

Question I

You are an attorney in private practice in Massachusetts. Mr. Brown has come to your office in Andover on Monday afternoon seeking your assistance regarding a Tuesday morning juvenile court appearance and gives you the following information. Mr. Brown's ten-year-old son Mark, a fifth grader at the public Bright Elementary School in the nearby town of Holyfield, is in the custody of the Department of Social Services (DSS). This morning during gym class Mark was sent to the nurse's office after complaining about bruises on his legs. Mark told the nurse his father, Mr. Brown, had beat him with a belt and that he was afraid to go home because he was sure he would be beat more severely for telling anyone. DSS has told Mr. Brown he must come to court. He admits to you that he did discipline Mark with a belt on Sunday because Mark at first refused to get dressed for church. Mr. Brown is employed as a deacon by the fundamentalist Christian Reformist Church. Mrs. Brown while also a member of the church has had no role in disciplining Mark and works as a secretary in a small private office. They live with Mark in a single-family-three-bedroom home that they own in Holyfield. Mr. Brown is known to the staff at the Bright School because he has been threatening to pull Mark out of school altogether in order that they both preach the gospel full time. In addition, Mr. Brown has been fighting the school over education and medical issues. He does not want Mark to attend any health classes in which sex education will be taught and has informed the school he ascribes to Christian Science and does not want Mark to receive unnecessary medical treatment. Mr. Brown is asking can you represent him tomorrow, what is going on with DSS, and what will he have to go through in the court system to get Mark back? After he does get Mark back, Mr. Brown also wants to know his own rights relative to either continuing Mark in school or withdrawing him. How will you advise him?

Question II

You are an attorney in private practice in Massachusetts. Mr. and Mrs. Walker are in your office in Andover with their thirteen-year-old daughter Cheryl who has just been suspended for three days from the eighth grade at the public Johnson Middle School in the nearby town of Reedham. Cheryl is a member of the September Eleventh Brigade. The Brigade is a radical teenage group dedicated to the eradication of terrorists and increasing vigilance and advocates the abolishment of Islam in the United States and the arrest of Islamic leaders abroad. Cheryl is co-editor of the school paper The Johnsonian and had written an anti-Islamic article that was banned from the paper by the principal. A search of Cheryl's locker last month revealed 1,000 copies of the article that the principal suspected Cheryl was going to distribute to her fellow students on school property, and "Support-the-11th-Brigade" armbands that had also been banned by the principal. Last week at a school memorial for two parents, who died in the World Trade Center, Cheryl used profanity in referring to "Islamic terrorists" and the need for their extermination, for which she received a one-day suspension. Yesterday Cheryl was standing outside the entrance to the school passing out the armbands and was immediately notified that she was suspended for three days. The Walkers have been informed that they must come to school with Cheryl for a conference with the principal before she can be readmitted and that further trouble could result in an expulsion hearing with the superintendent. Cheryl wants to return to school to continue her protest activity through writing and speaking. The Walkers want to know if any of Cheryl's rights have been violated. They also wonder how they should approach the conference with the principal and how Cheryl should conduct herself once she returns to school. Lastly they want to know if you should accompany them to the conference with the principal. How will you advise them?

Question III

You are an attorney in private practice in Massachusetts. You have been appointed to represent fourteen-year-old Ben Taylor in Middlesex County. Ben was arrested with three of his friends outside a dance at the YMCA in Waltham. Ben is being charged with assault and battery with a dangerous weapon, to wit a knife, and possession of a concealed weapon, a six-inch Bowie knife. Ben is a ninth grade student at Waltham High School and lives with his parents on Poe Rd. in Waltham. Ben has never been in trouble before. He has been hanging around with a group of juniors at the High School who live in his neighborhood. Friday at school there was an argument over a girl between Ben's friends and a group of seniors from the other side of town. Both groups agreed that they would settle the matter that night after the dance. According to the police report, Charles Brooks (who Ben tells you was the leader of the other group) was stabbed in the thigh after a shoving match with Ben and his three friends. The knife used in the assault was recovered at the scene and according to the police report belonged to one of Ben's other friends who was on juvenile probation for a similar assault. Ben's knife was found concealed in his jacket after he was arrested. Charles' wound fortunately was superficial and he is expected to make a full recovery. Ben was released to the custody of his parents early Saturday morning by the Waltham Police with instructions that he appear in court on Monday. The other three boys, all sixteen-years-old, were held in custody over the weekend. It is now Monday morning and you are meeting with Ben and his parents at the courthouse prior to his arraignment. How will you handle the meeting and what will you tell Ben about his rights as a fourteen year old charged with a crime in Massachusetts?