

Social Host Liability: Mini Trial

Time: 70 Minutes

Students in this activity will be assigned to represent an injured plaintiff or one of two defendants in a host liability case. Students will work in pairs to prepare arguments for their side which will then be presented to a judge in a modified hearing.

Credits: This activity plan was written by Street Law, Inc., based on a fact pattern by lawyers from Allstate. The fact pattern is completely fictional, and any similarities with actual events are merely coincidence.

Before Teaching: Recruit a few people to serve as judges for the case. Potential recruits include other teachers, guest lawyers or judges, law students, or students in other classes.

Introduction (10 minutes)

1. Introduce the volunteers.
2. Review the concepts:
 - Ask students to define liability
 - Ask students to give an example of a social host liability law.
3. Read students a short newspaper article describing the event at issue in today's case:

On April 18, an altercation at an underage house party led to a fistfight in the homeowner's front yard. According to witnesses, a local 19-year-old man acting as the bouncer for a high school student's party punched a partygoer in the nose, breaking the man's nose. Neighbors called the police after the fight. When police arrived, but the injured man had left the scene, as had the bouncer and many partygoers. Police cited the remaining minors with underage alcohol consumption, and phoned the hosting student's parents, who were out of town. The parents were not charged with any criminal acts. Marcy Smith, a neighbor, told the *Gazette*, "this is very unusual. Jack is a good kid, and the Jones' never host underage parties that I'm aware of."
4. Tell students that the injured man described in the story is now suing to recover damages. The students will represent the man, the parents, and the bouncer in the law suit.
5. Divide the students into three groups, and give them each a copy of Handout 1 and the appropriate version of Handout 2.

Planning (20 minutes)

6. Allow the students to read through the fact pattern on **Handout 1**. Once all students in the group are finished, each student should quickly list one fact from the story (no inferences or assumptions, only facts). Continue until most facts have been listed.

7. Next, turn to **Handout 2** and review the relevant laws. Discuss how the laws apply to the story, and have students begin thinking of the arguments for their party.
8. After a few minutes of discussion, have the students work in pairs to answer the questions on Handout 2. Tell students that they are going to have to present arguments for their side to a judge. They will have about 6 minutes to share their story with the judge. Encourage students to split the arguments up so they'll both speak in front of the judge.
9. Circulate to provide assistance and make sure students are on the right track.

The Hearings (20 minutes)

10. After 20 minutes, set up mini-courts. Put each "Mark" pair with one "Jack's Parents" pair, one "Travis" pair, and one judge. (Courts will have 6 students and one judge).
11. Explain how the hearing will work:
 - Mark's team will make their arguments to the judge. They should begin by stating what they want the judge to decide and award for damages. They have up to 6 minutes. The judge may ask questions.
 - Jack's Parents' team will make their arguments to the judge in the same manner.
 - Travis' team will make their arguments to the judge in the same manner.
 - The judge may ask questions of any party.
 - The judge makes a ruling.

Debrief (10 minutes)

12. Ask each judge to announce their ruling, along with the strongest arguments they heard. Keep track of the outcomes on a chart or board.
13. Ask the students to raise their hands if they thought the outcome in their hearing was fair. Call on a few who have raised their hands to ask for their reasoning. Ask some of the students who didn't raise their hands why they didn't think the outcome was fair.
14. Ask students what they think of the laws in the scenario, as some states don't have social host liability laws. If they were in Mark's situation, would they want to be able to sue Jack's Parents? If they were a parent, how would they feel about being responsible for teenage children's actions?
15. Discuss other criminal and civil laws that would apply in this situation – like underage consumption or possession of alcohol, assault, etc. See www.alcoholpolicy.niaaa.nih.gov/stateprofiles/StateProfile.asp for more information about underage alcohol laws.
16. Take questions from the students.

Handout 1: Jack's Underage Party

Jack's parents made plans to go out of town for the weekend during his junior year of high school. Jack was 17 at the time. He decided to throw a party while they were gone, even though they had a rule against parties. He made up a flyer about the party and sent it to the 20 people he intended to invite. Some friends passed the flyer onto others, and somehow, it ended up being posted at a popular local hangout. Jack saw it and was upset – he didn't intend to throw an all-school party! He took the flyer down and decided to hire a bouncer to man the door and not let too many people into his parents' house.

Jack called Travis, a former football player at the high school who graduated last year. Travis agreed to man the door in exchange for free booze at the party. Travis was 19.

On the day of the party, Jack raided his parents' liquor cabinet and set up an open bar. His parents keep the liquor locked up, but the lock was easy to pick. Travis stood at the door and let in the people that Jack knew and invited, and a few of their friends. Jack brought Travis mixed drinks every now and then – a total of 3 or 4 drinks. Jack didn't pay attention to who was drinking at the party and who wasn't. The alcohol was out and access was available to anyone at the party. Jack also didn't know whether anyone else was bringing Travis drinks or whether he was taking breaks from door duty for refills.

About 2 hours into the party, Mark showed up and wanted to get in. Mark was 18 years old, and a senior at a rival high school. Travis recognized him from football games, and knew that he wasn't on Jack's OK list. Mark tried to get in through the door, and Travis told him he couldn't enter. Mark said "you can't tell me what to do," and tried to push his way through the door again, shoving Travis in the process. Travis punched him in the nose. Mark fell to the ground bleeding. He yelled at Travis and stormed off to his car.

Mark's nose was broken. He went to the emergency room and ended up needing surgery a few weeks later to repair his nasal passages. His trip to the E.R. and the bills from his surgery totaled \$20,000. He is suing Travis and Jack's parents for \$500,000 of medical expenses and pain and suffering.

Handout 2a: You are representing MARK in this case.

Assume this is the law in the state the party took place in:

Every person who negligently serves or causes to be served any alcoholic beverages to an obviously intoxicated person shall be liable for injuries to third persons caused by the acts or omissions of the intoxicated person.

Parents or guardians of minor children who knowingly or unknowingly host underage drinking parties on property that they own, lease, or otherwise control may be held civilly liable in the case that litigation is brought by injured private parties seeking monetary damages. Parent or guardian liability is limited to cases where the alcohol was knowingly provided to minors, or where alcohol was provided due to their negligence or failure to prevent it.

What are the best arguments for **JACK'S PARENTS** being held liable?

What do you think their defense will be? How will you respond?

What are the best arguments for **TRAVIS** being held liable?

What do you think his defense will be? How will you respond?

Handout 2b: You are representing JACK’S PARENTS in this case.

Assume this is the law in the state the party took place in:

Every person who negligently serves or causes to be served any alcoholic beverages to an obviously intoxicated person shall be liable for injuries to third persons caused by the acts or omissions of the intoxicated person.

Parents or guardians of minor children who knowingly or unknowingly host underage drinking parties on property that they own, lease, or otherwise control may be held civilly liable in the case that litigation is brought by injured private parties seeking monetary damages. Parent or guardian liability is limited to cases where the alcohol was knowingly provided to minors, or where alcohol was provided due to their negligence or failure to prevent it.

What are the best arguments for **your case – that JACK’s PARENTS are not liable?**

What do you think MARK will argue? How will you respond?

What are the best arguments for **TRAVIS** being held liable instead of the PARENTS?

What do you think his defense will be? How will you respond?

Handout 2c: You are representing TRAVIS in this case.

Assume this is the law in the state the party took place in:

Every person who negligently serves or causes to be served any alcoholic beverages to an obviously intoxicated person shall be liable for injuries to third persons caused by the acts or omissions of the intoxicated person.

Parents or guardians of minor children who knowingly or unknowingly host underage drinking parties on property that they own, lease, or otherwise control may be held civilly liable in the case that litigation is brought by injured private parties seeking monetary damages. Parent or guardian liability is limited to cases where the alcohol was knowingly provided to minors, or where alcohol was provided due to their negligence or failure to prevent it.

What are the best arguments for **your case – that TRAVIS is not liable?**

What do you think MARK will argue? How will you respond?

What are the best arguments for **JACK'S PARENTS** being held liable instead of TRAVIS?

What do you think their defense will be? How will you respond?