

Business Law

Small Claims Court

Indiana Standard- BL 1.4.2 Distinguish between civil and criminal law

BL 1.4.3 Compare and contrast the steps in a civil lawsuit with the steps in a criminal prosecution

BL 1.5.3 Determine several defenses to civil and criminal acts, including computer crimes, such as the insanity defense and self-defense

BL 1.5.4 Evaluate and give examples of negligence, intentional torts, and product liability

BL 1.5.5 Explain the concept of strict liability and describe the circumstances under which it is imposed

You will form groups of two and present a mock small claims court case. We will use the textbook and handouts as references in preparing this case. I will need some students to act as judges. The judges will issue subpoenas, research the case law for the three cases they are hearing, listen to oral presentations, review all evidence, and write a judgement. They will also present a sample mock trial so that all groups will see what is expected of them.

The first thing your group must do is to decide what type of case you will be involved in. You must search the textbook for ideas and learn all you can about that law topic. Use the information in chapter 4 as a beginning guide.

The next step is for one of you to act as the plaintiff. The plaintiff will present the case in court to the judge. The defendant will respond to the complaint. The plaintiff will issue a complaint letter to the defendant explaining the issue and how they would like it solved. The defendant will respond to the original complaint letter and explain why they feel they do not need to cooperate. The plaintiff will then send an additional letter announcing that they wish to settle the matter in small claims court. You will print two copies of each of these letters, one for the teacher and one for the judge. You will need to use the computer to create receipts, bills, etc. or obtain papers from a parent's job if possible. You may also create photographs to illustrate your case. Videotape evidence is also permissible. You must support your claims with detailed evidence.

The plaintiff and the defense will present their stories to the judge in our mock small claims court. You should be well prepared and organized for your court appearance. All students will be required to wear dressier clothing than normally worn to class. You may change at the end of class. When telling your story be sure to present it in a logical manner. Start at the beginning and tell the story as it happened. Present each piece of evidence as it is discussed. **A judge can not award damages without proof.**

Plaintiff Grade Rubric

Task	Possible	Score	Comments
Notes about the law issue and how it applies to your case	10		
The four elements of your case	10		
Original demand letter	20		
Typed			
Used business style			
Addresses			
Formal			
Detailed			
No errors			
Signed in ink			
Second letter	10		
Other evidence	25		
A typed formal complaint			
Subpoena from judge			
Pictures, receipts, etc			
Oral presentation	25		
Well prepared			
Organized			
Logical order			
Presentation of evidence	15		
Professional behavior	<u>10</u>		
Professional dress			
Total	125		

Defendant Grade Rubric

Task	Possible	Score	Comments
Notes about the law issue	10		
The four elements of your case	10		
Response letter	20		
Typed			
Used business style			
Addresses			
Formal			
Detailed			
No errors			
Signed in ink			
Other evidence	25		
Typed formal answer			
Pictures, receipts, etc.			
Oral presentation	25		
Well prepared			
Organized			
Logical Order			
Presentation of evidence	15		
Professional behavior	10		
Professional dress			
List the specific jobs and responsibilities performed by each group member	10		
Total	125		

Judges Grade Rubric

Task	Possible	Score	Comments
Decorum & control	10		
Opening of court	5		
Questioning	10		
Research of legal issues	25		
Summaries of cases	25		
Subpoenas issued	10		
Judgments rendered	10		
Close of court	10		
Participation in sample trial	10		
Proper dress	10		
Total	125		

Defamation

wrongful act of injuring another's reputation by making false statements

Types Libel is a false statement in written form or printed form that injures another's reputation or reflects negatively on that person's character [newspaper stories]

② Slander → false statement made orally to a 3rd party

• can sue for mental & physical damages

must be false?

Elements → Plaintiff

① ~~Breach of Duty~~ Duty → Amy had the duty to refrain from harming my reputation and character. This duty requires Amy not to commit slander or libel.

② Breach → Amy Buono, wrote in her school newspaper article ("GG Gazette") "Are You in Oscar" that I was pregnant on Saturday, November 17th. This led to an array of hospital bills and therapy sessions. The breach of duty was defamation which she did by wrongfully injuring my reputation by making false statements.

③ Harm → The harm (which is loss of reputation) was \$100.⁰⁰ for a pregnancy test at the Emergency Care Center, \$350.⁰⁰ for STD tests, \$1000.⁰⁰ for therapy sessions, \$500 for a UI detector test and \$605.⁰⁰ for mental anguish & loss of study time. The total comes out \$2555.⁰⁰.

④ Proximate Cause → Amy should have understood that as an reporter she must validate her sources and it is easy to predict that falsely accusing someone of being pregnant publicly will destroy someone's life and reputation.

Defamation - Notes About Law Issue

- Defamation is the wrongful act of injuring another's reputation by making false statements.

• 2 main categories:

1. Libel is a false written statement.

Ex: Radio and TV broadcasts, newspaper stories, video-audio recordings, movies, photographs, signs, etc.

2. Slander is a false statement made orally to a third party.

- Can sue for mental and physical damages if statement damages reputation, is false, or communicated to at least one other person.

- People may speak the truth as long as it is done without spite or ill will.

- Privileged statement - not vulnerable to defamation lawsuit. Ex: senators and representatives on floor of Congress (protects open debate).

- For people in public limelight (politicians, judges, movie stars, pop stars, entertainers, sport figures, etc) defamation harder to prove. Must prove false statement made with actual malice, and rush to reckless conclusions.

- 4 Case Elements [Defendant]

1. Duty. I had the duty to voice the truth that I heard from multiple people that Megan was pregnant, and I feel like I did that.

2. Breach. Megan did not exercise the degree of care that a reasonable person would have when she got nearly \$2,000 worth of tests done. She could have easily bought a pregnancy test for under \$20 and proved herself the same.

3. Actual Harm Megan claims Almost \$3,000 of damages which is completely ridiculous. The Article was in a small school newspaper that not many people read, so saying her reputation was damaged and she needs A monetary compensation that high is insane.

4. Proximate Cause I agree that I was the author of the Article in question, but I disagree with the fact that I caused her this "pain and suffering" that she claimed. There were rumors At school already that she was pregnant, so the fact that I wrote it did not ruin her reputation any more than it already was.

STATE OF INDIANA
IN THE CIRCUIT OF THE INDIANA JUDICIAL CIRCUIT
COUNTY OF JOHNSON

Megan Burns

Case No: 17-67397

V.

Amy Bueno

COMPLAINT

NOW COMES the plaintiff, Megan Burns, and complains of the defendant, Amy Bueno, and states as follows:

1. That the plaintiff is an individual, residing at 1927 Preggers Boulevard Greenwood, IN 46142. That the defendant, Amy Bueno, had the duty to refrain from harming my reputation and character.
2. That the defendant, Amy Bueno, resides at 6443 Lying Way Greenwood, IN 46142. The defendant breached her duty by committing libel.
3. Amy Bueno is the proximate cause of my ruined reputation. On Wednesday, November 17. She wrote an article in the Center Grove High School's newspaper the *CG Gazette*. Her article, *Are you in Order*, stated that I was pregnant. She did not use the degree of care that a reasonable person would have when she printed a false statement that others would see. She should have known to check the facts and only print the truth in a school newspaper. She should have foreseen that this article would damage my reputation. A school newspaper is not the correct place to make personal announcements. To prove my case I have a copy of the article.
4. I incurred financial harm because of the article. These expenses include damages to my mental health and privacy. I have receipts to prove my compensatory losses. My parents insisted I have a pregnancy test which cost \$100, STD tests for \$350, counseling sessions for \$1,000.29, and a lie detector test that cost \$500. I would also like to receive \$605 in punitive damages to pay me for the stress of having my name ruined.
5. The total amount owing is \$2,555.29 that the plaintiff has requested and that the defendant has failed to make payment of this amount.

WHEREFORE, plaintiff, Megan Burns, respectfully prays that the judgment be entered against the defendant, Amy Bueno, for the sum of \$2,555.29.

By Megan Burns
Plaintiff

Plaintiff Megan Burns
City Greenwood

Address 1927 Preggers Boulevard
Phone (317) 466-2366

STATE OF INDIANA
IN THE CIRCUIT OF THE INDIANA JUDICIAL CIRCUIT
COUNTY OF JOHNSON

Megan Burns

Case No: 17-67397

V.

Amy Bueno

ANSWER

NOW COMES the defendant, Amy Bueno, and responds for her cause of defense against the plaintiff, Megan Burns, and states as follows:

1. That the defendant is an individual, residing at 6443 Lying Way Greenwood, IN 46142. The defendant agrees that she had the duty to refrain from harming the plaintiff, Megan Burn's, reputation and character.
2. The plaintiff, Megan Burns, resides at 1927 Preggers Boulevard Greenwood, IN 46142. The defendant denies breaching her duty and did not commit libel. The plaintiff did not exercise the degree of care that a reasonable person would have when she had nearly \$2,000 worth of tests done.
3. I deny that I am the proximate cause of Megan Burn's ruined reputation. On Wednesday, November 14, I finished writing an entertainment article in the *CG Gazette*. My article, *Are you in Order*, stated that Megan Burns was pregnant. The paper was proofread by the editors and then went to press and sent out on November 17. There were already rumors at school about Megan being pregnant so I did not ruin her reputation. For my proof I have the suggestion box information slips.
4. In response to the plaintiff's letter, the defendant agrees with the story but disagrees that she should be expected to pay the fees of \$2,555.29 that the plaintiff has requested.

WHEREFORE, the defendant will not pay the amount demanded by the plaintiff.

By Amy Bueno
Defendant

Defendant Amy Bueno
City Greenwood

Address 6443 Lying Way
Phone (317) 882-4660

December 1, 20

Amy Bueno
6443 Lying Way
Greenwood, IN 46142

use paragraphs

Ms. Bueno:

The purpose of this letter is to inform you of your action on Saturday, November 17, 20 . I was innocently sitting on my bed, knitting when my mother came storming into my room. As it turns out, you wrote that I was pregnant in your article, "Are You in Order" in the school's newspaper, "CG Gazette." (I had left my copy of the newspaper on my kitchen table and my mother had come across it while dividing the mail.) My mother then proceeded to not trust me when I told her I was not in fact pregnant because I'm not sexually active. She took me straight to the Emergency Care Center off of Fairview Road and I then had to take a pregnancy test that cost \$100.00 as well as many different STD tests that totaled \$350.00. Just in case you were wondering, these all came back negative considering I am still a virgin. Besides these tests, I had to attend counseling sessions (total of \$1000.29) because my parents believed I had lost sight of my morals and goals in life. After three of these sessions, I convinced my parents to allow me to take a lie detector test to prove my innocence that cost \$500.00. I took this test and passed with flying colors. I am saddened to know that you would type those words in a school newspaper with out validating the main source; me. I am also requesting \$605.00 worth of mental health reimbursement considering the whole school read about these accusations and I can never fully clear my name. Also, all of the school work time I have missed to attend different hospitals.

The total amount for the damages comes to \$2555.29. If the money is not paid, I will take this to the courts. Return this letter as soon as possible.

Sincerely

Reply to

Megan Burns

Megan Burns
1927 Preggers Boulevard
Greenwood, IN 46142

December 5, 20

Megan Burns
1927 Preggers Boulevard
Greenwood, IN 46142

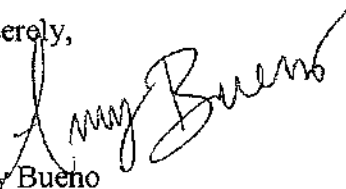
Ms. Burns:

I am writing in response to the letter you wrote me on November 1, 20 , in which you asked me for compensation for damages that were caused by an article that I wrote on the 17th of November this year. In this letter you requested \$2,555.29.

I am quite aware of the content that appeared in the article in question; however, I do not feel as if I should be held responsible. To the best of my knowledge, I thought the information to be true at the time after hearing it from another source. In addition to that, I did not mean to harm you or your reputation in any way. Rather, I was simply expressing my freedom of press. I do not feel responsible for the events that happened after the article was read by your family, and therefore should not be responsible for these "pain and suffering," counseling, and medical costs that you claim.

I hope that we can settle this problem outside of court, and I hope to hear from you soon.

Sincerely,



Amy Bueno
6443 Lying Way
Greenwood, IN 46142

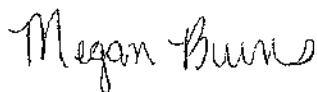
December 7, 200

Amy Bueno
6443 Lying Way
Greenwood, IN 46142

Ms. Bueno:

I am very disappointed that you and I do not see eye to eye on this matter. I do not believe that you are backed by the freedom of press claim. Also, I do not feel as if you had the authority to type this without validating your sources. I am very sorry that we must resort to these measures, but I must now take you to court to recover damages to my mental health and finances. I hope that we can settle this in a fair, civil manner and that the end result is justified.

Sincerely,

A handwritten signature in cursive script that reads "Megan Burns".

Megan Burns
1927 Preggers Boulevard
Greenwood, IN 46142

Copy of Statement on Suggestion Box:

Note:

Please submit serious comments and truthful statements only. Thank you for your cooperation!

~Newspaper Staff

**EMERGENCY CARE
CENTER**

November 20

Dr. Fix-it
Dr. Fix-it

Receipt for Megan Burns
Pregnancy Test.....\$100.00
Complete STD Test Package...\$350.00

Megan was found negative on all
tests. Total hours spent in hospital for
testing and results = 25 hours.

COUNSELING FOR YOU

November 20

Dr. Looney
Dr. Looney

Receipt for Megan Burns
Entrance Fee.....\$200.29
Per Session = \$266.67
Three Sessions X 266.67
Total of \$1000.29 due.

IS THAT A LIE?

November 20

Dr. Truth
Dr. Truth

Receipt for Megan Burns
Lie Detector Test.....\$500.00

Results proved MEGAN BURNS
was telling the truth.

Have a suggestion? We'd love to hear from you!

Megan Burns
is pregnant!

Have a suggestion? We'd love to hear from you!

Zach Cummings broke up
with his GF last night! I was
sitting behind them at
McDonalds, and I overheard
the whole thing! ☺

Have a suggestion? We'd love to hear from you!

Megan Burns is pregnant!
I went into the bathroom
during class this morning
and saw her puking!
Totally morning sickness!

Have a suggestion? We'd love to hear from you!

Winter dance being postponed--
bad weather -- decided this
morning at School Board. Will
tell rest of school next week...

Have a suggestion? We'd love to hear from you!

GUESS WHO'S

PREGNANT ???

MEGAN BURNS

Judgment of (student's name)

Vocabulary

Include the definition of the legal term which this case is about. Defamation is the wrongful act of ruining another's reputation by making false statements. Libel is a false statement in written form. Slander is the oral statement made to another party. The statement must be false, damage someone's reputation, and communicated to someone else.

Elements

1. **Duty.** Amy had the duty to refrain from harming Megan's reputation. She had the duty to be truthful, not ruin her reputation, and not communicate false statements to another. Megan proved that Amy owed her a duty.
2. **Breach.** Amy violated this duty in November when she wrote an article in the school paper. Amy's article accused Megan of being pregnant. Amy should have foreseen that printing this material would be harmful to Megan. Megan had proof that Amy ruined her reputation by making a false statement to others.
3. **Cause.** As a result of Amy's article Megan and her family suffered mental anguish and embarrassment. A reasonable person would have double checked their facts before printing the article and would have realized that announcing a teenager's pregnancy is not appropriate for the school newspaper. Megan proved that if Amy had not written the article her reputation would have been intact.
4. **Harm.** To prove her case Megan provided the court with receipts for a pregnancy test, STD test, lie detector test, and counseling fees. All tests showed that Megan was not pregnant. These totaled \$1,000.29. She also had a copy of the school paper. She asked the court to reimburse her for \$2,555.29. The difference was due to money lost when she missed work. However, no pay stubs were presented to the court.

Therefore, after reviewing the evidence, I find for the plaintiff in the amount of \$1,000.29.

AMY BUENO, YOU HAVE BEEN
SUMMONED TO APPEAR IN COURT BY
MEGAN BURNS. THE DATE OF YOUR
HEARING IS SET FOR DECEMBER 19, 2007.
YOUR JUDGE WILL BE ZACK JOHNSON.

