

Civil Mock Trial

IN THE SUPREME COURT OF CAROL LAND

BETWEEN

HUMPTY DUMPTY
PLAINTIFF

AND

THE KING
DEFENDANT

[**Issue:** Is the King liable for the personal injury of Humpty Dumpty?]

CLERK: Order in court, The Honourable Mister/Madam Justice presiding.

[Everyone stands as the Judge enters the courtroom.]

JUDGE: You may be seated.

[Everyone sits, except the Clerk.]

CLERK: The case of Humpty Dumpty versus the King, my Lord/Lady.

[Clerk sits.]

JUDGE: Thank you. Are all parties present?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Yes, my Lord/Lady. I am _____ and these are my co-counsel
_____ and _____. We are acting on behalf of the plain-
tiff Humpty Dumpty in this matter.

[Please note that this statement can be adjusted depending on the number of lawyers
for each side.]

[Plaintiff's Counsel sits; Defendant's Counsel stands.]

DEFENDANT'S

COUNSEL: Yes, my Lord/Lady. I am _____ and these are my co-counsel
_____ and _____. We are acting on behalf of the defen-
dant, the King, in this matter.

[Again, statement can be adjusted depending on number of lawyers.]

[Defendant's Counsel sits.]

JUDGE: Thank you. Good day, ladies and gentlemen of the jury. I begin with some general comments on our roles in this trial. Throughout these proceedings, you will act as the judges of the facts and I will be the judge of the law. Although I may comment on the evidence, as judges of the facts you are the only judges of the evidence. However, when I tell you what the law is, my view of the law must be accepted.

There is a basic principle that is fundamental to your role as jurors. In this case there is a requirement of proof on the balance of probabilities, which means the evidence that has more weight and is more probable must be accepted. You should then decide in favour of the party who has presented the best evidence.

Before calling on the Plaintiff's Counsel to give his/her opening statement, I will tell you about the law of negligence which effects the outcome of this case.

A duty of care is an obligation accepted by the law and everyone must conform to a particular standard of conduct for the protection of others against unreasonable risks. What is "reasonable care" will be decided on the facts and the surrounding circumstances of the case. If you find on the facts that the defendant was reckless of the consequences of his act then he is liable for negligence.

I now call upon the Plaintiff to make an opening statement.

[Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL:

My Lord/Lady, we intend to prove that the defendant, the King, was negligent as he was reckless of the consequences of his act of not making the wall suitably safe to sit on, resulting in the serious injury to the Plaintiff, Humpty Dumpty. To support the case, we intend to call the following witnesses: Humpty Dumpty, Dr. Beaten Eggs and Old Man Haggis. Humpty will describe how his pleas for a suitable wall were ignored and how he was forced to sit on the unsuitable wall. He will also describe the incident, the injuries sustained, and the lengthy recovery period. Eggopedic surgeon Dr. Beaten Eggs will describe the cost of the actual medical expenses, as well as the future medical expenses. He shall also give details of the severe injuries. Old Man Haggis will describe the incident on the wall from his point of view, as well as the subsequent treatment and the pain and suffering of the Plaintiff. We now wish to call our first witness, the Plaintiff Humpty Dumpty.

[Humpty Dumpty takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

HUMPTY: I do.

CLERK: Please state your full name and address for the court.

HUMPTY: I am Humpty Dumpty and I live in Carol Land.

JUDGE: You may be seated

[Humpty Dumpty sits.]

PLAINTIFF'S

COUNSEL: How old are you?

HUMPTY: I am 22 years old.

PLAINTIFF'S

COUNSEL: What is your current job?

HUMPTY: I own an egg shop.

PLAINTIFF'S

COUNSEL: Do you enjoy sitting on walls?

HUMPTY: Yes. It gives me lots of pleasure to be able to climb up and sit on a wall. I feel like I'm on top of the world.

PLAINTIFF'S

COUNSEL: Are you afraid of heights, Mr. Dumpty?

HUMPTY: Not in the slightest bit. Never have been and never will be.

PLAINTIFF'S

COUNSEL: Once you had sat on every wall in the land and needed a new one, what did you do?

HUMPTY: I went to the King, and kindly asked him if he would be able to build a new wall.

PLAINTIFF'S

COUNSEL: Was there anything specific you wanted to be done to this new wall?

HUMPTY: Yes. I asked the King if he would make this wall suitably shaped for an egg to be able to sit very comfortably on it.

PLAINTIFF'S

COUNSEL: What did the King say in return?

HUMPTY: Well, he was very rude and he swore a bit too. First of all he laughed and said no. I asked him why not. The King said that he didn't want to waste his money on one stupid wall that would make his land uglier just to accommodate one stupid fat egg. He then ordered two of his servants to throw me out of his castle. They hesitated at first, but when they got yelled at, they didn't have to be told twice.

PLAINTIFF'S

COUNSEL: What was the king doing while you were being taken out of his castle?

HUMPTY: He was laughing really hard and always repeating the words "That fat, stupid little egg. A wall for himself? Ha ha ha ha ha!"

PLAINTIFF'S

COUNSEL: Did he ever treat you this way before?

HUMPTY: No. The last time I asked him for something, I was told that it would be done within the hour and miraculously, it was.

PLAINTIFF'S
COUNSEL: What did you do next?

HUMPTY: Well, I was feeling sort of blue so I went out and climbed my favourite wall. I started to relax, but as I lay down on the wall, I slipped and fell off because the wall wasn't suitably shaped for an egg like me.

PLAINTIFF'S
COUNSEL: The wall was no good?

HUMPTY: It was really bad! It was damaged and looked like a car had crashed into it.

PLAINTIFF'S
COUNSEL: Who did this wall belong to?

HUMPTY: The King. It's his property.

PLAINTIFF'S
COUNSEL: Mr. Dumpty, will you please describe your injuries.

HUMPTY: Well, I broke every single bone in my body. I couldn't walk, run or do anything normal for several months. Luckily, we eggs are easily put together again under the surgeon's blade, so I was only "semi paralyzed". I also had to go around in a wheelchair for three weeks after the recovery period, as I still felt very weak.

PLAINTIFF'S
COUNSEL: How much did this whole ordeal cost you?

HUMPTY: Well, my medical bills alone came to \$78 000 and I will have to pay \$5000 every month for the rest of my life.

PLAINTIFF'S
COUNSEL: Thank you, Humpty. No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: Does the defence wish to cross-examine?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Yes, my Lord/Lady. This wall that you climbed wasn't your property was it?

HUMPTY: No.

DEFENDANT'S
COUNSEL: You were trespassing when you sat on the wall, isn't that correct.

HUMPTY: The king always lets me sit on his walls. He has never told me not to.

DEFENDANT'S

COUNSEL: That wall is your favourite is that correct?

HUMPTY: Yes. I have climbed it many times.

DEFENDANT'S

COUNSEL: Many times? How many Mr. Dumpty?

HUMPTY: Oh, I've been climbing that ever since I was little. I've probably climbed it a couple hundred times.

DEFENDANT'S

COUNSEL: Have you ever fallen from it before?

HUMPTY: No. I had never fallen from that wall before this incident.

DEFENDANT'S

COUNSEL: Were you using any protective gear when you fell from the wall?

HUMPTY: No. I used to wear a helmet but that was when I was a kid.

DEFENDANT'S

COUNSEL: You claim that the wall was damaged.

HUMPTY: It was. There were several sections where the bricks were crumbling.

DEFENDANT'S

COUNSEL: If the wall was destroyed why did you climb it?

HUMPTY: I didn't think it was dangerous.

DEFENDANT'S

COUNSEL: Aren't you responsible for your injuries by sitting on the wall?

HUMPTY: No it's the King's fault. It's his wall.

DEFENDANT'S

COUNSEL: No further questions my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: You may step down Mr. Dumpty. You may call your next witness Crown.

[Humpty leaves the witness box; Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: We call Dr. Beaten Eggs to the stand.

[Dr. Beaten Eggs takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

DR. E: I do.

CLERK: Please state your full name and spell your last name for the record.

DR. E: Dr. Beaten Eggs, E-G-G-S.

JUDGE: You may be seated now.

[Dr. Eggs sits.]

PLAINTIFF'S
COUNSEL: Dr. Eggs, can you describe your qualifications?

DR. E: I am a surgeon with a specialty in Eggpedic Surgery. I have been one for over 13 years. I am the Vice President at Carol Hospital. I am also a sitting member on the Inquiry Committee of the Carol Land College of Physicians and Surgeons.

PLAINTIFF'S
COUNSEL: Dr. Eggs, was Humpty Dumpty your patient?

DR. E: Yes.

PLAINTIFF'S
COUNSEL: Dr. E, what kind of physical condition was Humpty in before you treated him?

DR. E: Humpty was in very good physical condition before I treated him. He had only seen a doctor once before and it was only for a cold. Climbing walls gave him great upper and lower limb strength.

PLAINTIFF'S
COUNSEL: Would you say that Humpty would have a good chance in a promising athletic career?

DR. E: Yes, I think that if Humpty wanted, he would have been a great athlete. Now though, because of his sustained injuries, he will never climb walls again or become an athlete.

PLAINTIFF'S
COUNSEL: What injuries did Humpty sustain?

DR. E: Every bone in Humpty's body was broken. He was going to yolk to death if he wasn't patched up quickly. A lot of his white was missing and 40% of his shell was gone. Only one finger bone remained unbroken. Unfortunately, the only way to treat him was to break this bone as well, so I did what I had to.

PLAINTIFF'S
COUNSEL: How did you treat Humpty's injuries?

DR. E: I had to operate on his body to stop the yolking and then I had to put pins in 56 different locations to keep his bones together. They will have to remain there permanently. To replace the missing white, I had to find a donor quickly. Luckily, Old Man Haggis was willing to let me use his chicken eggs. Then to put him back together again, I used Super Duper Carol Glue. I had to give him a wheelchair, as it was impossible for Humpty to walk for several weeks.

PLAINTIFF'S
COUNSEL: How did Humpty act and what was he saying during your treatment?

DR. E: Well, prior to and during the surgery, Humpty was unconscious, but when he woke up, he was in a lot of pain. He was always mumbling something about getting back at the King. Humpty seemed very angry and when I released him from the hospital, he was yelling that he was so angry with the King. Later, when he was in the wheel chair, he was very quiet, and always had a sad look on his face. I believe that he was under a lot of stress and so was very depressed.

PLAINTIFF'S
COUNSEL: Tell me, Dr. E, how much did Humpty end up paying for his medical expenses?

DR. E: Well, Humpty paid about \$78 000 for his medical expenses, which included the surgery, the pins and the wheelchair. Now, he is going to have to pay another \$5000 a month for checkups and mandatory pin changes. That will be for the rest of his life.

PLAINTIFF'S
COUNSEL: Thank you, Dr. Eggs. No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: Does the defence wish to cross-examine?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Yes my Lord/Lady. How many patients have you treated with Humpty's condition?

DR. E: Not that many. That kind of injury is pretty rare.

DEFENDANT'S
COUNSEL: Isn't it true that Humpty was your first patient who fell from a wall?

DR. E: Yes, but I have had many eggs who have fallen and needed surgery.

DEFENDANT'S
COUNSEL: Did you make any recommendations to Humpty regarding how to stay safe?

DR. E: Yes. I told him that he should refrain from climbing walls or if he does, he should wear some sort of protective gear.

DEFENDANT’S

COUNSEL: In your opinion would protective gear have prevented Humpty Dumpty’s injuries?

[Plaintiff’s Counsel stands.]

PLAINTIFF’S

COUNSEL: Objection, my Lord/Lady. Dr. Eggs’s expertise is medicine not protective gear.

DEFENDANT’S

COUNSEL: Surely the doctor can give an opinion on effectiveness of the protective gear as he recommended it.

JUDGE: Objection overruled. Please answer the question, Dr. Eggs.

[Plaintiff’s Counsel sits.]

DR. E: Partially. He wouldn’t be in the condition he is now. But his shell is very fragile and probably would have sustained injuries.

DEFENDANT’S

COUNSEL: Thank you Dr. Eggs. No further questions my Lord/Lady.

[Defendant’s Counsel sits.]

JUDGE: You may step down Dr. Eggs. Plaintiff’s Counsel, you may call your next witness.

[Dr. Eggs leaves the witness box; Plaintiff’s Counsel stands.]

PLAINTIFF’S

COUNSEL: We call Old Man Haggis.

[Old Man Haggis takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

OLD MAN H: I do.

CLERK: Please state your full name and spell your last name for the record.

OLD MAN H: Old Man Haggis, H-A-G-G-I-S.

JUDGE: You may be seated.

[Old Man Haggis sits.]

PLAINTIFF’S

COUNSEL: Mr. Haggis, how are you related to Humpty Dumpty?

OLD MAN H: Humpty is my very good friend. I knew him since we met in grade one at Carol Elementary School. We now share a large house and a 15-acre estate.

PLAINTIFF'S
COUNSEL: Were you there when Humpty fell off the wall?

OLD MAN H: Yes, I was in the vicinity when Humpty fell off the wall. I was sitting on the grass and Humpty just fell. He fell on to the other side and I jumped over the wall, as it wasn't very tall. He was lying on the other side. His shell was broken and he was losing his yolk fast.

PLAINTIFF'S
COUNSEL: What happened next?

OLD MAN H: I ran home quickly to call the ambulance. It wasn't far and I was back within 3 minutes. The ambulance came quickly and I accompanied Humpty to the hospital.

PLAINTIFF'S
COUNSEL: Why do you think that Humpty fell from the wall?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Objection, my Lord/Lady. The question calls for speculation.

PLAINTIFF'S
COUNSEL: Mr. Haggis has enough knowledge of the incident to answer.

JUDGE: Objection sustained. Counsel, please rephrase your question.

[Defendant's Counsel sits.]

PLAINTIFF'S
COUNSEL: Was there anything wrong with the wall?

OLD MAN H: Yes. It was pretty dilapidated. There were bricks missing everywhere. It was not in good repair at all!

PLAINTIFF'S
COUNSEL: How did Humpty's injuries affect your personal life?

OLD MAN H: He needed lots of help. While he was in his wheelchair for a couple of weeks I had to help him get around. After he got out of the wheelchair he wasn't very comfortable walking so I had to be at his side. It was okay though. Humpty is a very good friend of mine.

PLAINTIFF'S
COUNSEL: Does Humpty have any lasting injuries from his fall other than the pins?

OLD MAN H: Yes, he walks with a slight limp and sometimes sways on his feet.

PLAINTIFF’S

COUNSEL: During his recovery, what would Humpty do during the day?

OLD MAN H: Humpty would just try to relax or sit comfortably. Most of the time, though, he was wracked with pain, not able to stop himself from crying out and screaming.

PLAINTIFF’S

COUNSEL: Thank you, Mr. Haggis. Those are my questions.

[Plaintiff’s Counsel sits.]

JUDGE: Defendant’s Counsel, would you like to ask Mr. Haggis some questions?

[Defendant’s Counsel stands.]

DEFENDANT’S

COUNSEL: Yes, my Lord/Lady. Are you and Humpty very good friends?

OLD MAN H: Yes, that is correct.

DEFENDANT’S

COUNSEL: Do you watch out for each other a lot?

OLD MAN H: Yes, we are always aware where the other one is.

DEFENDANT’S

COUNSEL: Do you find anything exhilarating in climbing walls?

OLD MAN H: No. Personally, I am scared of heights. I do not enjoy climbing onto any sort of elevated area off the ground.

DEFENDANT’S

COUNSEL: Do you always go with Humpty when he climbs on walls?

OLD MAN H: Occasionally. As I said before, I am afraid of heights, but sometimes I watch Humpty.

DEFENDANT’S

COUNSEL: On the day in question, did you see a sign on the wall Humpty was climbing?

OLD MAN H: Yes.

DEFENDANT’S

COUNSEL: What did it say Mr. Haggis?

OLD MAN H: It said “No climbing”

DEFENDANT’S

COUNSEL: Did Humpty see it?

OLD MAN H: I pointed it out to him and he said that all of the walls had that sign and it had never stopped him before.

DEFENDANT'S
COUNSEL: Have you ever tried to stop Humpty from going out and climbing walls?

OLD MAN H: Yes, a few times. I gave up soon enough, though, because I could see that there was no stopping him.

DEFENDANT'S
COUNSEL: Did Humpty know that he was breaking a law by climbing walls?

[Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: Objection my Lord/Lady. The witness cannot testify to what Humpty knew or knows.

[Plaintiff's Counsel sits.]

DEFENDANT'S
COUNSEL: I'll rephrase my Lord/Lady. Did you know that climbing walls was a breach of the law?

OLD MAN H: Yes, but it was a stupid law.

DEFENDANT'S
COUNSEL: Did you tell this to Humpty when you attempted to prevent him from climbing walls?

OLD MAN H: Yes.

DEFENDANT'S
COUNSEL: Thank you Mr. Haggis. No further questions my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: You may step down Mr. Haggis. Counsel, you may call your next witness.

[Old Man Haggis leaves the witness box; Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: That concludes the plaintiff's case, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: I now call on the Defence counsel to make their opening statement.

[Defendant's Counsel stands]

DEFENDANT'S

COUNSEL: My Lord, we intend to prove that the defendant, the King, had no intent to injure the Plaintiff, Mr. Dumpty. His injuries were sustained during an act of free will and so the King was not responsible for them. Humpty knew that climbing this wall was against the law and dangerous. To support the case, we intend to call the following witnesses: His majesty the King will tell us why a new wall was not needed in his country, as well as why he did not heed Humpty's pleas. Squire Fanmoth will describe the content of Humpty's plea, as well as some comments which were not described by the plaintiff. Finally, Sir Warthead shall describe the incident on the wall and also tell us how Humpty completely disregarded a sign prohibiting climbing and what really happened at the scene of the accident. We now wish to call our first witness to the stand, the Defendant, His Majesty the King.

[The King takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

KING: I do.

CLERK: Please state your full name and address for the court.

KING: I am the King of Carol Land and I live in the castle of Carols.

JUDGE: You may be seated. Go ahead counsel.

[The King sits.]

DEFENDANT'S

COUNSEL: How long have you been the King of Carol Land?

KING: I have been ruling for four years now.

DEFENCE'S

COUNSEL: How did you meet the plaintiff, Mr. Dumpty.

KING: Well I was just lounging around in the castle one day and he came barging though the doors. Usually my guard would have stopped him but they thought that they would break his shell.

DEFENDANT'S

COUNSEL: What did Mr. Dumpty want?

KING: Well he was complaining about my walls. I take pride in my walls and he was insulting them. He said that they could not fit eggs on them and he wanted me to build a new one just for him.

DEFENDANT'S

COUNSEL: Is this a common request?

KING: Some people ask for walls, but I have never had somebody ask me to build a wall suited for eggs, so I asked Mr. Dumpty to leave.

DEFENDANT'S
COUNSEL: What happened next?

KING: Mr. Dumpty was very stubborn and kept demanding that I build him his wall. I started to laugh at him, thinking it was a prank, but after a while, I got my guards to see him out.

DEFENDANT'S
COUNSEL: When was the next time you heard of Mr. Dumpty?

KING: I had completely forgotten about him until he sued me.

DEFENDANT'S
COUNSEL: Why did you refuse to build a new wall for Mr. Dumpty?

KING: He was being very selfish. I am glad to build walls for good reasons but he didn't have one.

DEFENDANT'S
COUNSEL: How many walls do you have in your country at this point?

KING: I have over 200 walls right now and I'm not planning on building any more.

DEFENDANT'S
COUNSEL: What is the general purpose of your walls?

KING: The walls in my country are only designed for bordering fields and are there to mark a farmer's property. I did not ask my architects to design them for climbing or for eggs.

DEFENDANT'S
COUNSEL: Did you give any advice to Mr. Dumpty?

KING: Yes. I told him that he should not climb my walls as it is against the law. I also suggested that he build a wall for his own purposes on his own land.

DEFENDANT'S
COUNSEL: How old are the walls in your land?

KING: Some of them are over a hundred years old, but mostly they are quite new. In my first year alone I built 60 new walls. The one that Humpty had his accident on was only two years old.

DEFENDANT'S
COUNSEL: Do you maintain your walls regularly?

KING: Oh yes. It is very important to me. I have many workers who go all over Carol Land to first inspect the walls and then make any repairs if needed.

DEFENDANT’S

COUNSEL: Had there been any work done on the wall in question?

KING: No. It was perfectly fine except that Humpty damaged it partially in the fall, so we had to replace part of the wall.

DEFENDANT’S

COUNSEL: Thank you your majesty. I have no further questions, my Lord/Lady.

[Defendant’s Counsel sits.]

JUDGE: Plaintiff’s Counsel, do you wish to cross-examine this witness?

[Plaintiff’s Counsel stands.]

PLAINTIFF’S

COUNSEL: Yes, my Lord/Lady. The wall that Humpty fell from was never repaired until after the accident correct?

KING: Yes.

PLAINTIFF’S

COUNSEL: But you claim the damage was caused by Humpty’s fall?

KING: That is what seemed most probable.

PLAINTIFF’S

COUNSEL: Had the wall been inspected before?

KING: Once.

PLAINTIFF’S

COUNSEL: When?

KING: Every wall gets an inspection one year after it is built and then every two years after that.

PLAINTIFF’S

COUNSEL: So the wall was inspected one year prior to Humpty’s fall?

KING: I suppose so.

PLAINTIFF’S

COUNSEL: How do you know that the wall was not damaged prior to Humpty’s accident?

KING: That’s what the repairmen told me.

PLAINTIFF’S

COUNSEL: So isn’t it entirely possible that the damage caused Humpty’s fall and not the other way around?

KING: Possible, I guess.

PLAINTIFF'S
COUNSEL: No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: You may step down. The defendant may call his next witness.

[The King leaves the witness box; Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: We call Squire Fanmoth to the stand.

[Squire Fanmoth takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

FANMOTH: I do.

CLERK: Please state your full name and spell your last name for the record.

FANMOTH: I am Squire Fanmoth, F-A-N-M-O-T-H.

JUDGE: You may be seated.

[Squire Fanmoth sits.]

DEFENDANT'S
COUNSEL: Squire Fanmoth, where were you when Mr. Humpty came in to plead for this new wall?

FANMOTH: I was in the throne room, hiding behind the pillars as we all do while waiting for a summons from the King. I distinctly heard what both the King and Mr. Humpty said.

DEFENDANT'S
COUNSEL: Could you please tell us what you heard?

FANMOTH: Well, I couldn't see anything, but I heard a lot of yelling back and forth, as well as some swearing.

DEFENDANT'S
COUNSEL: Is this all you heard?

FANMOTH: No, it isn't. I heard the King say that he doesn't need any more ugly walls in the country and I also heard Mr. Dumpty muttering under his breath.

DEFENDANT'S
COUNSEL: What was he saying?

FANMOTH: He was saying that he would get back at the King, even if it took him forever. He also said that he would never forget this.

DEFENDANT'S
COUNSEL: What happened next, Squire Fanmoth?

FANMOTH: Well, then I was ordered to take Humpty away. As I was dragging him out, I listened as he screamed that he would get back at him, even if it took him forever.

DEFENDANT'S
COUNSEL: Thank you, Squire Fanmoth. No further questions, my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: Plaintiff's Counsel, do you wish to cross-examine?

[Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: Yes, my Lord/Lady. Squire Fanmoth, you have testified that you heard Mr. Dumpty muttering threats under his breath. Is that correct?

FANMOTH: Yes, that is correct.

PLAINTIFF'S
COUNSEL: How close were you to Mr. Dumpty when you heard this?

FANMOTH: Oh, about four feet away.

PLAINTIFF'S
COUNSEL: You also said that both the King and Mr. Dumpty were yelling at each other, didn't you?

FANMOTH: Yes, I did.

PLAINTIFF'S
COUNSEL: Then how would it be possible to hear him, when the King was yelling at him at the top of his voice?

FANMOTH: I know I heard him. I know I did.

PLAINTIFF'S
COUNSEL: Would you say that it is possible to hear someone muttering under their breath, while someone else in the room was yelling at the top of his voice?

FANMOTH: I suppose so.

PLAINTIFF'S
COUNSEL: The King is your employer, is that correct?

FANMOTH: Yes, he is.

PLAINTIFF'S
COUNSEL: Did he ask you to come speak at court for him today?

FANMOTH: Yes, he did.

PLAINTIFF'S
COUNSEL: Aren't you afraid of the King?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Objection, my Lord/Lady. The question is not relevant.

PLAINTIFF'S
COUNSEL: It is relevant to the issue of the credibility of the witness.

JUDGE: Objection overruled. You may answer the question Squire Fanmoth.

[Defendant's Counsel sits.]

FANMOTH: I guess so. Pretty much everybody is. He gets really angry.

PLAINTIFF'S
COUNSEL: Were you afraid to not come to court today?

FANMOTH: Yes.

PLAINTIFF'S
COUNSEL: Probably afraid enough to lie.

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Objection!

PLAINTIFF'S
COUNSEL: Withdrawn. No further questions.

[Plaintiff's Counsel sits.]

JUDGE: You may step down Squire Fanmoth. Counsel, call your next witness.

[Squire Fanmoth leaves the witness box; Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: We call Sir Warthead to the stand.

[Sir Warthead takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

WARTHEAD: I do.

CLERK: Please state your full name and spell your last name for the record.

WARTHEAD: Sir Warthead, W-A-R-T-H-E-A-D.

JUDGE: You may be seated.

[Sir Warthead sits.]

DEFENDANT'S

COUNSEL: Sir Warthead, could you please tell us what you saw on the wall?

WARTHEAD: I saw Mr. Dumpty appear on the top of the wall. He looked like he had just won an Oscar or something, cause he was jumping all over the place like a mad little grasshopper. I was watching the little runt when suddenly he stopped. He looked a bit confused and then he suddenly fell off the wall. I saw his tiny little hand grab air as he flew down the side I couldn't see.

DEFENDANT'S

COUNSEL: What did you do after you saw this event?

WARTHEAD: Well, I was a bit confused, because I knew that climbing on that wall was forbidden. I also knew, though, that the little runt must really be hurt. After debating with myself for a few minutes, I decided to quickly go and tell the King and then dash over and help Mr. Dumpty.

DEFENDANT'S

COUNSEL: Is this what you did?

WARTHEAD: Yes, it is. The only problem was that when I got back to the wall, he was gone. All I saw was a lot of egg yolk and white.

DEFENDANT'S

COUNSEL: What did you think of this incident?

WARTHEAD: Well, I thought of going to the Sheriff and telling him that Mr. Dumpty was trespassing, but then I was called for duty, so I didn't have time.

DEFENDANT'S

COUNSEL: Did you notice anything strange about the egg that you saw on the wall?

WARTHEAD: Well, he did look kind of drunk.

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Objection, my Lord/Lady. The witness is speculating.

DEFENDANT'S

COUNSEL: The witness is merely stating what he saw.

JUDGE: Objection sustained. The witness will only testify to what he heard or saw not what he inferred.

[Plaintiff's Counsel sits.]

DEFENDANT'S

COUNSEL: Thank you. No further questions, my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: Plaintiff's Counsel, do you wish to cross-examine this witness?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Yes, my Lord/Lady. Mr. Warhead, you said that you saw Mr. Dumpty climb the wall, didn't you?

WARTHEAD: Yes, that is correct.

PLAINTIFF'S

COUNSEL: How many times have you seen Mr. Dumpty before?

WARTHEAD: Once or twice.

PLAINTIFF'S

COUNSEL: So isn't it possible that you saw a completely different egg fall over the wall?

WARTHEAD: Well, ya, I guess.

PLAINTIFF'S

COUNSEL: Tell me, was the egg you saw wearing any safety equipment?

WARTHEAD: I think so. Maybe.

PLAINTIFF'S

COUNSEL: No further questions.

[Plaintiff's Counsel sits.]

JUDGE: Thank you Sir Warhead. You may step down now. Counsel call your next witness.

[Sir Warhead leaves the witness box; Defendant's Counsel stands.]

DEFENDANT’S

COUNSEL: That concludes the defendant’s case, my Lord.

[Defendant’s Counsel sits.]

JUDGE: Thank you counsel. Are you prepared to give the closing statements?

[Plaintiff’s and Defendant’s Counsel stand.]

PLAINTIFF’S

COUNSEL: Yes, my Lord.

DEFENDANT’S

COUNSEL: Yes, my Lord.

[Plaintiff’s and Defendant’s Counsel sit.]

JUDGE: All right then, you may begin.

[Plaintiff counsel stands.]

PLAINTIFF’S

COUNSEL: Thank you, my Lord. Today we have proved that Mr. Dumpty is not at fault for his injuries. The King should have taken more consideration into the construction and maintenance of his wall. Earlier we showed you that the King never thought about whether his wall was safely constructed. We proved that the King carelessly made the wall much too high and narrow for an egg to sit on. As 40% of the wall climbing egg population lives here in Carol Land, shouldn’t there be some respect for them? If the wall had been lower and wider, Mr. Dumpty would have likely not sustained all his present injuries. If the wall wasn’t crumbling and wasn’t in disrepair, Humpty would not have been injured. However, Mr. Dumpty’s injuries are serious and he is in great pain. He will remain in pain for a long time, perhaps even for the rest of his life! He is suing the defendant for negligence and his injuries, which have created a very expensive hospital bill for Humpty. Thank you.

[Plaintiff’s Counsel sits.]

JUDGE: The defence may now proceed.

[Defendant’s Counsel stands.]

DEFENDANT’S

COUNSEL: The plain and simple truth is that the King is not liable for Mr. Dumpty’s accident. Mr. Dumpty is liable. The wall belongs to the King and was built the way the King desired. He needed to build his wall in that particular way for his own purposes, not for people like Humpty to walk on. He could never have expected that Mr. Dumpty would lack the common sense to keep off the wall.

Mr. Dumpty, being an egg, is a very fragile person. He would be expected to know the consequences, should he fall off a wall. As you know, eggs break easily when they fall

and Mr. Dumpty completely ignored this fact. Secondly, eggs are round. This would result in giving Humpty very bad balance. The King not only presumed that Mr. Dumpty would not walk on the wall for fear of falling, but it was against the law for Mr. Dumpty to do so. This lawsuit is just an attempt to get back at the King. Humpty was angry when the King refused to build a new wall. The evidence shows that Mr. Dumpty was drunk and that he wasn't wearing any safety equipment. This accident was not the King's fault; it happened as a result of the carelessness of Mr. Dumpty. Thank you.

[Defendant's Counsel sits.]

JUDGE: Ladies and gentlemen of the jury, that concludes the evidence given by both sides. You must find the defendant liable if his conduct was reckless of the consequences of his acts. The King must exercise reasonable care and that is for you to decide based on the evidence. The law of negligence clearly states that if the defendant is found guilty of the charge, then he/she shall pay the sum of money that the jury decides. This money should compensate for the losses or damages suffered by the plaintiff. If the jury finds the defendant not guilty, then this case will be dismissed. The defendant in our case, the King, has been sued for negligence in the construction of a wall, resulting in Mr. Dumpty's injuries. Mr. Dumpty is suing the King for compensation for his losses, damages, pain, suffering and hospital bills. You must now make a decision based on the evidence given in the court today. You will start your deliberations now.

[Jury leaves the courtroom for deliberations. Plaintiff, Defendant, and Counsel stand out of respect for the jury.]

JUDGE: Thank you Counsel. We will now adjourn until the jury returns with their verdict.
CLERK: Order in court. This court stands adjourned for the verdict of the jury.

[Everyone stands while the Judge leaves the courtroom.]

CLERK: Order in court.

[Everyone stands as the Judge enters the courtroom.]

JUDGE: You may be seated. Madam/Mister Registrar, has the jury reached a verdict?

[Everyone sits.]

CLERK: They have my Lord/Lady.

JUDGE: Sheriff, please bring the jury in.

[Plaintiff, Defendant and Counsel stand out of respect for the jury.]

CLERK: Mr./Madam Foreperson, have you reached a verdict?

[Foreperson stands.]

FOREPERSON: Yes we have.

CLERK: Do you find the defendant, King of Carol Land, liable or not liable for the injuries sustained by the plaintiff, Humpty Dumpty.

FOREPERSON: We find the defendant, King of Carol Land, liable in negligence for the injuries sustained by the plaintiff, Humpty Dumpty and order the defendant to pay the plaintiff damages in the amount of \$ _____.

OR

We find the defendant, King of Carol Land, not liable in negligence for the injuries sustained by the plaintiff, Humpty Dumpty.

[Foreperson sits.]

JUDGE: The defendant shall pay the plaintiff damages in the amount of \$ _____ and also pay the plaintiff's legal costs.

OR

The case is hereby dismissed. The plaintiff shall pay the defendant's legal costs.

Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience.

CLERK: This court stands adjourned. Order in court.

[All rise as the judge exits the courtroom.]