

JOHN AND MARY ARMHURTS, AS PARENTS
OF AMY ARMHURTS

V.

CAMP FUN, INC., SAM SAFEWAYS,
AND RHONDA RYDER,

NO. 123456789

IN THE CIRCUIT COURT
FOR THE STATE OF TRANQUILITY

PRESENTED BY,

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Welcome to the trial of JOHN AND MARY ARMHURTS, AS PARENTS OF AMY ARMHURTS v.CAMP FUN, INC., SAM SAFEWAYS, Camp Director AND RHONDA RYDER, Horseback Instructor

The purpose of this mock trial is for you to better understand the following:

1. How the ACA Standards can assist a camp in limiting its potential liability.

A camp may be sued anytime a camper is injured. However, just because a camp is sued DOES NOT mean that the camp is necessarily liable (legally responsible for damages or injuries). The same injury can occur as the result of a camp acting below the standard of care (negligently) or simply as the result of the normal risks that occur in any camping activity. The ACA Standards are one type of evidence of the actions a reasonable camp should take. If a camp is accredited by the ACA, failure to follow a standard in a given situation will be strong evidence that the camp was acting negligently. If such failure to follow the standard was a cause of the injury, then the camp may well be found liable to the injured camper for the injuries. The mock trial demonstrates how the ACA standards are introduced as proof of a camp's reasonable or unreasonable (negligent) actions.

2. How such things as selection and training of staff, safety orientation, safety regulations, facility condition, emergency procedures, and condition of equipment have an effect on a camp's potential liability.

A major issue in determining a camp's potential liability is evaluating the camp's role with regard to the camper's injury. Did the camp follow the ACA standards? Did the camp take all reasonable precautions to avoid injuries? Did the camp follow its own policies and procedures? In answering these questions, the fact finder (jury) analyzes all the proof presented. These questions are answered by such things as the method of selection of the staff, the level of training of the staff, the staff's care in carefully placing each camper in the appropriate class, the extent to which the staff carries out a safety orientation, the extent to which the staff member follows and enforces the safety rules, the emergency procedures that are in place and whether those emergency rules are followed in case of an injury. If a camp acts reasonably in all of the above areas, it may avoid liability even though a serious injury has occurred. If the camp fails to demonstrate due care, then the camp may very well be liable to the camper for compensation of his or her injuries.

3. How documentation plays a significant role in determining a camp's liability.

Often when a camper is injured, a lawsuit is not brought for many months. Sometimes even a year or two passes before the complaint is filed. The trial can occur three to four years after the injury. By that time, memories fade and some witnesses may not be able to be located or be available. Documentation is often the best proof of what occurred. The mock trial will demonstrate why good documentation is significant and how it can make or break a case.

Parts of a Lawsuit

What happens before the trial

Understanding trial procedure can help camp personnel feel more comfortable if a lawsuit is filed. When a camp is sued, the first thing that will happen is a complaint will be filed against the camp in the state or federal court district where the camp is located. The complaint will set forth the person who is suing the camp (the plaintiff) and the parties who are sued (the defendants). Since campers are generally minors, the complaint will usually be filed in the name of the parents on behalf of their minor child. The defendants can include the camp itself, camp administration and counselors involved in the incident. Of importance, the complaint also sets forth the specific actions of claimed negligence and the injuries suffered.

Once the defendants have been served with the complaint, they (or their insurance company) generally hire legal counsel to assist them in filing an answer. Typically, the answer will deny that the defendants were negligent.

Unlike “Law and Order” on TV, the trial does not take place three days after the incident occurs or three days after the complaint is filed. A lawsuit is a slow moving process. After the initial complaint and answer have been filed, the lawyers engage in what is called “discovery.” The discovery process is the structured way in which each side investigates the facts more fully. The discovery process, which takes many months, gives each side the opportunity to know what allegations, what defenses and generally what proof will be set out at trial. The days of Perry Mason are also over. The discovery process does not allow for a “surprise” witness who appears at the courtroom door at the crucial time. By the time the trial occurs, both sides know which witnesses the other side is likely to call to the witness stand and generally what each witness is likely to say.

The Trial

Voir Dire. On the first day of trial, the first step is to get a jury ready to hear the case. Not everyone who shows up for jury duty will end up on the jury. Many potential jurors will be brought to the courtroom. The lawyers for each side question these potential jurors to determine whether any juror has a bias which prohibits him or her from being impartial. Anyone who admits to a bias is excused one at a time until the appropriate number of jurors is selected. For purposes of time, this part will be skipped.

Opening Statement. Each of the lawyers will be able to explain briefly to the jury what he or she thinks the case is about. The lawyer for each side will also give the jury an idea of who will likely testify in support of his side of the case and what each witness is likely to say. Basically, the opening statement allows each side generally to explain what they will be trying to prove. An opening statement is often described as a “roadmap” to what is likely to occur during the trial.

Plaintiff’s Proof. The plaintiff goes first since he or she has what is called “the burden of proof.” This means that in order for the plaintiff to prevail, the plaintiff will have to prove to the jury by a “preponderance of the evidence” (which means “more likely than not”) that the defendants were negligent. The plaintiff’s lawyer will call to the stand all of the witnesses who support the plaintiff’s side and will introduce any exhibits that they want the jury to see. The lawyer for the defendants will be able to cross-examine each of the plaintiff’s witnesses.

Defendant’s Proof. After the plaintiff has completed his or her proof, the defendants have an opportunity to call their witnesses. The plaintiff will have an opportunity to cross-examine those witnesses.

Closing Arguments. After each side has an opportunity to put on proof, both the attorney for the plaintiff and the attorney for the defendants will have an opportunity to argue their case to the jury. Each side will be allowed to try to persuade the jury that the proof presented supports his or her position.

Jury Instructions. After closing arguments, the Judge reads to the jury a brief summary of the law so that jurors will be able to make their decision consistent with the law rather than because of emotion or some other reason.

Jury Deliberations. The jurors will then go to the jury room to discuss the case. Outside the presence of the court and lawyers, the jurors then make their decision. They can look at the exhibits and talk about the proof. Depending on the state, juries range from 8-12 people. Some states require the decision to be unanimous. Others only require a 9-3 decision in favor of one of the parties.

IN THE CIRCUIT COURT
FOR THE STATE OF TRANQUILITY

JOHN AND MARY ARMHURTS,
AS PARENTS OF AMY ARMHURTS

Plaintiff,

v.

Docket No. 123456789
Jury Demanded

CAMP FUN, INC, SAM SAFEWAYS,
Camp Director, and RHONDA RYDER,
Horseback Instructor

Defendants

COMPLAINT

Come now the plaintiffs, John and Mary Armhurts as parents of Amy Armhurts and sue defendants, Camp Fun, Inc. Sam Safeways, and Rhonda Ryder. Plaintiffs respectfully state and would show to the court the following:

I. PARTIES

1. Plaintiff, Amy Armhurts is a minor who was a resident of the State of Tranquility at all times material to this action. Plaintiffs, John and Mary Armhurts are the parents of Amy Armhurts and were adult residents of the State of Tranquility at all time material to this action.

2. Defendant, Camp Fun, Inc. is a business entity incorporated in the State of Tranquility and is in the business of providing a residential camping experience for girls ages 8 to 16.

3. At all times relevant hereto defendant Sam Safeways was the owner and director of Camp Fun, Inc.

4. At all times relevant hereto defendant Rhonda Ryder was an employee of Camp Fun, Inc. and was acting in her capacity as a Horseback Instructor.

II. FACTS

5. Amy Armhurts attended Camp Fun, Inc. for two weeks in the summer of 2004 and was attending a one month session of Camp Fun, Inc. in 2005 when she was injured. On or about June 15, 2005 at approximately 2:30 p.m., Plaintiff was attending a horseback activity when she fell off a horse and broke her left arm.

6. At the time of the plaintiff's injury defendant Ryder was the Horseback Instructor responsible for the plaintiff's riding class. Ryder allowed the plaintiff to ride on a trail with a group of six other campers who were more advanced in their riding ability.

7. On that day Ryder failed to give plaintiff and the other riders a specific safety orientation directed to trail riding. Ryder, who was unfamiliar with the trail, then negligently allowed the campers to ride their horses at a trot, which was beyond the experience level of the plaintiff. Because of the uncontrolled speed, the plaintiff fell off her horse and permanently injured her arm.

III. ACTS OF NEGLIGENCE

8. Defendants were negligent in the following ways which were the direct and proximate cause of injuries, damages, and losses to the plaintiffs:

(a) Defendant Ryder was inexperienced and had not been trained properly.

(b) Defendants failed to follow camp policies and procedures.

(c) Defendants failed to provide an adequate safety orientation to the plaintiff and to the other riders in plaintiff's riding class.

(d) Defendants failed to place the plaintiff in the appropriate riding class reflective of her skill level.

9. Defendants violated the following standards of the American Camp Association:

(a) PH-3. Supervision of Riding Staff.

(b) PH-12. Safety Regulation and Emergency Procedures

(c) PH-14. Rider Classification

IV. INJURIES AND DAMAGES

10. As a direct and proximate result and consequence of the negligence of defendants, the plaintiff, Amy Armhurts was seriously injured and suffered temporary and permanent injuries to her body. Plaintiffs have suffered and will continue to suffer as a result of the negligence of defendants, severe pain, physical suffering, injury, mental anguish, out of pocket expenses, and medical expenses.

11. Plaintiffs demand a jury to try all issues in this cause.

WHEREFORE premises considered:

The plaintiffs, John and Mary Armhurts as parents of Amy Armhurts sue defendants, Camp Fun, Inc., Sam Safeways, and Rhonda Ryder for the total sum of \$50,000.00.

Respectfully Submitted,

Perry Mason
Attorney for Plaintiffs

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Horseback Instructor

Defendants

**ANSWER OF CAMP FUN, INC, SAM SAFEWAYS
AND RHONDA RYDER**

Come now the defendants, Camp Fun, Inc. Sam Safeways, and Rhonda Ryder and respond to the Complaint as follows:

1. Defendants admit that the Plaintiffs, John and Mary Armhurts are the parents of Amy Armhurts and admit to the residency of the plaintiffs.
2. Defendants admit that Camp Fun, Inc. is a business entity incorporated in the State of Tranquility.
3. Defendants admit that Sam Safeways was the owner and director of Camp Fun, Inc.
4. Defendants admit that Rhonda Ryder was an employee of Camp Fun, Inc. and was acting in her capacity as a Horseback Instructor.
5. Defendants admit that the plaintiff attended Camp Fun, Inc in 2004 and was attending Camp Fun, Inc. in 2005 when she broke her arm. Defendants deny all other allegations in paragraph 5 of the Complaint.
6. Defendants admit that Ryder was a Horseback Instructor for the plaintiff's riding class. Defendants deny all other allegations in paragraph 6 of the Complaint.
7. Defendants deny that Ryder failed to give plaintiff an adequate safety orientation. Defendants deny all other allegations in paragraph 7 of the Complaint.
8. Defendants deny the allegations in paragraph 8 of the Complaint including subparts (a) through (d). Defendants also deny that they were negligent and deny that any actions on their part were the cause of any injuries to the plaintiffs.
9. Defendants deny that they violated any standards of the American Camp Association as set forth in the Complaint and alternatively assert that if they violated any standards that such violation was not the proximate cause of any injuries to the plaintiffs.
10. Defendants deny that the plaintiffs were injured or damaged to the extent alleged in the Complaint.

WHEREFORE premises considered, defendants request that this court dismiss the plaintiffs' Complaint, costs to be adjudged against the plaintiffs.

Atticus Finch
Attorney for Defendants

Brief Summary of the Law

In order to understand this mock trial, it is important to understand the elements that the plaintiffs must prove in order to demonstrate that Camp Fun, Inc, Sam Safeways and Amy Armhurts are liable.

The plaintiffs must prove the following:

Duty of Care “What a reasonable **and well-trained** camp (Camp Director, counselor, riding instructor) should do under the same or similar circumstances.

Evidence of that Duty of Care can include several things:

ACA Standards

What other camps generally do.

Expert Witnesses (other Camp Directors, experts in the field, etc).

Breach of Duty (Negligence) That the camp (including its administration and employees) did not act reasonably by doing something they should not have done or failing to do something they should have done.

Proximate Cause The injury would not have occurred “but for” the breach of duty of the camp.

Injury An injury to a third person (camper) occurred as a result of the camp’s breach of duty.