



# WE THE JURY:

## THE JUSTICE SYSTEM IN YOUR CLASSROOM

### Dancing and Damages: Who Should Pay?

#### Mad Lib Categories:

- 1) School in this District
- 2) Another School in this District
- 3) number
- 4) Teacher in the room
- 5) Student in the room
- 6) larger number
- 7) food

(1) \_\_\_\_\_ and (2) \_\_\_\_\_ have a dance team rivalry. Both schools are competing in the Final for the Oregon Dance Team Trophy. This year, (1) \_\_\_\_\_ plans to win, because it bought a secret weapon: **The Boogie Booster**. The Boogie Booster is a small device put in each dancer's shoe. When activated, a dancer gets a boost so the dancer can jump (3) \_\_\_\_\_ feet higher than before. From high in the air, a dancer can continue to dance. The effect of dancers dancing on the floor and in the air is awesome. (1) \_\_\_\_\_ believes it will win easily.

(1) \_\_\_\_\_'s coach, (4) \_\_\_\_\_ saw an ad for the Boogie Booster in "Dance Magazine." The coach had never heard of the product or manufacturer, "Flying Free," although Flying Free was the largest producer of dance products in the US.

(5) \_\_\_\_\_ is the star member of (1) \_\_\_\_\_'s dance team. Although (5) \_\_\_\_\_ was the best dancer, (5) \_\_\_\_\_ always wanted to do better. About ten minutes before the Dance Contest began, (5) \_\_\_\_\_ thought, "If pumping up the Boogie Booster one time makes me jump (3) \_\_\_\_\_ feet, if I pump it more than that, I'll almost fly. The talent scouts will love me. So (5) \_\_\_\_\_ pumped the Boogie Booster (6) \_\_\_\_\_ times.

Finally the big moment arrived. Hearing only sounds of the band and the crowd, (5) \_\_\_\_\_ started pumping and said, "Take me higher, Boogie Booster." It did, but higher than ever imagined. (5) \_\_\_\_\_ went so high, (5) \_\_\_\_\_ even forgot to "jiggy." Fortunately, there was a hole in the ceiling of the dance hall and the dancer went right through it. Then (5) \_\_\_\_\_ went down, down, down, finally landing in the garbage container with the leftover school lunch, (7) \_\_\_\_\_. A straw from a drink container punctured the dancer's left ear and all the discarded homework papers resulted in Severe Paper Cut Trauma. (5) \_\_\_\_\_ could never hear music clearly again, and the paper cuts gave resulted in so many scars that (5) \_\_\_\_\_ never wanted to be seen in public again.

The dancer wants to sue for her damages, but who is responsible? If you were the dancer's lawyer, who would you sue?

## **Dancing & Damages: Panel Roles**

### **Coach**

- You have been coaching dance for 15 years
- You have won the Trophy 3 times.
- You read the Boogie Booster manual and told the dancers to pump only 1 time. You did not give them the manual to read.
- You had the team practice with the Boogie Boosters for 2 hours per day for 1 week. Nobody pumped more than 1 time in practice. You had no problems.
- You were a little worried that dancers were going so high, but wanted to win the trophy so badly you decided to take the risk of any injuries in order to win.
- You did not get any special or additional insurance.
- You did not inform the parents because you wanted the Boogie Booster kept secret.
- You did not tell the school principal about the Boogie Booster.
- You had no experience using any kind of dance enhancement device before.

### **Manufacturer Flying Free**

- You are the biggest maker of dance equipment in the US.
- Boogie Booster is a new product, and you sold only 100 of them before the accident.
- There are no instructions on the Boogie Booster itself.
- You tested the Boogie Booster in Australia on kangaroos.
  - 10 kangaroos used the Boogie Boosters for 2 hours each with no injuries.
  - The Boogie Booster was pumped up to 3 times in the tests.
  - It was not tested on people prior to sale.
- The box says: “Manufacturer is not liable if product not used according to directions. See instruction manual for details.”
- The instruction manual says:
  - The manufacturer disclaims any liability for use of this product not according to directions.
  - User assumes all liability.
  - Pump the Boogie Booster only 1 time. More than 1 pump may cause unpredictable results.
- Flying Free considered using a safety switch limiting the Boogie Booster to 2 pumps, but decided the cost would be too high and cause sales to decrease.

### **Dancer**

- You are 17 years old. You don't live with your parents any longer, but live in an apartment with friends and work 20 hours each week at a fast food restaurant.
- You always wanted to be a dance star, with the dance company Alvin Ailey Dance Group.
- The ear damage cannot be corrected surgically with today's practices.
- The paper cut scars could be repaired by plastic surgery at a cost of \$100,000. You suffered a lot of pain from the injury, lost three weeks of work (where you now work as cook in the back instead of at the front counter, since you don't want to be seen in public), lost 3 weeks of school, and are embarrassed and ashamed because of the accident and the injuries. You want \$300,000 for pain and suffering.
- The coach told you to pump only 1 time, but did not explain why.
- You never saw the Boogie Booster instructions, manual or the box.

## **Principal**

- You hired the coach. The coach has an excellent record. The coach didn't tell you about the Boogie Booster.
- You ask your teachers and coaches to get your approval for policy changes, but you give them the power to incur reasonable expenses within their budgets. The Boogie Booster was within the dance coach's budget.
- You have ultimate responsibility for what goes on in your school, and in turn, the school system is responsible for what you are responsible for.
- The school board has given the school \$10 million for repairs for the school. It would be terrible if this money were to be used to pay for the lawsuit rather than make the repairs.
- The hole in the roof was there for at least the last five years, maybe longer.
- The school system has liability insurance to cover accidents of this kind.

## **Publisher of Dance Magazine**

- You make a good profit from advertisements in your magazine, around \$20 million per year. You yourself earn \$2 million per year.
- You never test any product you advertise. You accept advertisements from anyone and do not review their claims for accuracy.
- In the small print on the table of contents of each magazine, you write a disclaimer: "The claims of advertisers are not endorsed by Dance Magazine in any way. Dance Magazine is not liable for any damages that may be caused by any products it advertises."
- Flying Free has often advertised products in Dance Magazine, and pays top money for advertising.
- You are unaware of any problems with or injuries from Flying Free products.