

***“Take a Stand. Lend a Hand. Stop Bullying Now!”***

This module is a high school level module for the lawyer to organize the students into various roles for a mock trial based on the 193-F Pupil Safety and Violence Protection and cyber bullying. The fact pattern takes place after the school Principal has satisfied the high school policies. The lawyer or judge presenting in the school for A Lawyer In Every School program on Law Day will act as the Judge for the trial. Depending on the class size, it might be fun to have some of the students act as the “jury” to decide the case.

**CLASS OUTLINE**

**Although this outline is designed for 50 minute class, a longer class is probably more realistic and it can be expanded as necessary.**

- I. Attorney introduction (2-3 minutes):**
  - a. Introductions and describe what kind of law your practice and if anyone has interest in law.
  - b. Explain what you are doing today:
    - i. talking about the bullying law,
    - ii. conducting a Mock Trial
- II. Attorney explains possible applicable law (3-5 minutes).**
  - c. New Hampshire statute 193-F Pupil Safety and Violence Protection
  - d. New Hampshire Statute 631:2-a Simple Assault
  - e. New Hampshire Statute 631:4 Criminal Threatening
  - f. New Hampshire statute 633:3-a Stalking
  - g. Provide the students with handouts and the most recent RSA’s above (see link at the end of the module to print the most recent statute off the internet)
  - h. Provide the school’s Pupil Safety and Violence Prevention Policy under RSA 193-F and ask the teacher to discuss their policy
  - i. Explain not all documentation is necessary, but they must decide what to use to present their case and plead their position to the judge/jury
  - j. Provide the students with handouts and the most recent RSA’s above (see link at the end of the module to print the most recent statute off the internet)
- III. Attorney splits the class into their roles (hopefully the teacher has assisted prior to that day) (3 -5 minutes)**
- IV. Students plan their case by applying the fact pattern and any supporting documents to the laws (10 minutes)**
- V. Students present their case to the judge/jury (Prosecution – 8 minutes; Defense – 8 minutes)**
- VI. Judge / Jury makes the ruling (5 minutes)**
- VII. Discussion of exercise (remaining time)**

## FACT PATTERN

Johnny is a senior in high school and Suzie is a junior. They have been boyfriend/girlfriend for since Suzie's freshman year when they first met. Johnny and Suzie have Facebook pages, as do most of their schoolmates. One evening at 10:17 pm, Johnny makes fun of Fabio on Facebook because Fabio has such beautiful long hair, the envy of the high school girls. Suzie adds a "comment" to the page that states "LOL."

Fabio tells Margie that he feels ashamed and intimidated by what Johnny and Suzie are saying as "comments" on Facebook. Margie goes home and tells her mother. While Margie's mother is talking about Margie's upcoming prom night, Margie logs onto Facebook to see what Fabio is talking about while her mother is standing next to her "chatting."

After a few days, with many comments by other school mates, Fabio no longer wants to go to school and appears depressed. Fabio is thinking of cutting his hair, even though he does not want to because Fabio loves his long, beautiful hair, but he can't take the comments and stated, "I am getting desperate and I am not sure what I will do."

Unknown to Margie, while her mother was talking with her about the prom, Mom was actually reading the Facebook comments. Margie's mother likes Fabio's hair and is quite angry at the mean comments posted on Facebook by Johnny and Suzie, as well as others. The following day, Margie's mother calls the school and speaks to the Principal. Margie adds a "comment" requesting them to please stop the mean comments.

The principal speaks to Johnny and Suzie about the Facebook comments individually and privately. Both Johnny and Suzie receive Bullying Report Forms filed by the Principal per school policy. Johnny thinks it is ridiculous that the Principal is trying to tell Johnny what to do outside of school hours.

Johnny goes home from school and goes back to Facebook where he makes comments on Fabio's page asking why Fabio hasn't cut his hair yet, saying Fabio looks like a girl. He also calls Margie a witch for her comments requesting to stop.

The next day at school, Johnny and Suzie follow Fabio through the hallways in between classes. Johnny keeps making comments to Suzie loud enough for Fabio to hear about having scissors with him to cut Fabio's hair for him since he is too much of a sissy to do it himself and telling people that if Fabio wasn't such a girl, Johnny would kick his butt.

The Police Department becomes involved because the resource officer believes the comments and following Fabio on the hall have reached the standard for harassment and/or stalking under New Hampshire statute 633:3-a. Johnny and Suzie are now telling other students that they plan to cut Fabio's hair for him after school gets out because they think Fabio reported their FaceBook comments to the principal. Suzie is telling the kids that she is going to corner Margie in the bathroom.

As it turns out, it was not Fabio who reported the FaceBook posting to the school, it was Margie's mother and two other students. "Friends" on FaceBook have added more comments making fun of Fabio's hair and some other comments in addition to his hair. A few comments are students telling Johnny to knock it off.

**Roles played by lawyer and teacher:**

1. Judge – lawyer in the class for the day
2. Margie's mother - Witness that reported the FaceBook content – teacher

**Characters played by students/groups, at a minimum:**

1. Defense Lawyer for Johnny
2. Johnny
3. Bystander bullies (adds to comments on Facebook)
4. Bystander's lawyer

**Additional roles/witnesses (if there is time):**

5. Defense Lawyer for Suzie
6. Suzie
7. Margie
8. Resource officer
9. Jury, depending on the size of the class

**\* Prior to attending A Lawyer in Every School day, discuss with the teacher the mock trial scene and see if the teacher can help split the class up into the roles.**

**\* Where class time is longer than 50 minutes, students can call witnesses to testify or they can proceed by "offers of proof."**

## HELPFUL RESOURCES FOR ATTORNEY

### 1. What is bullying?

RSA 193-F:3 defines the legal definition of bullying; Also see the school's own Pupil Safety and Violence Prevention Policy.

### 2. What is Cyber Bullying?

Examples of cyber bullying include:

- Sending hurtful, rude, or mean text messages to others
- Spreading rumors or lies about others by e-mail or on social networks
- Creating websites, videos or social media profiles that embarrass, humiliate, or make fun of others

Bullying online is very different from face-to-face bullying because messages and images can be:

- Sent 24 hours a day, 7 days a week, 365 days a year
- Shared to a very wide audience

### 3. Links to statutes:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XV-193-F.htm>: NH RSA (statute) that defines bullying

<http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm>: NH RSA Criminal Threatening defined

<http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-2-a.htm>: NH RSA Simple Assault

<http://www.gencourt.state.nh.us/rsa/html/LXII/633/633-3-a.htm>: NH RSA Stalking defined

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XV-193-F.htm>: NH RSA (statute) that defines bullying