

**1999 Illinois State Bar Association  
High School Mock Trial Program**

**Case Materials**

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JAMIE HUGHES, b / n / f  
AND PARENT, ALEX HUGHES)

v.

TAITEVILLE NEWS PRESS

\* \* \*

No. 12345  
Circuit Court of Lincoln County  
Taiteville, Illinois

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Sponsored by the  
Illinois State Bar Association  
Committee on Law-Related Education for the Public  
Illinois LEARN Program

The Illinois State Bar Association thanks the Tennessee State Bar Association Young Lawyers Division and Mr. Glenn R. Walter, the original author of this problem.

**LIST OF WITNESSES TO BE CALLED**

**For the Plaintiff:**

Jamie Hughes      Plaintiff  
Alex Hughes      Plaintiff's Parent  
Dr. Rusty Carlisle      Psychologist

**For the Defendant:**

Corrie McLaughlin      Defendant, Editor and Owner of Taiteville News Press  
Dr. I.V. Keshner      Psychologist  
Andy Davenport      Elder from the Center for Right and Righteousness

## **WITNESS AFFIDAVIT - JAMIE HUGHES (a minor)**

My name is Jamie Hughes. I'm 16 years old now but when the fire happened at the school, I was only 15. I have lived in Taiteville all my life. It's always been a boring place with a bunch of boring kids running around all dressing the same, acting the same, doing the same things. If anyone is the least bit different, the people around here treat them as if they were psycho.

Unfortunately, I've never fit in. I tried to do everything the way people seemed to want things done but nothing I did was good enough. Even when I was voted the most valuable player on my soccer team, old man Andy Davenport accused my parents of buying the award for me. As if they ever would! They couldn't even be bothered with going to the awards ceremony with me. I went with our housekeeper, Ima Filbert.

I finally thought, "forget it!" I've got better things to do with my time. I stopped trying to fit in. I hang out with a gang of my friends at some of the places around town, places like the bleachers over by the junior high school. We don't do anything different from what the other kids are doing. We sometimes act up a little bit and when we do I usually get blamed for starting it. I think it might be because my parents have a little more money than everyone else in Taiteville and they can buy me things. I think some of the people around here are jealous of them and jealous of me.

Last year in September, I was arrested for setting Taiteville Junior High School on fire when I was 15. I didn't do it. Even though someone tried to set me up, the judge saw through the frame and found me not guilty.

The whole thing was supposed to be confidential because I'm a minor and the case was handled in juvenile court. The Taiteville News Press decided to start writing a lot of stories about the fire and one mentioned that I'd been charged with arson.

The only way they could have gotten the story about my past problems with the law was to bribe someone at the court, like those tabloid papers do. They wrote stories about the fire constantly from September through the following February. Everybody in town thought I was guilty because the papers reported that I'd been arrested. Those stories made my life miserable.

My parents tried to help. They went to counseling at the church and tried to get the people there to help us before the trial. But, you know how churches can be. They didn't want any part of our family once they knew we were in trouble. They really kept their hands off, all the way. They didn't want to help us, but they preached a sermon that was almost entirely about my family. "The Evil Among Us." How about it? I was found innocent and the Elder at the church was still pointing the finger at me. Some big help Elder Davenport was!

I had done some stupid things before that fire, and I even had to go to juvenile court. My parents were with me when I went to court. But, none of that stuff

stuck. Anyway, because of the story in the paper, I had all sorts of problems. Any time something bad happened in town, in my neighborhood or at school, everyone thought of me first. I was the convenient one to blame. They must have figured that since I was in trouble with the law about the school fire, I must have done almost everything else.

One time, I went to the store for my mother and the manager followed me around, like he was waiting for me to steal something. I couldn't escape the awful attention at home either. People started calling our house and telling my parents to keep me away from them and their homes. We even got notes with pictures of me drawn on them with fires in the background. I got into more than a few fights over all this attention. It made me mad. It wasn't fair. I didn't start that darn fire.

Anyhow, my parents figured that I needed a break from all the attention and sent me to live with an aunt in Petersfield about a month after the fire and the media report of my involvement. Aunt Kelli has a good heart, but she's different. She runs sort of an informal animal shelter in Petersfield. She makes me do all kinds of stuff to help her out because she says I need to earn my keep. I take care of the animals, which I don't mind too much, but I also have to wash all my own clothes and help with all the cooking and house cleaning as well. I sure don't have to do that at home. Sometimes I think I've been kidnapped and there's just no one around to help me out of this mess I'm in. I must have lost 15 or 20 pounds since the fire and the publicity. I have trouble eating and sleeping.

School in Petersfield is awful. I don't get to play soccer because they have some sort of transfer rule and I have to sit out until I've completed at least two semesters. I don't understand it, but there's no way around it. If I can't play soccer, there's no chance I'll get a scholarship to college. Besides, what recruiter would come to this school in the middle of nowhere?

There's a special school my parents are looking at for me to attend. It's for "troubled kids." They call it Elysium Academy. Sounds more like an asylum to me. It costs a small fortune to get in, and I'll have to board with a bunch of loser kids who are probably in way worse trouble than I ever was. But, it might let me play soccer and get a scholarship. My parents may have some money, but not enough to do all this. They can't afford to help me rebuild my life at a special, high tuition school. The cost of the lawyers and all the time they took away from their jobs has really hurt them financially. All because of that stupid newspaper.

I wouldn't need to go to a special school so far away if it weren't for that article in the Taiteville News Press. That changed everything. My parents wouldn't have had to spend so much time away from their work, and for all the meetings with the lawyers, if it weren't for that newspaper story. Since all this went so bad because of the newspaper coverage, I figure they should have to pay for the damages to me and my family.

## **WITNESS AFFIDAVIT - ALEX HUGHES**

My name is Alex Hughes. I wish I could do more for Jamie, but everything always seems to go wrong for that child. I could hardly stand sending our Jamie away to live with Aunt Kelli, but we didn't know what else to do.

Our family has been happy living in Taiteville and if it weren't for that newspaper, we'd still be happy here. Sure Jamie had some scrapes with the law, but all children get into occasional difficulties and misunderstandings like that. Jamie's no different from any other healthy, inquisitive, active child. That newspaper ruined my child's chances here in Taiteville. They should pay for their irresponsible reporting.

Because of the newspaper story identifying Jamie as the suspect in the school fire, we've gotten phone calls, letters and all sorts of uncalled for attention from people we don't even know. It's affected the family, especially Jamie. For weeks on end, Jamie wouldn't leave the house, just wanted to stay inside and watch television. I think Jamie was afraid to go out. That's a horrible way for a 15 year old to live. Afraid of what people would do or say. It was when Jamie started having problems sleeping and eating that we decided to send him/her to Aunt Kelli's house for awhile. Jamie is our only child. We miss having him/her around so very much.

As parents, we have to take some responsibility for what has happened in our lives. But, we've done the best we could. We both have demanding jobs. We're botanists with the Rainforest Project, there have been times when we've had to spend more time in greenhouses and in rain forests than we've spent with Jamie at home. The Rainforest Project is an attempt to preserve the plant life of the rainforest before it's completely decimated. We have devoted our lives to this project. Fortunately, Jamie understands our need to be away from home so often.

We have a live in housekeeper, Ima Filbert, who's been with us for years. Jamie loves her but I don't think she's been as attentive and as nurturing as she should have been. She just hasn't provided what Jamie needed in our absence. After the police blamed Jamie for the fire and we realized the entire matter would be sent to Juvenile Court, we sought counseling with a spiritual advisor. We were able to speak with the Elder Board from the Center for Right and Righteousness. We thought we were doing the right thing and felt lucky to have been able to schedule a meeting with Elder Davenport. We were amazed when we learned that Davenport had spoken with the press about Jamie and our family matters.

We were even more amazed when we heard that Davenport had preached a sermon about "the evil among us" and kept referring to dangerous children and irresponsible parents. It was too much of a coincidence. He/she had to be talking about Jamie and us. The sermon even mentioned the arson at the school and Davenport stressed the importance of placing the blame where it belonged, on the troubled youth who was arrested. Talk about pointing the finger!

Had we known that our confidences would be broken, we never would have sought help at the spiritual center. I thought when we made the appointment to speak with the Board and ask for help that our support of the Center would help at the trial. We're regular donors, though we don't attend regularly. We contributed \$10,000 in September but that had nothing to do with the counseling we'd sought. Jamie had played on their soccer team and had helped them win their championships. We thought they'd serve as good character witnesses for Jamie at the trial. But now I think that Elder Davenport probably sought out the press because Jamie had beaten his/her child out of the most valuable player award three years in a row. Anyhow, the Spiritual Board refused to help. And then, Elder Davenport leaked information to the press. I've known the Andy Davenport for years, since we were both kids. It's hard to believe Davenport would stoop so low as to hurt my child's reputation over something so minor as the MVP award.

Juvenile Court proceedings are supposed to be confidential. Everybody knows that. But, I guess it's more important to sell newspapers than to protect a child's reputation. The Taiteville News Press couldn't have caused more problems in our lives if they'd planned it.

I don't know what gives the press the right to ruin certain people's lives. There are lots of children who get in trouble every day and no one hears a thing about it. I don't know why Jamie was singled out for this kind of attention. It's just plain mean spirited. I've heard rumors around town, from some sympathetic people, that it may have been Elder Davenport's child who set the school fire. That might explain why the Elder has been pointing the finger at Jamie.

After looking at various options, none of which seem perfect, we've found Elysium Academy, which we feel may be the best facility available for Jamie. We considered leaving Jamie with Aunt Kelli, letting him/her stay with the housekeeper, or even taking him/her with us to South America for five months. Elysium seems to offer more than any of the other options. We haven't had the chance to visit personally, but the brochures and our discussions with the school leaders have been very positive so far.

This lawsuit is not about money. We have plenty of it. This is about principle and about my child's reputation and future. It's about the media mis-using their position to bribe public officials into revealing confidential information. The Taiteville News Press is 'Yellow Journalism' at it's worst. They're as bad or worse than the tabloids.

## **WITNESS AFFIDAVIT - DR. RUSTY CARLISLE**

My name is Dr. Rusty Carlisle and I am a licensed child care psychologist in the state of California. I also operate and am sole owner of a residential school therapy program for troubled adolescents called Elysium Academy in California. I examined Jamie Hughes prior to this trial, about two months ago for about one hour, at the request of Jamie's parents. The Hughes family, and Jamie as well, have asked that I provide any information necessary to help put this matter to rest.

It is my opinion that Jamie has been extremely traumatized as a result of the trial and the corresponding press coverage. While the arson trial caused some trauma, the ensuing press coverage has completely devastated this young person's self-esteem. A person of Jamie's age is generally very self-confident and outgoing. Jamie, however, appears to have retreated into a self-protecting shell and his/her behavior may be an indicator that Jamie has "atypical depression." This can include anything from mild mental retardation to what is sometimes described as "dull average intellectual functioning." This condition can usually be addressed and with appropriate psychiatric supervision and treatment, Jamie could be restored to fitness in less than a year.

Jamie no longer participates in school activities and does not socialize as a normal adolescent should. I don't think that the responsibilities placed upon Jamie by his/her Aunt Kelli have helped Jamie's situation. Rather than responding in a positive way to the animals and the related duties, Jamie sees this as a kind of punishment or penance for something he/she did not do.

Jamie requires specialized treatment which is not available from Jamie's aunt, or indeed from his/her parents. There are few facilities or resources in and around Taiteville that would offer the kind of structured setting Jamie needs.

There are some real problems Jamie is facing right now. Cooking, cleaning, ironing, pet grooming and the cleaning of kennels just can't fix what's wrong in Jamie's life.

In order to put Jamie's life in order, extensive counseling and a complete change in environment would help. It is, I feel, essential that Jamie be given this special attention and we can provide just that at the Academy. Jamie would have opportunities to meet with other students who would accept him/her as is...without judgment. Jamie could benefit from all the structured activities at Elysium. I think Jamie's life would be on-track after about eight or nine months of intensive therapy at Elysium.

I have developed an in-patient therapy program which I deem essential to Jamie's well being and growth into a functional adult. The therapy program utilizes sports and recreation and art to increase the patient's self-esteem. Jamie's love of soccer would make this particularly appropriate. This program requires the patient to live at the Academy in order to have the 24 hour, hands on counseling

which is the most necessary component of the education. Counseling sessions entail extensive discussions about various childhood traumas our students may have experienced. They range from divorce, to child abuse or drug use by parents.

The discussion sessions are generally in a group format, although in Jamie's case, some one-on-one sessions would be beneficial. I believe Jamie would need at least ten individual counseling sessions per week to deal with the self-esteem problems we're facing.

Since all the patients at the Academy are between the ages of 12 and 17, an intensive educational curriculum is part of the therapy. All the patients' educational, physical and psychological needs are met at Elysium's 200 acre facility.

Prior to designing a therapy program to meet Jamie's needs, I spoke with Jamie about his/her parents. I also read the article which appeared in the Taiteville News Press about Jamie. I have not had the opportunity to examine Jamie's school records at this time; however, based on the information I do have, and on my interview with Jamie, I would strongly encourage the Hughes family to seek professional help for Jamie.

I charge \$2500 for an initial consultation with a potential client or student. My fee for testifying at trial is \$300 per hour, but it will be waived if the client enrolls in the Elysium Academy in a prescribed therapy program.

**WITNESS AFFIDAVIT - CORRIE MC LAUGHLIN**  
(Editor and Owner of the Taiteville News Press)

My name is Corrie McLaughlin and I'm the editor and owner of the Taiteville News Press. I've been in the newspaper business for over 20 years and I've never printed a story out of malice. I report what the community I serve wants and needs to know.

Even though my family has owned this paper for years, I started out as a copy runner and moved up the ladder to cub reporter, star reported and then editor. My father and grandfather always said that hard work was the best lesson. For over 50 years, this newspaper has been known for printing the truth.

To my way of thinking, this community was well served by the First Amendment when we printed those stories about the school fire. We are in the business of printing news. If juvenile delinquents torch historic landmarks like the Taiteville Junior High School, then we are going to write about it. The confidentiality rules don't apply to us. I honestly feel we had a duty to report because people might need or want to know where a potential danger may be coming from. I spoke to our lawyer before we even printed that story that's causing all the problems. We did a whole series on local crime and only one of those stories mentioned Jamie Hughes.

We published that story after getting a very solid tip about the fire from Andy Davenport, a real community leader and an Elder at the Center for Right and Righteousness. We'd already heard the rumors and were doing follow-up with reliable sources and in comes Davenport and hands us what we'd been looking for on a platter. As it turns out, Davenport only served to confirm what we'd already learned from other sources close to the investigation.

A confidential source had told us about Jamie Hughes' criminal record and this source was extremely close to the family. I can't reveal my sources, but I will state that the source was not affiliated with the court system. I've never actually seen the Hughes kid's criminal record. But, I did receive a list of offenses allegedly committed by Jamie Hughes. It could only have come from someone within the police community or legal community. I got it in an unmarked envelope, postmarked at the Taiteville Post Office. The dates on the printout all match public records we have of vandalism reports that have been printed in the Taiteville newspaper.

Everyone in town knows about Jamie Hughes and his/her problems and everyone suspected Jamie of setting the school fire. Heck, Jamie's parents helped fuel the fire by going to the Center for Right and Righteousness to try to buy a character reference for the trial. With that kid's police history, I don't know how they expected to get a character reference from anyone at the Center. Jamie is at best a confused and seriously troubled kid, and at worst a thief, a vandal and probably a drug user. If the parents want to try to buy a character witness, let them try. Lots of people think money can buy pretty much anything. But the Hughes money

hasn't bought them a perfect kid and they shouldn't expect this newspaper to pay for their mistakes.

This newspaper did everything it was supposed to do. We checked our sources and made sure of the facts before printing the article that contained Jamie's name. When Jamie's parents came in and insisted on a retraction, we turned them down because everything we printed was the truth. We didn't hurt Jamie's reputation. Jamie did that for him/herself.

Just because we printed the news of the acquittal on the back page doesn't mean we did anything wrong either. Feeling around here is that Jamie had something to do with that fire, even though he/she was acquitted. My editorial about the lack of parental control over their kids which ran after the acquittal in February didn't have anything to do with Jamie. I'd been working on that piece for months. But, you know what they say, "If the shoe fits..." And, obviously it did because the Mr. and Mrs. Hughes called and were livid.

Jamie needs a good old fashioned spanking and some strict discipline instead of mollycoddling and excuses for the bad behavior. That kid doesn't need an expensive school and if the parents choose to send Jamie away, it's not the Taiteville News Press that should have to pay. The parents made those mistakes and they should pay.

If Jamie's acting up all these years was a cry for help, then publishing the story and Jamie's name in the newspaper may be the best thing that could have happened. It's forced the parents to really pay attention to Jamie and what that child needs.

I grew up with Jamie's parents. They thought money could get them out of messes when they were kids and they still believe that now. Only now they want to use my money!

I've seen the fees Elysium Academy charges. I've also seen what the doctor is recommending as treatment for Jamie. More mollycoddling if you ask me. Even if that horseback riding and sports stuff is necessary, and I'm certainly not saying that it is, there seems to be a whole lot of padding going on in that tuition.

My parents raised me to believe in the principle of hard work and sacrifice. It's too bad the Hughes haven't taught that to Jamie. They baby that kid.

My mother was a "Taite" of THE Taite's before she married my father. She passed on her strong feelings about community, loyalty and respect for others to me. I try to carry out my duty to this community in my editorials and in the reporting we do at the Taiteville News Press. That's also why I based my political platform on the need to stop juvenile crime when I ran for Mayor last November.

**WITNESS AFFIDAVIT - DR. I.V. KESHNER**  
(Psychologist)

I am Dr. I.V. Keshner. I am a psychologist with the Institute for Discipline and Learning (IDL) here in Taiteville. I was hired by the Taiteville News Press to review the case of Jamie Hughes. I have not interviewed Jamie Hughes, nor have I met with or spoken to Jamie's parents.

I have testified at over 200 trials involving undisciplined juveniles. I have been designated as an expert witness in approximately 150 of those trials. I have published numerous papers on the need for strong discipline in juveniles and the continuing problem of juvenile delinquency in our society. I am a graduate of Halyard University with bachelor's and master's degrees in sociology, and I took my Ph.D. at Princely College where I received by doctorate in child psychology. My thesis was titled, "The Child and the Boot." I examined the necessity of a strict regimen of physical activities, and the need for establishing solid goals and rules for children. I also served this country as a drill sergeant in the United States Marine Corps from 1977 until 1992.

In my doctoral thesis, I applied the boot camp approach to the raising of children with fantastic results. My own six sons, who at that time were nine through fifteen years of age, were exposed to the same kind of physical training and discipline as the Marines. This experimental program lasted for two years in my home. The academic grades of four of my six eldest sons improved and their physical stamina increased considerably. Their self-esteem is solid and they all developed a strong sense of self-worth, loyalty to family and friends. The youngest two experienced no change in their academic progress and were not able to handle the physical regimen. They're both still good kids and are looking forward to reaching an age when they can go through the same "boot camp" training their brothers still speak so highly about.

With regard to Jamie Hughes, I am convinced that Jamie did not suffer significant or lasting emotional distress by the article in the Taiteville News Press. In fact, a person like Jamie is far more likely to thrive on the publicity. Many juvenile crimes are committed as a means to gain attention from negligent or inattentive parents. I think Jamie has been crying out for help for years and this was just one more way of saying, "Look at me, I'm here, think about me!"

Jamie's so-called withdrawal after the article came out sounds more like extreme disappointment that his parents reacted in such a negligent manner, or may be because of drug use. I don't know if Jamie has been tested to see if he/she is a user. I would strongly encourage his/her parents to face that possibility. Although I have not spoken with Jamie or his/her parents directly, I have spoken with Corrie McLaughlin and Jessie Whitten, the Taiteville News Press reporter who wrote the article naming Jamie, about the child. They both have expressed sincere concern for the child.

If Jamie is experiencing "atypical depression," that should have been fully

investigated, diagnosed and disclosed at the original trial. Competency hearings may have needed to have been held, especially if there was any indication that Jamie might have any form of mental retardation, mild or severe. To bring up that allegation at this point is potentially more harmful to Jamie than the original arson charge and borders on the irresponsible and negligent.

I have had the opportunity to review the brochure describing the Elysium Academy and the treatment proposed by Dr. Rusty Carlisle. This course of treatment may work for some, but for a child with Jamie's problems, it just won't work. Pampering someone with Jamie's background would only serve to reinforce the negative behavior. What Jamie needs is strong parental involvement on a regular basis and some strong discipline. I base my opinion on reviews of the newspaper article, the affidavits of Jamie Hughes, Alex Hughes, Dr. Carlisle and the Elysium program. I can find no evidence of any mental condition which would require such extensive treatment as prescribed by Dr. Carlisle. In fact, Dr. Carlisle's recommendation borders on extortion of the Taiteville News Press.

I have been paid \$2500 by the Taiteville News Press to review the available information on Jamie Hughes. If I am needed for pre-trial interviews or consultations, or to testify at trial, my fee is \$500 per hour.

**WITNESS AFFIDAVIT - ANDY DAVENPORT**  
(Elder from the Center for Right and Righteousness)

My name is Andy Davenport and I'm an Elder at the Center for Right and Righteousness in Taiteville. Elders are like executive board members of a large corporation.

The Center is at the heart of all religious and social activity in our fine city. I feel honored to be a part of it. I was present when Mr. and Mrs. Hughes came to the center seeking a character reference for their child, Jamie.

I've known Mr. Hughes, Alex, for almost my entire life. To my knowledge, Alex has always used his/her financial resources to pave the way, either into a situation or out of it. Other than registering Jamie for the Center's soccer team, I don't recall ever seeing either Mr. or Mrs. Hughes at the Center services or activities. They never came to Jamie's soccer games. They sent the housekeeper. In fact, now that I think back, it was the housekeeper who registered Jamie for the soccer team. We were glad to have such a good soccer player for the team, but Jamie had some real problems relating to the other players. Jamie is a bully and we had reports from some of the students that Jamie sometimes cheated. That's not our way here, but without an adult to confirm the allegations of cheating, we couldn't really act in good faith.

I was truly taken aback when the Hughes' showed up at the center and asked for a character reference for Jamie. They told us all about Jamie's current trouble with the law and the fire at the school. We turned down their request for a reference after a confidential vote of the Board. I can tell you that there were very few who supported helping the Hughes. I personally was offended by their approach to the Board of Elders. They acted as though they thought they could buy the church's reputation, or mine, to help them get out of their legal problems.

Even though we couldn't in good faith help them as character witnesses, we did think their pledge of \$10,000 would still be forthcoming. They kept stressing that they respected the work of the Center and appreciated all the opportunities we've given Jamie to excel on the soccer field. But, the money hasn't arrived and now there is a strong feeling that Mr. and Mrs. Hughes just came to us to use the Center's good name in this community to help their son get out of his trouble.

I read the Taiteville News Press daily and kept waiting for some mention of an arrest in the newspaper, especially given that the Hughes's had acknowledged to the Board that Jamie had been charged with arson for this crime. I called the editor, Corrie McLaughlin, who's a long time personal friend, and asked why the paper hadn't reported about the Hughes child being charged with the arson at the school? I thought the newspaper had a duty to the community to report on this potential threat to the people and property of Taiteville. I don't recall exactly what was said during that conversation, but I probably mentioned that the Hughes family had tried to gain the support of the Center in defending Jamie against the allegations of arson at the school. Because of our friendship, I may have also

mentioned the fact that the Hughes family had acknowledged Jamie's past problems and had offered us a pledge of \$10,000. Jamie's arrest was finally reported in the newspaper a few days after our conversation.

I was glad to see the article because the public has a right to know what's going on in their community. The newspaper report was accurate and that kind of solid, fact-based reporting is necessary. I sometimes think the accused have far too many rights and the innocent victims have none.

Speaking with the Hughes family did give me an idea for a sermon on parental responsibility, but I did not mention them by name. If I made a reference to trouble children and the lack of involvement by some parents and they took that personally, let them. It may help Jamie.

I know that Jamie has been acquitted. But now this whole community knows what kind of child is living in our midst and that's a good thing. We can all wake up and take action to protect ourselves and pray for the Hughes family to help them with their problems. It's not right that decent families can be harassed and become targets for the pranks of evil youngsters with nothing to do but cause trouble. This community shouldn't live in fear while juvenile delinquents run wild in the streets.

I've asked the Center to remain open after hours and offer a range of positive activities for the young people in Taiteville. It's a small step toward reaching out to children like Jamie...kids whose parents are too busy, or too uncaring, to watch their children and guide them toward responsible adulthood. We may not be able to help Jamie, but we may help others like him/her before they get into trouble.

## **EXHIBITS**

### Exhibit A

Excerpt from the Taiteville News Press  
September 2, 1998

#### HISTORIC JUNIOR HIGH SCHOOL BURNS

On September 1, 1998, one of the oldest parts of historic Taiteville Junior High School burned, resulting in \$50,000 in damages. Police and fire officials suspect arson as the cause of the fire which started in the school's main entry area, which was built in 1826.

The fire was extensive and burned almost the entire entry area, which was designed by local architect, Nosmo King. King's award winning design has been duplicated in any number of state schools across Illinois.

Arson investigators found a pile of Taiteville locker room towels stuffed under the main stairwell. While police and arson personnel are confident that an accelerant was used, they are uncertain at this time just what the chemical might have been.

Residents whose properties border the school are being questioned, as are school officials and teachers who were still in the building after hours.

It was the school principal, Lee Warrington, who called in the alarm after smelling smoke at approximately 6:15 as he was preparing to leave the building. Warrington, who has been principal for 25 years, said, "This is a tragedy for the school and for Taiteville as a whole. Whoever set this fire needs to be found as soon as possible. I encourage everyone in Taiteville to work cooperatively with the police and fire departments to give them the information they need to bring this criminal to justice."

The Mayor of Taiteville, former Judge Barringer, has indicated that his/her office will do all they can to support the police and fire departments in their investigation and the Mayor has authorized overtime pay for police officials who are investigating the arson. This is the first time since the Taiteville flood in 1982 that the police have been called upon to work overtime.

This is the first time in the 135 year history of Taiteville that there has been a crime of arson committed. Mayor Barringer said, "It's an ugly, cowardly crime that affects us all. We need to be diligent in every aspect of the investigation so that when charges are brought we are very sure that we have the right person."

## Exhibit B

Excerpt from the Taiteville News Press  
September 6, 1998

### LOCAL YOUTH SUSPECTED OF ARSON IN LOCAL HIGH SCHOOL FIRE

After questioning numerous residents in the area, school personnel and fire officials, the Taiteville police have filed arson charges against a Taiteville youth, Jamie Hughes. Hughes is the child of Alex and Charlie Hughes, world famous botanists who reside principally in Taiteville.

While police report they have no apparent motive for the arson, officers seem convinced that Hughes is involved. Hughes has a long history of delinquency and has had a number of charges of vandalism, shoplifting and truancy filed at various times. These earlier charges did not result in convictions.

Neighbors of the Hughes family came forward to confirm that Jamie is consistently in trouble in the community. There is a real fear in the neighborhoods of Taiteville that kids like Jamie Hughes are running free and wild in the streets and ruining the quality of life the residents of Taiteville have worked so hard to achieve. Something needs to be done to address the issue of repeat offenders like Jamie Hughes who are endangering the citizens of this community.

After each charge, Hughes has been released to the custody of Alex and Charlie Hughes. Hughes was released on the same basis for this current, far more serious, arson charge. In exchange for substantial financial contributions, the Hughes family is seeking support from local churches to assist in the defense of Jamie Hughes.

The Hughes trial is scheduled to begin in approximately three weeks. As Hughes will be tried as a juvenile, the maximum penalty upon conviction would result in Hughes being confined in a juvenile correctional facility until he/she turns 21 years of age.

EXHIBIT C

Elysium Academy - Monthly Cost Estimates

HOUSING	
Private room .....	\$1000
Double room .....	\$ 750
Dormitory - 4 students .....	\$ 250
Maid Service .....	\$ 50
Meals .....	\$ 300
RECREATION	
School team sport fee .....	\$ 50
Horseback riding	
1/2 hour .....	\$ 40
1 hour .....	\$ 75
Intramural team sport fee .....	\$ 20
Individual play .....	\$ 10
EDUCATION	
Group study .....	\$ 200
Private tutorial .....	\$ 500
COUNSELING	
Group session	
1 hour .....	\$ 20
2 hours .....	\$ 30
Individual session	
1/2 hour .....	\$ 75
1 hour .....	\$ 125
REFUNDABLE DEPOSIT .....	\$ 200
REFUNDABLE DEPOSIT FOR STUDENTS	
WITH HISTORY OF PROPERTY CRIMES .....	\$1000

Access to all Elysium Academy facilities, including swimming pool, hiking trails, and track and field are including in the housing fees. Horseback riding is an additional charge.

There is no meal cost or individual play fee for students who provide 10 hours per week of service to the community (i.e., food service, groundskeeping, and custodial service).

Seven hours of group counseling are included in the cost of housing.



**IN THE CIRCUIT COURT FOR LINCOLN COUNTY, ILLINOIS**

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JAMIE HUGHES, b / n / f	)	
AND PARENT, ALEX HUGHES	)	
Plaintiffs,	)	
	)	
v.	)	No. 12345
	)	
	)	
TAITEVILLE NEWS PRESS,	)	
Defendant.	)	

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**COMPLAINT**

The plaintiff, Jamie Hughes, a minor, and Alex parent, natural parent and next friend, for the complaint against defendant *Taiteville News Press* state as follows:

1. The minor plaintiff, Jamie Hughes, is a citizen and resident of Taiteville, Illinois and is currently 16 years of age, but at the time of the alleged conduct was 15 years of age. The minor plaintiff appears in this cause by and through the natural parent and next friend, who is likewise a citizen and resident of Lincoln County, Illinois.
2. The defendant, Taiteville News Press, is a business incorporated in the State of Illinois and doing business in Taiteville, Illinois, and is and was at the times hereinafter mentioned engaged in business of publishing a newspaper.
3. The defendant is the publisher of a newspaper called the *Taiteville News Press*, which is published in the City of Taiteville, Illinois.
4. On or about 1 September, 1998, the defendant invaded the privacy of the minor plaintiff by querying into the contents of his/her confidential criminal record.
5. On or about September 5, 1998, the defendant published a newspaper article containing false and malicious libel of and concerning the minor plaintiff, a copy of which is annexed hereto and marked "B."
6. The plaintiff was and is a minor resident in the City of Taiteville, Illinois, and the false newspaper account which accused him/her of arson in the fire of the

historic Taiteville Junior High School, has resulted in damage to his reputation and standing in the community.

7. Further, the minor plaintiff has sustained personal humiliation, mental anguish, and suffering.
8. Based upon the intentional, malicious, and willful conduct of defendant, minor plaintiff is entitled to punitive damages.

Wherefore the plaintiff prays for judgment against the defendant in the amount of \$50,000.00 in compensatory damages and \$3 million in punitive damages.

November 25, 1998

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Attorney at Law

**CONFIDENTIAL - NOT TO BE RELEASED TO THE PUBLIC**

**CRIMINAL HISTORY**

Printout Date:  
September 4, 1998

NAME HUGHES, JAMIE  
DOB 9/4/1982  
HGT/WT 5'5" 125 lbs.

ADDRESS 150 FOURTH AVENUE NORTH  
TAITEVILLE, ILLINOIS 62777

PARENTS ALEX AND CHARLIE HUGHES

ENTRIES

9/3/98	ARSON - PENDING	Released to parents
7/4/98	VANDALISM - dismissed	Released to parents
12/31/97	VANDALISM - dismissed	Released to parents
11/5/96	TRUANCY - dismissed	Released to parents
8/15/95	SHOPLIFTING - dismissed	Released to parents
6/13/95	VANDALISM - dismissed	Released to parents
1/1/95	VANDALISM - dismissed	Released to parents
10/31/94	VANDALISM - dismissed	Released to parents
9/3/94	TRUANCY - dismissed	Released to parents
9/1/94	TRUANCY - dismissed	Released to parents

END OF CRIMINAL HISTORY

**IN THE CIRCUIT COURT FOR LINCOLN COUNTY, ILLINOIS**

JAMIE HUGHES, b / n / f	)	
AND PARENT, ALEX HUGHES	)	
Plaintiffs,	)	
	)	
v.	)	No. 12345
	)	
	)	
TAITEVILLE NEWS PRESS	)	
Defendant	)	

**STIPULATIONS**

For purposes of this trial, the following have been stipulated by the parties:

The newspaper article is stipulated as an accurate copy of the actual text run.

Both doctors are licensed and fully credentialed psychologists. The doctors are qualified experts in the field of psychology.

The brochure and recommendation by Dr. Carlisle are stipulated as accurate and complete.

There is no First Amendment issue in this case.

## **MOCK TRIAL JURY INSTRUCTIONS**

NOTE: These are NOT Illinois Pattern Jury Instructions; however, they do reflect the law that governs this hypothetical mock trial problem.

### **Evidence**

1. Evidence may be either direct or circumstantial. It is direct evidence if it proves a fact, or group of facts, without an inference, and which, in itself, if true, conclusively establishes that fact. It is circumstantial evidence if it proves a fact from which an inference of the existence of any fact may be drawn. An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.
2. Stipulations the parties have stipulated that certain matters of fact are true. They are bound by this agreement, and, in your consideration of the evidence, you are to treat these facts as proven.
3. You are the sole and exclusive judges of the credibility of the witnesses who have testified in this case. In determining the credibility of a witness, you may consider any matter that has a tendency in reason to prove or disprove the truthfulness of his testimony. Positive testimony of a witness should be weighed in connection with its circumstances and with the situation to which it has reference. If you find from these circumstances that the statement of fact is inherently impossible and at variance with well established and universally recognized physical laws or well established physical facts, then the statement of fact, however positively made, should be disregarded.
4. A witness who has special knowledge, skill, expertise, training or education in a particular science, profession, or vocation may give his opinion as an expert as to any matter in which he/she is skilled. In determining the weight to be given such an opinion, you should consider the qualifications and credibility of the expert as well as the reasons, the facts, and any other matters on which any opinion was based. You are not bound by any such opinion. Give it the weight, if any, to which you think it is entitled.

### **Burden of Proof**

5. In this action, the plaintiffs have the burden of establishing by a preponderance of the evidence all the facts necessary to prove their claims. The term "preponderance of the evidence" means that amount of factual information presented to you in this trial which is sufficient to cause you to believe that the allegation is probably true. In order to preponderate, the evidence must have the greater convincing effect in the formation of your belief. If the evidence on a particular issue appears to be equally balanced, the party having the burden of proving that issue must fail.

### **Libel**

6. The plaintiffs have filed suit seeking actual and punitive damages on account of an alleged libel and defamation, in the form of a newspaper article published by the defendant of and concerning him/her.

7. A libel is a false and malicious defamation of a person by printing or writing, tending to provoke him/her to wrath or to expose him/her to public hatred, contempt or ridicule, or to deprive of the benefits of public confidence and social intercourse.

8. The plaintiffs libel claim has three essential elements, which are as follows:

First, that the defendant published a newspaper article of and concerning the plaintiff which was a libel as that term is defined above in these instructions;

Second, that the defendant was guilty of negligence and acted recklessly in failing to determine the truth of the published matter prior to publication; and

Third, that the said libel was read by members of the general public.

9. Truth is a defense to a claim for liable. If you find that the publication in issue was substantially true, then you must find for the defendant with regard to the cause of action for libel. It is not necessary that the publication be absolutely or mathematically true; substantial truth is all that is required. It is the plaintiffs burden to prove that the publication was false. If you cannot determine whether the publication was true or false, your verdict should be for the defendant.

### **Invasion of Privacy**

10. An invasion of privacy derives from a wrongful intrusion into an individuals private activities. The right of privacy is the right of an individual to be left alone, to be free from unwarranted publicity, and to live without unwarranted interference by the public into matters with which the public is not necessarily concerned.

11. Invasion of privacy thus is an unreasonable and serious interference with another's interest in not having his/her personal affairs known to others by the unwarranted publication of an individuals private affairs with which the public has no legitimate concern in such matter as to outrage or cause mental suffering, shame or humiliation to a person of ordinary sensibilities.

12. In this case, the burden of proof is upon the plaintiff to prove, by a preponderance of evidence, his/her assertions of an invasion of privacy, the elements of which are:

First, an unwarranted and/or wrongful intrusion by the defendant into the plaintiff's private or personal affairs with which the public had no legitimate concern;

Second, defendant published a report or article about plaintiff with knowledge of its falsity or in reckless disregard of the truth; and,

Third, the defendant's act of publishing an article about plaintiff in reckless disregard of the truth caused injury in the form of outrage, or mental suffering, shame, or humiliation to plaintiff as an individual of ordinary sensibilities.

### **Damages**

13. Damages must be proved as any other issue in this case; that is, the plaintiff must prove by the preponderance of the evidence the nature and extent of his damages.

14. If your verdict is for the plaintiff, and you find he/she is entitled to an award of damages you will determine from the preponderance of the evidence the amount of money which will fairly compensate him/her for actual injury caused by defendants.

15. In determining the measure of damages, if any, you shall take into consideration the nature and extend of plaintiffs injury or damage, the effect upon his/her health, the outrage, mental suffering, shame humiliation and ridicule he/she suffered.

16. If plaintiff has established the essential elements of his/her claim as explained in these instructions, he/she is entitled to compensatory damages, and you will award him/her such amount as you find will fairly and adequately compensate him/her for losses suffered. Only damages which are the direct and natural result of the alleged wrongful conduct may be recovered as compensatory damages. If you find that the plaintiff has established the essential elements of the offense but has failed to prove actual damages, you must award a nominal sum such as one dollar.

17. If you find that the plaintiff has established the essential elements of his/her claim for invasion of privacy, the person injured thereby is entitled to recover substantial damages although the only damage suffered by him/her results from mental anguish. Substantial damages are damages of real worth and importance, of considerable value as opposed to nominal damages which are assessed to satisfy a bare legal right.

18. You are instructed that the law holds the defendant responsible for all injury resulting in whole or in part from defendants acts, even if you should find that the defendant could not reasonably foresee or anticipate the full extent of such injury.

19. You are not to permit bias or prejudice to enter into the consideration, nor sympathy for the plaintiff. Damages must be reasonable. In the event that your verdict is for the plaintiff, you may award only such damages as will fairly and reasonably compensate him/her for the injury or damage you find, from a preponderance of the evidence in the case, he/she sustained as a result of defendants acts. You are not permitted to award speculative damages. This means that you are not to include in any verdict compensation for prospective loss which,

although possible, is wholly remote or left to conjecture.

20. If you find that the plaintiff has established the essential elements of his/her claim and if you also find, on the basis of clear and convincing evidence, that the defendants acted with actual malice in publishing the article in question, then you may award the plaintiff punitive or exemplary damages in addition to actual damages assessed. Punitive damages are designed to punish the offender and serve as an example to others. Whether or not to award such damages, and the amount thereof, are matters confined to you for decision.

21. If, under the Court's instruction, you should find the plaintiff is entitled to a verdict on the issue of invasion of privacy alone, in fixing the amount of your verdict you may not include in an otherwise just award any sum for the purpose of punishing the defendant.

### **Compensatory Damages**

22. If plaintiff has established the essential elements of his claim as explained in these instructions, he/she is entitled to compensatory damages, and you will award him/her such amount as you find will fairly and adequately compensate him/her for losses suffered. Only damages which are the direct and natural result of the alleged libel may be recovered as compensatory damages.

23. If you find that plaintiff has established the essential elements of the offense but has failed to prove actual damages you may award a nominal sum such as one dollar.

### **Punitive Damages**

24. If you find that the plaintiff has established the essential elements of his claim and if you also find, on the basis of clear and convincing evidence, that the defendant acted with actual malice in publishing the article in question, then you may award the plaintiff punitive or exemplary damages in addition to the actual damages assessed. Punitive damages are designed to punish the offender and serve as an example to others. Whether or not to award such damages, and the amount thereof, are matters confided to you for decision.