Case of the Missing Puppy

Goal
To familiarize students with the civil justice legal process.

Objectives
1. Students will demonstrate understanding and use of vocabulary associated with the legal process.
2. Students will be introduced to simple legal concepts.
3. Students will identify roles within the process by performing a mock trial.

Introduction
The teacher, lawyer or visiting judge will read the fact sheet of the case to introduce the lesson and set-up the mock trial scenario.

FACTS
Mr. and Mrs. Green hired Amanda Barber, age 13, to baby-sit their son Mikey and their puppy Spot for the day. They told Amanda to play with their son, to make him lunch, and to be sure their dog was tied up outside for fresh air and exercise. While Amanda was preparing a sandwich for the child, the frisky dog tore his rope, broke free, and ran away. The Greens blame Amanda for carelessness and want her to give them the cost of Spot the Dalmatian.

Talk about,
1. Who is accused of being at fault?
2. What is she accused of doing?
3. Who has accused Amanda and what do they want her to do to make up for it?

The Legal Process
The Greens are bringing Amanda to court where a trial will settle their disagreement.

The plaintiff, Mrs. Green, must show, by a preponderance of evidence, that Amanda Barber is at fault for the loss of their Dalmatian puppy, Spot, and is responsible for the cost of replacing him.

What is a trial? Who takes part in a trial? What kinds of rules must be followed in a trial?

Define and explain these words:
- Complaint
- Lawsuit
- Evidence
Verdict
- Preponderance of evidence (more than half sure)
- Court
- Jury
- Negligence (was Amanda not acting responsibly?)
- Credibility of the witnesses (is everyone believable?)

Describe the people who take part in a trial of this kind. Explain their jobs (refer to glossary in this packet). Identify the following participants who play these roles in our case:
- plaintiff
- plaintiff’s lawyer
- defendant
- defense lawyer
- witnesses
- judge
- jury
- court clerk
- sheriff’s officer
- jury foreperson
- jurors

Show students the courtroom diagram (included) and explain the courtroom setup and where each person stands, or sits.

**The Mock Trial Setup and Mock Trial**
1. Choose the participants.
2. Distribute participants’ role cards and script. The jurors do not get a script. Their job is to listen to the testimony being provided.
3. Arrange the courtroom if it has not been done already.
4. Present trial.
5. Reach verdict.

This lesson is based on a case developed by teachers Diane Tassey and Arileen Hill and their third-grade class at Rolling Hills Primary School in Vernon, N.J. The class won an Honorable Mention in the New Jersey State Bar Foundation’s Law Fair Competition in 1996. It has been adapted for use by the Pennsylvania Bar Association.
Debrief students on the legal process and verdict.

Law

- It is the parent’s/owner’s responsibility to provide the sitter with clear instructions and everything he or she needs to care properly for children or pets.

- It is the sitter’s responsibility to be sure that those they are in charge of are safe from harm or loss at all times.

Discuss the students’ roles as jurors, i.e., deciders of the facts, when there is more than one version of what happened.

- Do you believe that everyone has told the truth? (Credibility of witnesses.)
- Was Amanda not acting responsibly? (Negligence.)
- Who is most at fault? Students may list on a chart what Amanda did right or wrong. Then list what the Greens did right or wrong.
- Are the Greens partly to blame for giving the baby-sitter a rope that wasn’t sturdy enough?
- Should Amanda have noticed that the rope wasn’t in good condition and kept the dog indoors?
- Did Amanda leave the fence gate open and does this make any difference?
- Was Amanda’s most important responsibility with the child or the pet?

Are you more than half sure that your decision is right? (Preponderance of evidence.) Compare to criminal trial – beyond a reasonable doubt.

Talk about basic concepts such as:

- doing the right thing;
- being responsible for your actions;
- asking forgiveness for doing the wrong thing;
- making amends; and
- accepting consequences for your actions.
Glossary of Legal Terms

**Judge**- The person who is in charge of the court and who decides questions of law.

**Court**- The place where a trial is held or another way of referring to the judge.

**Civil Trial**- A way to decide who is right when people disagree.

**Criminal Trial**- A way to decide who is guilty of breaking the law.

**Law**- Rules which we live by to keep us safe and free and which help us to be fair and just.

**Jury**- A group of people who listen to the evidence at a trial and decide if the law has been broken.

**Evidence**- Something which shows or proves a fact.

**Verdict**- The decision made by the jury in a trial.

**Witness**- A person who goes to court to tell the truth about what he or she has seen or knows about a crime or other situation.

**Crime**- The act of breaking the law.

**Lawyer or Attorney**- A person who represents a plaintiff or defendant in court or outside of court in a legal matter.

**Lawsuit**- A case before a court.

**Complaint**- A formal charge against someone made in court, i.e., a claim that someone has done wrong.

**Plaintiff**- A person who starts a lawsuit.

**Defendant**- A person who is being sued or accused of breaking the law.

**Prosecutor**- The lawyer who represents the state in a criminal trial. This lawyer must show that the defendant committed a crime.

**Court Clerk**- The person who calls the court to order and swears in witnesses.

**Sheriff’s Officer**- The person who protects the courtroom.

This lesson is based on a case developed by teachers Diane Tassey and Arleen Hill and their third-grade class at Rolling Hills Primary School in Vernon, N.J. The class won an Honorable Mention in the New Jersey State Bar Foundation’s Law Fair Competition in 1996. It has been adapted for use by the Pennsylvania Bar Association.
Case of the Missing Puppy

FACTS
Mr. and Mrs. Green hired Amanda Barber, age 13, to baby-sit their son Mikey and their puppy Spot for the day. They told Amanda to play with their son, to make him lunch, and to be sure their dog was tied up outside for fresh air and exercise. While Amanda was preparing a sandwich for the child, the frisky dog tore his rope, broke free, and ran away. The Greens blame Amanda for carelessness and want her to give them the cost of Spot the Dalmatian.

ISSUE
Is it Amanda’s fault that the dog got loose or is it the owner’s fault for giving her a rope that wasn’t strong enough to hold their dog?

WITNESSES FOR THE PLAINTIFF
Mrs. Green
Mr. Brown, her neighbor

WITNESSES FOR THE DEFENSE
Amanda Barber, baby-sitter and dog-sitter
Mrs. Castle, her former Girl Scout leader

ROLES
Amanda Barber, Defendant
Mrs. Green, Plaintiff
Mr. Brown, Witness
Mrs. Castle, Witness
Plaintiff’s Lawyer
Defense Lawyer
Court Clerk
Sheriff’s Officer
Judge
Jury Foreperson
Jurors

PROPS
Sherriff’s badge
Robe for Judge
Gavel
Amanda Barber
Defendant

You are the defendant. You will also be a witness at your trial. You will explain what happened that day and will try to help your lawyer prove that this is not your fault.

Mrs. Green
Plaintiff

You are the plaintiff. You will also be a witness at the trial. You will tell how you feel about what happened. You will try to help your lawyer show that this is Amanda’s fault.

DEFENSE LAWYER

You are the defense lawyer. You represent Amanda. You will try to prove that this is not her fault. You will need help from Amanda and Mrs. Castle.

PLAINTIFF’S LAWYER

You are the plaintiff’s lawyer. You represent Mr. and Mrs. Green. You will try to prove that this is Amanda’s fault. You will need help from Mrs. Green and Mr. Brown.

Mrs. Castle
Witness for the Defense

You are Amanda’s Girl Scout leader. Your job is to testify at the trial. You will tell about how responsible Amanda was in caring for your dog. What you say will help the defense lawyer.

Mr. Brown
Witness for the Plaintiff

You are Mr. and Mrs. Green’s neighbor. Your job is to testify at the trial. You will tell what you saw on the day Spot disappeared. What you say will help the plaintiff’s lawyer.
Role Cards – Print, cut-out and distribute to students assigned to play the various roles.

**JUDGE**
You are the judge. Your job is to be in charge of the court. You will make sure that everyone follows the laws of the court. You will charge the jury members with their responsibilities.

**JURY FOREPERSON**
You are a member of the jury. You will announce the verdict. You will also listen carefully to the case and decide if Amanda is at fault.

**COURT CLERK**
You are the court clerk. Your job is to call the court to order. You will also swear in all of the witnesses.

**SHERIFF’S OFFICER**
You are the sheriff’s officer. Your job is to protect the courtroom. You will also escort the witnesses to the court clerk when it is time to swear them in.
Role Cards - Print, cut-out and distribute to students. Duplicate as many as needed for the number of jurors you will have. All students who are not one of the other assigned roles, serve as jurors. Everyone is engaged and has a role.

<table>
<thead>
<tr>
<th>JUROR</th>
<th>JUROR</th>
</tr>
</thead>
<tbody>
<tr>
<td>You are a member of the jury.</td>
<td>You are a member of the jury.</td>
</tr>
<tr>
<td>Your job is to listen carefully</td>
<td>Your job is to listen carefully</td>
</tr>
<tr>
<td>to the case and decide if Amanda</td>
<td>to the case and decide if Amanda is</td>
</tr>
<tr>
<td>is at fault.</td>
<td>at fault.</td>
</tr>
</tbody>
</table>

Here are the questions you must ask yourself:
1. Was Amanda not acting responsibly?  
   (Negligence.)
2. Do you believe that everyone has told the truth?  
   (Credibility of witnesses.)
3. Are you more than half sure that your decision is right?  
   (Preponderance of evidence.)
Courtroom Setup

- Judge
- Witness
- Court Clerk
- Jury Box
- Defendant
- Plaintiff
- Audience
Mock Trial – The Case of the Missing Puppy

The moderator will tell the audience that they will be serving as today’s jury. The clerk of courts will then swear in the jury.

**Court Clerk:** (to the class) Please stand and raise your right hand. In the case you are about to hear, do each of you swear to render a truthful verdict to the best of your ability considering only the facts of this case?

All participants except the judge will take their places.

**Court Clerk:** All rise. Hear ye, hear ye, hear ye! The Court of Common Pleas is now in session. God save the Commonwealth and this honorable court. The Honorable Judge ______________ is presiding. We will now hear “The Case of the Missing Puppy.”

(The judge enters and sits.)

**Judge:** Will the plaintiff’s lawyer please make his/her opening statement to the jury.

**Plaintiff’s Lawyer:** Good morning, ladies and gentlemen of the jury. My name is ______________ and I am the lawyer for Mr. and Mrs. Green. In this case, we will prove that Amanda Barber was not careful and did not do the things she promised the Greens she would do. She lost their dog Spot and she is to blame.

**Judge:** Will the defendant’s lawyer please make his/her opening statement to the jury.

**Defense Lawyer:** Ladies and gentlemen of the jury, my name is ______________ and I represent 13-year-old Amanda Barber. We will prove that Amanda is a very careful baby-sitter. We will also show that the rope the Greens gave her was worn-out and was not strong enough to hold Spot.

**Judge:** The plaintiff’s lawyer may now call his/her first witness.

**Plaintiff’s Lawyer:** Your honor, I will first call the plaintiff, Mrs. Green.

(The Sheriff’s Officer brings the witness to the Court Clerk.)

**Court Clerk:** Raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

**Mrs. Green:** I do.
Plaintiff’s Lawyer: Mrs. Green, please tell us what happened.

Mrs. Green: My husband and I needed a baby-sitter. We called Amanda Barber. She told us that she knew how to take care of children and pets. We told her to tie our new puppy Spot outside for a while so he could get some exercise. Later she told us that the rope was worn-out, and Spot got loose and ran away. Our Dalmatian was very expensive, and our son is very upset. This is all Amanda’s fault! She should pay for a new dog.

Plaintiff’s Lawyer: Thank you, Mrs. Green. Your honor, next I will call a neighbor, Mr. Brown.

(The Sheriff’s Officer brings the witness to the Court Clerk.)

Court Clerk: Raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Mr. Brown: I do.

Plaintiff’s Lawyer: Mr. Brown, please tell us what you saw.

Mr. Brown: On the day that the Greens’ puppy was lost, I was looking out my window. I saw the little Green boy and his puppy playing outside in the yard. Soon, four children rode into the Greens’ driveway on bikes. The baby-sitter let them come in. I saw that they forgot to close the gate. That’s probably how the dog got out, but I didn’t see it happen. Later I heard the baby-sitter call Spot, but she couldn’t find him.

Plaintiff’s Lawyer: Thank you, Mr. Brown. The plaintiff rests, your honor.

Judge: The defense lawyer may now call his/her first witness.

Defense Lawyer: First I call the defendant, Amanda Barber.

(The Sheriff’s Officer brings the witness to the Court Clerk.)

Court Clerk: Raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Amanda: I do.

Defense Lawyer: Amanda, please tell us what happened.

Amanda: I am 13 years old and a very good sitter for kids and pets. When I was at the Greens’ house, I followed all their directions. I tied up their Dalmatian with the rope they left me. Then I went inside to make lunch for Mikey. While he was
taking a nap, I went outside to get Spot, but he wasn’t there. The worn-out rope had torn and he ran away. I looked all around for him, but I couldn’t go far because Mikey was in the house asleep. I am very sorry this happened, but it is not my fault! The Greens should have given me a stronger rope.

**Defense Lawyer:** Thank you, Amanda. Your honor, next I will call Mrs. Castle, Amanda’s Girl Scout leader.

(The Sheriff’s Officer brings the witness to the Court Clerk.)

**Court Clerk:** Raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

**Mrs. Castle:** I do.

**Defense Lawyer:** Mrs. Castle, please tell us about Amanda.

**Mrs. Castle:** I am a Girl Scout leader. Last year Amanda Barber earned a Pet Care Badge by taking care of my dog for two weeks. She gave him food and water, she played with him and she gave him treats. It was easy for me to see that she cares for animals very much and would never harm them. I don’t think she would do anything to cause someone’s pet to be lost.

**Defense Lawyer:** Thank you, Mrs. Castle. That is all, your honor. The defense rests.

**Judge:** We have heard the lawyers and all of the witnesses. The lawyers will now give the jury their closing arguments.

**Defense Lawyer:** Ladies and gentlemen of the jury, the plaintiff did not prove that Amanda was careless. Mrs. Castle testified that Amanda was careful with her dog. She put Spot outside like she was supposed to, but the Greens gave her a worn-out rope. She is not responsible for losing Spot.

**Plaintiff’s Lawyer:** Ladies and gentlemen of the jury, by listening to the evidence today, you should decide that Amanda Barber was not paying attention to Spot, and never checked on the dog while he was tied outside. She should pay for a new puppy for the Greens.

**Judge:** Ladies and gentlemen of the jury, you have heard all the evidence and now it is time for you to decide whether or not Amanda Barber is at fault for the loss of Mrs. Green’s dog, and whether or not she should pay to replace him. Before you decide, you must ask yourself three questions:

1. Was Amanda not acting responsibly?
2. Do you believe that everyone has told the truth?
3. Are you more than half sure that your decision is right?
Court Clerk: All rise. The Court is now in recess.

(Jury deliberates.)

Court Clerk: All rise. The Court is now back in session.

Judge: Ladies and gentlemen, have you reached a decision?

Jury Foreperson: Yes, your honor (verdict is announced and reasons may be given.)

Court Clerk: All rise. This session of the court is now concluded. God bless this honorable court and the United States of America"