

Social Media and Student Rights:
Student Rights, Wrongs, and Responsibilities

Randy Cullen v. Principal Mary Skinner
Witness Stand Script

Adapted from a Script Written by Charles Cree, Training Specialist, District of Minnesota

Characters – 15 Speaking Roles

Teacher-selected participants serve as judges, attorneys, witnesses, a courtroom deputy, and a deputy marshal. All roles may be male or female (M/F). **A practicing attorney for each side** delivers the opening statement. Student attorney #4 for each side delivers unscripted closing arguments based on notes taken during the trial. **It is recommended** that four volunteers enter the courtroom posing as members of the Fangtasticks – wearing vampire fangs and sunglasses. Capes are optional. They sit in the front row of the gallery behind the Plaintiff’s counsel table.

Judges

(On the bench with the host Judge)

3 (Three) Judges M/F

Host Judge _____

Scripted Judge #1 Student _____

Scripted Judge #2 Student _____

Scripted Judge #3 Student _____

Courtroom Personnel

1 (One) Deputy U.S. Marshal _____

(Stands to the side of the bench and gives a stern look and points to people who are out of order or disruptive.)

1 (One) Courtroom Deputy _____

(Sits in front of the bench and stands to administer the oath to each witness)

Attorney Team for Plaintiff – Fangtastic Randy Cullen

(At counsel table farther from jury)

4 (Four) Attorneys M/F for the Plaintiff (Student Randy)

Practicing Atty Makes the Unscripted Opening Statement _____

Scripted Atty #1 Student _____

Scripted Atty #2 Student _____

Scripted Atty #3 Student _____

Unscripted Closing Arguments Atty #4 _____

Attorney Team for Defendant – Principal Mary Skinner

(At counsel table closer to jury box)

4 (Four) Attorneys M/F for the Defendant (Principal Mary Skinner)

Practicing Atty Makes the Unscripted Opening Statement _____

Scripted Atty #1 _____

Scripted Atty #2 _____

Scripted Atty #3 _____

Unscripted Closing Arguments Atty #4 _____

Witnesses

(At counsel table farther from jury box)

3 (Three) Witnesses M/F for the Plaintiff (Student)

Randy Cullen, Fangtastics Leader, **M/F** Plaintiff _____

(At counsel table

)

Alex Swan, FaceLook Monitor, **M/F** Plaintiff's Witness _____

(In the gallery behind the plaintiff until called to the stand)

2 (Two) Witness for the Defense (Principal)

Chris Black, Football Kicker, **M/F** Defense Witness _____

(In the gallery behind the defendant until called to the stand)

Principal Mary Skinner, **F** Defendant _____

(At counsel table)

Opening Statements by Practicing Attorneys

(3 minutes each side)

- Crtrm Deputy:** All rise, the United States District Court for the District of Oz is now in session, the Honorable Judges presiding.
- Host Judge:** Plaintiff's Counsel will now present your opening statement. Counsel will not give your argument at this time, but will confine yourself to giving a preview of what The Plaintiff's case might be.
- Plaint. Real Atty:** Thank you, Your Honor. Members of the jury . . .
- Host Judge:** Defense Counsel will now present your opening statement. Counsel will not give your argument at this time, but will confine yourself to giving a preview of what The Defendant's case might be.
- Def. Real Atty:** Thank you, Your Honor. Members of the jury . . .

TESTIMONY OF RANDY CULLEN **(Plaintiff – Leader of the Fangtastics)**

- Plaint. Atty #1** Your Honor, I would like to call my first witness, Mr./Ms. Randy Cullen.
- Judge #1** Mr./Ms. Cullen, please come forward to the witness stand and remain standing for the oath.
- Crtrm Dep:** Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
- Cullen:** I do.
- Judge #1** Please be seated. Please state your full name, spelling your last name.
- Cullen:** Randy Cullen. C-U-L-L-E-N.
- Judge #1:** You may inquire.
- Plaint Atty #1:** Please state your age for the record and where you currently attend school.
- Cullen:** I'm 18 years old. I am a senior at Forks High School.
- Plaint Atty #1:** Please tell the Court what you know about a group called the

Fangtastics that was formed last year at Forks High School.

Cullen: Up until last year, my friends and I were part of the drama program at Forks High School. That was the year the school board decided to cut the program. They decided they couldn't keep both the drama program and the football program going. One had to go and so drama lost out.

We formed our own drama group and started putting on plays. The year before the school performed the *Fantasticks*, so we decided to call ourselves the Fangtastics. We specialize in vampire stories. We perform at events in the community and at school – like the recent Talent Show. We also contribute to the community. We just organized a blood drive that was really successful!

Plaint Atty #1: Tell the Court what happened the day of the talent show.

Cullen: The play was a hit. Everyone laughed and clapped. We received three curtain calls.

Plaint Atty #1: It sounds like a successful event, so how did the trouble start?

Cullen: Well, I came up with the idea of dressing up like vampires the morning of the Talent Show. We put on makeup and costumes and acted like vampires all morning. We wouldn't sit near the windows in our classes and we drank bottles of blood, I mean, tomato juice in the lunchroom that day.

Plaint Atty #1: Is there anyone in the courtroom who is dressed the way you were dressed that day?

Cullen: Yes. All the members of the group. They're sitting there in the front row. (*Points to the group in the front row.*)

Plaint Atty #1: What got you into trouble?

Cullen: Well, the trouble, actually, came after the Talent Show when we posted a satirical poem criticizing Principal Skinner's decision to reject our application to be recognized as an official school club. She turned us down and accused us of being a cult. And she had the poem taken off the school's web page. Essentially, she violated our First Amendment rights to freedom of speech and freedom of association.

Plaint Atty #1: Tell me more about the poem that the Principal had taken off the site.

Cullen: I wrote a satirical poem about the Principal's reaction to when my sister

posted it on the school's FaceLook page.

Plaint Atty #1 What is FaceLook?

Cullen: It's like MySpace or Facebook. Students from the school post pictures from school events, essays, and jokes. Most of the stuff is about sports and dances. Things like that.

Plaint Atty #1: *(Attorney picks up the poem that has been marked with an Exhibit #1 sticker.)* Your Honor, may I approach the Witness?

Judge #1: Yes, you may.

Plaint Atty #1 *(Attorney walks to the witness stand with the poem)* Showing you what's been marked for Identification as Exhibit #1, do you recognize this?
(Hands the poem to Edward.)

Cullen: Yes. That's the poem my sister posted. I wrote it. I saw it on the school's FaceLook page.

Plaint Atty #1 Your Honor, we offer Exhibit #1 into evidence.

Judge #1: Any objections?

Def Atty #1: No objection.

Judge #1: Exhibit #1 is received into evidence.

Plaint Atty #1: *(If possible, show FaceLook page on Elmo.)* Mr./Ms. Cullen, please read it for

Cullen: Sure.
*If the school smears the Fangtastics with mud
We don't have to put up with that crud
And Principal Skinner
Won't be the winner
If her house is drenched in _____.*

Note: Last line could end "... a flood." It also could end "... blood."

Plaint Atty #1: And what happened to your poem?

Cullen: It was just a joke, but Principal Skinner called me in and told me the Fangtastics are a dangerous cult. She said she took the poem as a personal

threat. She had it pulled off the web page and banned all the members of the group from the website.

That's censorship and a violation of my First Amendment rights. Schools shouldn't be able to limit the freedom of speech and association of their students. That's when I asked my father to help me file this lawsuit. That's why we're here.

Plaint Atty #1: And what is it you are asking this Court to do?
Cullen: All I want are my First Amendment rights, freedom of speech and freedom of association.

Plaint Atty #1: Thank you, Mr./Ms. Cullen. Nothing further.

Judge #1: Does Defense Counsel have any questions for this witness?

Def Atty #1: Yes, Your Honor.

Judge #3: You may inquire.

Def Atty #1: Did it ever occur to you that your antics in the classrooms and the cafeteria might disrupt the learning environment at school that day?

Cullen: No. I thought people would laugh – and that's what they did.

Def Atty #1: (*Attorney takes out policy.*) Your Honor, may I approach the witness?

Judge #3: Yes, you may.

Def Atty #1: Mr./Ms. Cullen, I'm showing you what's been marked Exhibit #2, a warning on the FaceLook web page. You recognize that, don't you?

Cullen: Yes.

Def Atty #1: You've seen this policy on the use of the web page many times correct?

Cullen: Yes.

Def Atty #2: Your Honor, we offer Exhibit #2 into evidence.

Judge #3: Any objections?

Plaint Atty #3: No objection.

Judge #3: Received.

Def Atty #2: Mr./Ms. Cullen, please read out loud the part I have highlighted.

Cullen: “All material posted on the school FaceLook page must be related to school activity, respectful and free of offensive language.”

Def Atty #2: The Fangtastics were not a recognized school club, right?

Cullen: So the Principal said, but everyone else recognized us. They couldn’t miss us. We’re as active – and legitimate – as any other club at school. And we are one of the largest clubs, too.

Def Atty #2: However, the Principal never recognized your group as an official school club.

Cullen: Unfortunately, that’s right.

Def Atty #2: So Mr./Ms. Cullen, your group’s actions were not related to a school activity, right?

Cullen: Well, we performed at the Talent Show.

Def Atty #2: Let’s turn to your poem. Your poem ends with a blank for a missing word. The missing word is blood, isn’t it?

Cullen: Could be. Or it could be “drenched in a flood.” Depends on the reader. Everyone knows she lives near the Grand Forks river and it floods every year.

Def Atty #2: Your poem is disrespectful to the Principal, isn’t it?

Cullen: I don’t think it’s disrespectful to make a harmless joke.

Def Atty #2: It certainly contains offensive language, doesn’t it?

Cullen: I guess it depends on what you call offensive.

Def Atty #3: Thank you Mr./Ms. Cullen. No further questions.

Judge #3: Redirect?

Plaint Atty #2: Yes, very briefly. Mr./Ms. Cullen, on the day of the Talent Show, did any of the teachers reprimand you for your costumes or behavior?
Cullen: Not at all. In fact, they laughed along with everyone else.
Plaint Atty #2: No further questions.

Judge #3: Very well. Thank you, Mr./Ms. Cullen. You may step down.

Judge #3: Counsel, any other witnesses?

TESTIMONY OF ALEX SWAN
(Plaintiff's Witness – Student Monitor of the Forks High FaceLook Page)

Plaint Atty #2: Your Honor, I would like to call my next witness, Mr./Ms. Alex Swan.

Judge #2: Mr./Ms. Swan, please come forward to the witness stand and remain standing for the oath.

Crtrm Deputy #1: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Swan: I do.

Judge #2: Please be seated. Please state your full name, spelling your last name.

Swan: Alex Swan. S-W-A-N.

Judge #2: You may inquire.

Plaint Atty #2: Please state your age for the record and where you attend school.
Swan: I'm sixteen. I attend Forks High School.

Plaint Atty #2: Could you please tell us what you have to do with the school's FaceLook page?

Swan: I'm the student monitor.

Plaint Atty #2: How did you come to serve as the monitor?

Swan: Principal Skinner appointed me. It was my first year at Forks High School. She thought an activity like this would help me get to know more of the students.

Plaint Atty #2: And what exactly does the student monitor do?

Swan: I check the FaceLook page every day during study hall to make sure that nobody has put anything on the FaceLook page that they shouldn't.

Plaint Atty #2: How do you know if something shouldn't be on the page?
Swan: Like it says on the web page, everything has to be about the school. It has to be respectful and none of the words can be offensive.

Plaint Atty #2: *(Atty takes Exhibit #1)* Your Honor, may I show this exhibit to the witness?

Judge #2: Go ahead.

Plaint Atty #2: Showing you Exhibit #1, do you recognize this poem?

Swan: Yes. I saw it on the school's FaceLook page.

Plaint Atty #2: What did you do as school monitor when you saw it on the FaceLook page?

Swan: I didn't do anything.

Plaint Atty #2: Why not?

Swan: Because I thought it was about a school club.

Plaint Atty #2: Why didn't you find the poem offensive?

Swan: I guess because it was, obviously, a big joke.

Plaint Atty #2: What was Principal Skinner's reaction to your decision to leave it on the web page?

Swan: She was mad. I always thought Principal Skinner had a better sense of humor than that.

Plaint Atty #2: Thank you Mr./Ms. Swan. No further questions.

Judge #2: Does the Defense Counsel have any questions for this witness?

Def Atty #3: Yes, Your Honor.

Def Atty #3: Mr./Ms. Swan, as you said, you are new at Forks High, is that right?

Swan: Yes, I moved here about six weeks ago.

Def Atty #3: Would it be accurate to say that you want to be popular at your new school?

Swan: Well, everyone wants to have friends.

Def Atty #3: Is it true that you applied for membership in the Fangtastics but you haven't heard yet if you've been accepted?

Swan: Well, yes, but that doesn't have anything to do with anything.

Def Atty #3: Thank you, Mr./Ms. Swan. That's all.

Judge: You may step down, Mr./Ms. Swan.

Judge #2: Re-direct?

Plaint Atty #2: None, Your Honor.

Judge #2: Very well. Thank you, Mr./Ms. Swan. You may step down.

Judge #2: You may call your next witness.

TESTIMONY OF CHRIS BLACK

(Defendant's Witness – Kicker for Football Team. Reported Fangtastics)

Def Atty #2: Your Honor, I would like to call my first witness, Mr./Ms. Chris Black.

Judge #1: Mr./Ms. Black, please come forward to the witness stand and remain standing for the oath.

Ctrrm Deputy #1: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Black: I do.

Judge #1: Please be seated. Please state your full name, spelling your last name.

Black: Chris Black. B-L-A-C-K.

Judge #1: You may inquire.

Def Atty #2: For the record, please state your age and where you attend school.

Black: I'm eighteen years old and I'm the kicker of the football team at Forks High School. Go Wolfpack!!!! (*Howls*)

Judge #1: Mr./Ms. Black, we're happy for your football team but please just answer the questions.

Black: Sure. Cool, Your Honor. No problem.

Def Atty #2: Were you in school on March 3rd of last year, the day of the Talent Show?

Black: I was.

Def Atty #2: What, if anything, unusual happened that day?

Black: Unusual – yeah. The so-called ‘Fangtastics’ (*making quotation marks with his hands*) took over the school. They interfered with our classes and slowed down the lunch line drinking their “Bloody Mary Skinners” (*quotation marks with hands*)

Def Atty #2: What did you do?

Black: In the best interests of my team and the school, I felt obligated to report to Principal Skinner that I suspected Cullen.

Def Atty #2: Why did you report Mr./Ms. Cullen for what happened on the day of the Talent Show?

Black: They disrupted classes. My guys have to maintain their grades to play on the team. Nobody was studying.

Def Atty #2: Did you have any other concerns when you decided to report the poem?

Black: The guy threatened Ms. Skinner. That poem ends in “blood” and I thought Ms. Skinner needed to know about it.

Def Atty #2: No further questions, Your Honor.

Judge #2: Does Counsel for the Plaintiff have any questions for this witness?

Plaint Atty #2: Yes, Your Honor.

Plaint Atty #2: Do you have any reasons not to like Randy Cullen?

Black: He and his cult of Fangtastics are strange.

Plaint Atty #2: Isn’t it true that Randy Cullen lobbied the School Board to transfer money from the football budget to save the drama program?

Black: That’ll never happen as long Principal Skinner’s in charge.

Plaint Atty #2: Thank you, Mr./Ms. Black. No further questions.

Judge #2: Redirect?

Def Atty #2: No, Your Honor.

Judge #2: Thank you, Mr./Ms. Black. You may step down.

Judge #2: Counsel, any other witnesses?

Def Atty #2: One more, Your Honor.

TESTIMONY OF PRINCIPAL MARY SKINNER
(Defendant – Principal of Forks High School)

Judge #3: You may proceed when you're ready, Counsel.

Def Atty #3: The Defense calls Principal Ms. Mary Skinner.

Judge #3: Ms. Skinner, please come forward to the witness stand and remain standing for the oath.

Crtrm Dep #1: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Skinner: I do.

Judge #3: Please be seated. Please state your full name, spelling your last name.

Skinner: Mary Skinner. S-K-I-N-N-E-R.

Def Atty #3: Ms. Skinner, what is your occupation?

Skinner: I am the Principal at Forks High School.

Def Atty #3: Are you familiar with a group of students at Forks called the Fangtastics?

Skinner: Very familiar.

Def Atty #3: How did you come to know of the group?

Skinner: The group was first brought to my attention the morning of the Talent Show by Chris Black, one of my other students. As he described the group, I knew they were a cult.

Def Atty #3: What did you do then?

Skinner: I considered cancelling the group's appearance in the Talent Show, but my concern was that pulling the performance would create a further

disturbance. So I let the performance go on.

Def Atty #1: What about the group's behavior led you to describe it as a cult?

Skinner: I have been trained to recognize indicators of cult associations and antisocial Behavior

Def Atty #1: Was there anything else that added to your sense of alarm?

Skinner: Yes. Chris Black came to my office and showed me the FaceLook page. There, I found the poem Mr./Ms. Cullen read to the Court. I naturally ordered Mr./Ms. Swan to remove the poem and immediately cancelled the posting privileges of all Fangtastics.

Def Atty #1: Thank you, Principal Skinner. No further questions.

Judge #3: Does Counsel for the Plaintiff have any questions for this witness?

Plaint Atty #1: Yes, Your Honor.

Plaint Atty #1: Ms. Skinner, you indicated that you first became concerned about the Plaintiff and his/her associations after Chris Black brought your attention to the poem on the web page.

Skinner: That's correct.

Plaint Atty #1: After speaking with Mr./Ms. Black, did you speak to any of the teachers on your staff to confirm these allegations?

Skinner: I did.

Plaint Atty #1: And did the teachers express the same degree of concern that you expressed today?

Skinner: No. They did not.

Plaint Atty #1: Isn't it true that Mr./Ms. Cullen and the other students in the drama program campaigned to win votes on the School Board for their proposal to reduce the football team's funding, specifically, in order to keep the drama program going?

Skinner: There was such a campaign and such a proposal.

Plaint Atty #1: You opposed that proposal didn't you?

Skinner: Yes, I did.

Plaint Atty #1: You've got quite a football tradition at Forks don't you?

Skinner: The Forks Wolfpack has won three state championships. I'm the team's biggest fan. Their winning record makes it easier for our students to attract scholarships and it gives visibility to our academic excellence.

Plaint Atty #1: Is it possible that your decision in this matter was influenced by the football team's success in raising badly needed revenues and attract scholarships that reflect well on the school's academic ratings?

Skinner: My focus was – and will always be – on my responsibility to safeguard the security of the students under my charge.

Plaint Atty #1: You testified that when you decided to remove Mr./Ms. Cullen's poem from the web page, you asked Mr./Ms. Swan to remove it. Can't *you* remove material from the web page yourself?

Skinner: No. I don't have an account.

Plaint Atty #1: To your knowledge, do any of the members of your faculty or staff have FaceLook accounts?

Skinner: Not that I know of.

Plaint Atty #1: Do you have any control over the content of this site?

Skinner: Well, yes. I appointed Mr./Ms. Swan and she reports to me.

Plaint Atty #1: So, you're saying a student is the only one who can access this page, therefore, would it be correct to call it a student-run page?

Skinner: Absolutely not. The web page was started by the school. It carries the school logo and mission statement. As with all public communication about the school, the administration has absolute editorial control.

Plaint Atty #1: But, the school cannot alter the page without Mr./Ms. Swan?

Skinner: Mr./Ms. Swan has a very important role. We like to give good students leadership opportunities.

Plaint Atty #1: Moving on, do you think it was a good decision on your part to allow a school-run website to be monitored by one, sole student – Mr./Ms. Swan?

Skinner: I'm a busy person. I can't run the school and stay abreast of the everchanging FaceLook technology.

I want to make one very important point that seems to be lost in this line of questioning. (Her voice shakes and gets louder.) I don't favor or discriminate against any of my students. I support them whether they throw a football or write a poem. But I also must maintain order.

Def Atty #2: Thank you, Principal Skinner. No further questions.

Judge #2: Thank you, Principal Skinner. You may step down.

Judge #2: Counsel, you may call your next witness.

Def Atty #2: I have no further witnesses, Your Honor.

Judge #2: Ladies and gentleman of the jury, we're going to take a short break, and when we return, we will hear the parties' closing arguments. I will then provide you with some instructions. **The Court stands in recess for 5 minutes.**

Five-Minute Break

Attorney #4 on each side has been taking notes throughout the proceedings for his/her closing arguments. The break gives each Attorney #4 time to organize a brief presentation to the jury.

Closing Arguments

(2 minutes each side)

Host Judge: Counsel for the Plaintiff may make your closing arguments at this time.

Plaint Atty #4: Thank you, Your Honor. Members of the jury . . .

Host Judge: Counsel for the Defendant may make your closing arguments at this time.

Def Atty #4: Thank you, Your Honor. Members of the jury . . .

The Host Judge gives the jury instructions.