

MOCK TRIAL
LETTERMAN v. RICHARDSON, et al.

FACTS

Leah Letterman, a law student, was physically searched (frisked) and her belongings inspected by a woman University State police officer before Leah was allowed to attend Neil Young's Freedom Concert at the Duntsman Center on the campus of University State. Leah submitted to the search so that she would be allowed to attend the Freedom Concert.

In searching Leah, the police officer was following University policy which required that all patrons of rock concerts be frisked and their belongings inspected. According to University officials, the policy is designed to prevent contraband (alcohol, recording devices, drugs and weapons) from being brought into the Duntsman Center.

Leah was not aware that she was going to be searched until she arrived at the Duntsman Center. There was no notification of the impending search on her ticket or posted at the entrances to the Duntsman Center.

WITNESS LIST: PLAINTIFF

Leah Letterman (Search victim and plaintiff)
Leon Plater (Concert patron)

WITNESS LIST: DEFENDANTS

Jamie Richardson (Director of the Duntsman Center)
Oprah Paul (University State Police Officer who searched Leah)
Aaron Straightly (Concert patron)

COURTROOM PROCEDURE

Each side (plaintiffs' and defendants' counsel) should prepare its case and its witnesses, make an opening statement, question its own witnesses on direct examination, question the witnesses of the opposing side on cross examination, give closing arguments and give suggested jury questions to the Judge. The Judge will instruct the jury.

A group of students will be assigned to plaintiffs' counsel and a group will be assigned to defendants' counsel. The remaining students will be assigned to jury duty. The members of the plaintiffs' and defendants' counsel group must assign the tasks necessary to particular members of the group.

Each group must also appoint members to assume the role of each side's witnesses. Thus, members of plaintiffs' counsel team must pose as plaintiffs' witnesses and members of defendants' team must pose as defendants' witnesses. Although important, playing a witness does not count as a task.

The only restriction on the appointment of tasks is that the tasks must be appointed fairly and the student who gives the opening statement may not give closing statement. Each student must prepare for each task to which she or he is assigned. These preparations must be turned in as a written assignment for a grade.

Tasks for plaintiffs' counsel include:

- opening statement
- direct examination of Ms. Letterman
- direct examination of Mr. Plater
- cross examination of Ms. Richardson
- cross examination of Ms. Paul
- cross examination of Mr. Straightly
- closing statement
- suggested jury instructions

Tasks for defendants' counsel include:

- opening statement
- cross examination of Ms. Letterman
- cross examination of Mr. Plater
- direct examination of Ms. Richardson
- direct examination of Ms. Paul
- direct examination of Mr. Straightly
- closing statement
- suggested jury instructions

Members of the jury will have to pay close attention to the case presented by each side and will have to reach a verdict in the case after careful deliberation. Each member of the jury will have to write a one to two page paper, indicating why he or she arrived at the verdict, giving careful reasons for this decision.

WITNESS DEPOSITIONS

FOR THE PLAINTIFF: LEAH LETTERMAN

I am a first year law student at University State. I live at 1115 East 3300 South, Clear Lake City.

I purchased my ticket for the Freedom Concert in May of 2000 at Pick-Tix. I heard an advertisement for the concert on the radio and saw one in the newspaper. Neither of these advertisements mentioned anything about a search. The ticket did not say anything about a search, and the people at Pick-Tix did not mention a search.

The concert was held on June 2, 2000. I was late for the concert — I had been studying constitutional law at the law school library and fell asleep. I was supposed to meet Leon at our seats. I was carrying my briefcase with my law books. It was warm and I did not have a coat on.

When I reached the entrance to the Duntsman Center, I was stopped by a police officer. She told me that I could not enter the concert until I had been searched. I thought she meant to search my briefcase, so I handed it to her. She looked through it and gave it back to me with everything in it. Then she said that she had to search me — University policy. I was embarrassed, but I also wanted to go to the concert — I had paid \$20.00 for the ticket. I allowed the police officer to search me.

There were no signs at the Duntsman Center warning of the search. The police officer did not tell me that I could have refused to be searched.

LEON PLATER

I am a graduate student at University State, studying Computer Science. I live at 1500 East 1500 South, Clear City.

Leah purchased my ticket for the concert. I paid her \$20.00 for it. I got to the concert early. I was not carrying any books. Indeed, I hardly ever carry books — I do not study very often.

When I got to the concert, a police officer in uniform told me that if I wanted to go to the concert, I had to let him search me. I wasn't thrilled with the idea, but I thought I had no choice. I had no idea that I was going to be searched at the concert.

When Leah arrived (late) to the concert, she was upset. She was embarrassed because of the search and because the policewoman found her stuffed bird in her briefcase.

FOR THE DEFENDANTS: JAMIE RICHARDSON

I am the Director of the Duntsman Center. I live at 6500 South 1300 East, Grainsy. It is my duty to oversee the functioning of the Duntsman Center, the stadium on the campus of University State. I schedule events at the Duntsman Center and make sure that the proper personnel and equipment are provided for each event. I also oversee security at the Duntsman Center.

Recently the University changed its security policy at rock concerts held at the Duntsman Center. The University was concerned that the safety of rock concert patrons would be jeopardized unless we (myself and the Duntsman Board of Directors) instituted a search policy. The Duntsman Center decided to require that each person and her or his belongings be searched before she or he is allowed to enter the concert hall.

We instructed the University State Police Officers, who normally handle security at all Duntsman Center events, to search for and confiscate all alcohol, weapons, drugs, recording devices, and cameras. All of these items are prohibited in the Duntsman Center. Our policy is to refund the ticket price of any individual who refuses to be searched. However, no individual would be allowed in the Duntsman Center unless he or she consents to a search.

Although the Duntsman Center has not had to arrest any rock concert patrons for possession of alcohol, weapons, or drugs and there have been no serious incidents at any rock concerts, we were becoming increasingly concerned about illegal activities at the Duntsman Center. Various serious incidents at other rock concerts around the city, including the death of several concert attendees, increased our apprehension and justified the implementation of our new policy.

OPRAH PAUL

I am a police officer at University State. I have worked at the University for ten years. I am also working on a Ph.D. in Hospital Administration at the University.

While I do not remember the plaintiff in particular, I probably did search her before she entered the Neil Young concert. I was on duty that night, and it was our policy to search every individual and his or her belongings before we allowed them to enter the concert hall. If the individual refused to submit to the search, we could refund the price of their ticket.

It was the duty of female officers to pat down or frisk female rock concert patrons and for male officers to search male rock concert patrons. We were looking for alcohol, illegal drugs, weapons, cameras, and recording devices.

I have not arrested any rock concert patrons at the Duntsman Center and as far as I know, no arrests have been made. However, there have been several incidents which required the intervention of University police officers. I have heard horrible stories of security problems which have occurred at other concert halls, incidents involving weapons and drugs.

AARON STRAIGHTLY

I am a student at University State. I have not declared a major. I live at 200 South 113 East, Furry City.

I attend the Freedom Concert on June 2, 2000. I was searched before I entered the concert hall. I consented to the search. I am glad that I was searched. I think that it is safer if everyone gets searched before they are allowed in the Duntsman Center. A friend of mine was at a concert where these girls got killed. If the police search everyone, stuff like that would not happen.