including Clum. It was lunchtime and everyone at school looks forward to that time of the day.

Now, I'll tell you what really happened and how Clum got hurt. Since I was running behind her, I saw the whole thing. First, I would like to point out that Clum has a reputation for being a major klutz and a crybaby. I'm sorry to say this, but it's the truth; not many kids at school like Clum. During gym, for instance, nobody ever wants to get stuck with Clum on their team because she's just no good at sports. Clum is always complaining to teachers that everyone is mean to her. In class, she constantly drops stuff like her books or her pencil box. Once, she tripped on her shoelaces and knocked a glass paperweight off the teacher's desk. It shattered and pieces of glass got stuck in her leg. Another time, she walked into the door during a fire drill and got a bloody nose.

Anyway, on the day Ms. Fix found her on the floor in the hallway, she was running to the lunchroom, like the rest of the class. Clum ran smack into an open locker because she was looking over her shoulder at me. None of the other kids stopped to help her after she fell but I tried. I stopped and offered her my hand, but she told me to get lost so I did. On the way into the cafeteria, I saw a few dollars on the floor. I didn't know who dropped them, so I picked the money up and kept it. I did not push Clum. I didn't take her iPod either. Clum is responsible for causing her own injuries because she is a klutz.

Testimony of Napps A. Lott

My name is Napps A. Lott. I work as the janitor at Lakeriv Middle School. I enjoy my job, but it's very exhausting cleaning such a big school. This is my 15th year on the job, so I'm getting up there in age. Over the years, I have grown very fond of the children, as they have me. In addition to sweeping the floors and taking all the garbage out, I also monitor the security cameras throughout the building.

After reviewing the videotape from the camera outside of the cafeteria, I saw most of what happened. The tape shows a dozen or so kids running down the hallway. It was hard to identify their faces clearly because the film is kind of grainy and I was a little drowsy that day. However, I was able to make out Becky, who was running behind Clum. Then, Clum turned her head and was looking backwards toward Becky while she was running. Becky appeared to be about an arm's length behind Clum. It's hard to tell from the angle of the camera, but I didn't see any contact between the two of them. Next, I saw Clum collide with the locker door and go down. When she hit the floor, she was no longer in the range of the camera.

Next, the tape shows Becky leaning over the spot where Clum went down. It looked like she was trying to help her up. Then I saw her stand up and run away. The rest of the tape shows Nurse Fix coming around the corner and finding the injured kid.

A few days after the incident, while I was sweeping a classroom across from the cafeteria, I found an iPod under the bookshelf. It was smashed beyond repair. I'm pretty sure it's the one Clum dropped when she fell. It must have slid across the floor and ended up hidden under the bookshelf.

INSTRUCTIONS

The plaintiff must prove, by a preponderance of the evidence, that Clum C. Kaylason was bullied and battered by Becky Badly. In order to award damages, the jury must be convinced that she caused her injuries and took her property.

SUB-ISSUES

1. Did Clum run into the lockers because she was not looking forward or was she shoved?
2. Could one of the other students running in the hallway have pushed Clum?
3. Did Clum make this whole thing up, just to get back at Becky for previous incidents?
4. When Becky was seen on the security tape leaning over Clum, was she helping her or taking her iPod and money?
5. Did the broken iPod end up under a bookshelf when it flew out of Clum's hand, or did Becky break it and put it there to avoid being caught with it?

CONCEPTS

1. Preponderance of the evidence.
2. Credibility of witnesses.
3. School policy regarding bullying.
4. Retribution – punishment imposed for purposes of repayment or revenge for the wrong committed.

LAWS

On July 30, 2009, North Carolina Governor Beverly Perdue signed the School Violence Prevention Act (also known as the “anti-bullying bill”). The law requires K-12 public schools in the state to adopt strong, consistent policies to protect all students from bullying and harassment. Harassment, intimidation, or bullying on school property are illegal and are prohibited.

For more information on the NC Anti-Bullying Laws and Prevention access these links:

<http://www.stopbullying.gov/laws/north-carolina.html>

http://www.bullypolice.org/nc_law.html

<http://www.acluofnorthcarolina.org/files/SVPAImplementationToolkit.pdf>

Acknowledgements:

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