**YOU BE THE JURY: TORTS & INJURY**

**Part A: Scenarios**. Read through each scenario that might occur in a civil court. Then decide whether or not the plaintiff (the person filing a lawsuit) would win their case, and why. If you rule for them, what would you award to them in damages, and why?

1) Jane is shopping in the supermarket. She turns the corner of the aisle and slips on some milk that has been spilled on the floor by a customer. A customer had reported the spill to an employee five minutes earlier, but the manager had decided he needed all his staff on the checkout lines and hadn’t gotten around to assigning anyone to clean it up before Jane fell. Jane is injured and sues the supermarket for medical bills, lost wages, and pain and suffering costs. If you were the jury, who would you rule in favor of? If you rule for the plaintiff, how much would you award in damages? Why?

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2) Joselyn is driving to work one day when she gets into a car accident. Joselyn’s car, a brand new 2021 Toyota Corolla worth $20,000, is completely totaled. Joselyn is not at fault – the other driver ran a red light and hit her, and the other driver received a ticket from the local policewoman at the scene. Joselyn also sustained some injuries because of the accident, spent three nights in the hospital, and missed three weeks of work. Joselyn’s hospital bill, after her insurance company has paid some of it, came out to $12,000, and her missed wages from work total $5,000. Joselyn has sued the other driver for negligence and “pain and suffering.” If you were the jury, who would you rule in favor of? If you rule for the plaintiff, how much would you award in damages? Why?

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3) John is driving down the street when an 18-wheeler changes into his lane, forcing him to swerve to avoid the truck. When he swerves, his car hits Abigail’s car and causes an accident. Abigail is fine, but she sues John for the damages to her car. If you were the jury, how would you rule? If you rule in favor of the plaintiff, how much would you award in damages? Why?

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4) George and Martha are an elderly married couple who have lived in the same house for 30 years. They are enjoying retired life and recently were gifted a Samsung phone by their children as an anniversary present. However, that model of phone had a history of defective batteries that Samsung ignored and did not report to the public. George’s phone overheated while charging, and it started a fire which burned down their home. No one was injured, but the couple lost their home and all of their possessions. They believe that Samsung was at fault because there was no warning label on their phone that indicated that this could possibly happen, and their lawyer has sued Samsung for product liability and negligence. If you were the jury, how would you decide the case? If you rule for the plaintiff, how much would you award in damages? Why?

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5) The local metalworking plant in Hampton, Georgia, has been dumping its waste products in the local river for years. The river runs out to the ocean, where the company claims that the waste products are safely disposed of and cannot harm the residents of the town. However, members of the town have recently been getting sick, and local doctors have determined that the waste runoff is the likely cause for their illnesses. Over a hundred residents in the town have filed a lawsuit against the company, claiming that the company should be liable for damages, including hospital bills, lost income from not being able to work, emotional damages, and the cost of relocating to a different town. If you were the jury, how would you rule? If you rule in favor of the plaintiffs, how much would you award in damages? Why?

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6) Teddy is a firefighter who came into a local hospital emergency room complaining of stomach pains. Dr. Franklin is a respected doctor, and after running some tests, he diagnosed Teddy with minor food poisoning, gave him some medicine, and sent him on his way. However, his diagnosis was wrong – Teddy really had a burst appendix, and he died from this condition. His family has sued Dr. Franklin for malpractice and is seeking damages that cover their hospital bill, funeral costs, lost income from the rest of Teddy’s career, and other pain and suffering damages. If you were the jury, how would you rule? If you rule in favor of the plaintiff, how much would you award in damages? Why?

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7) Ricky is upset over being jilted by Lucy and starts calling her at all hours even after she repeatedly asks him to stop. Ricky says nothing threatening to her but just keeps saying he wants her to come back to him. Lucy’s distress increases to the point that she cannot concentrate at work and is sleeping badly and she tells Ricky so, and finally takes him to court. If you were the jury, how would you rule? If you rule in favor of the plaintiff, how much would you award in damages? Why?

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**Part B: Critical Thinking.** Injury lawsuits can be quite controversial, as the amount that a jury can award does not always have limits. Think about the implications of this idea that the jury can often award whatever they think is fair to the plaintiff.

8) *What might be a reason to limit the amount that juries can award for damages?*

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*9) What might the downside of placing limits on the amount that a jury can award?*

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