

# **The Problem of SpongeBob RoundPants**

## **Mock Trial Script**

Colorado Bar Association Mock Trial Script revised and adapted for grades 4 through 6.

[Facilitator keeps pages 1-3. The remainder of the pages may be copied and distributed to students.]

### **Participants:**

Facilitator (may be played by teacher or volunteer attorney)  
Judge (may be played by teacher or volunteer attorney)  
Bailiff (volunteer student)  
Plaintiff's Attorney (volunteer student)  
Defendant's Attorney (volunteer student)  
SpongeBob SquarePants (Plaintiff) (volunteer student)  
Patrick (volunteer student)  
Mr. Krabs (volunteer student)  
Abercrombie & Fish representatives (Defendant) (volunteer student)  
Jurors (all students without scripted parts)  
Jury Foreperson (one of jurors elected by jurors or appointed)

### **The Problem:**

On August 24, 2005, SpongeBob SquarePants decided to go to the new Abercrombie & Fish store in Bikini Bottom to order a new designer pair of square pants. Since Abercrombie & Fish were fresh out of the new designer pants at the time SpongeBob purchased them, Abercrombie & Fish promised to deliver to SpongeBob's pineapple house the square pants as soon as they arrived in the store. About a week later, SpongeBob received a package from Abercrombie & Fish. He tore into the package, expecting to find square pants, but instead found a pair of round pants. Not knowing what to do, SpongeBob asked his best friend, Patrick, for advice. Patrick told SpongeBob that the round pants would fit SpongeBob just right if a few changes were made to the pants. Patrick helped SpongeBob make a few minor alterations and then SpongeBob tried on the pants. To SpongeBob's disappointment and Patrick's complete shock, the pants still didn't fit. SpongeBob decided to return the pants to Abercrombie & Fish since they weren't really what he ordered to begin with. The store refused to accept the pants back since SpongeBob and Patrick had altered them. SpongeBob argued that no changes would have had to been made if the store delivered the right pants to begin with. The store didn't budge. Remembering that Mr. Krabs was so good with money, SpongeBob decided to ask him for advice. Mr. Krabs, barely looking up from counting his own money, suggested to SpongeBob that he should sue Abercrombie & Fish to get his money back. Not knowing what else to do, SpongeBob sued Abercrombie & Fish.

This is the case of SpongeBob SquarePants v. Abercrombie & Fish.

**Facilitator:** Every year, thousands of criminal and civil cases are tried in Colorado. Today, we will be participating in a mock trial. Today's mock trial is a civil case, not a criminal case. Does anyone know the difference between a civil and a criminal case?

[A criminal case involves some one who has been charged by a police officer with a violation of the criminal law – like theft, assault, or drunk driving. If the person charged with the crime is found guilty by a jury, the person may be sent to jail or charged an amount of money to pay for his crimes. A civil case involves a private dispute between people. One person is usually trying to collect money to pay for injuries believed to have been caused by the other person – like an automobile accident where the person hurt is trying to get the person who caused the accident to pay for the hospital bills or a breach of contract, where one person claims that the other person did not perform the contract, causing some sort of loss to the first person. In either a civil or a criminal case, a trial can be held in front of a jury. The jury then gets to decide the guilt or innocence of the person charged with a crime, or whether one person should pay the other person in a civil case.]

We will need some of you to volunteer for certain roles in the case. We will need a bailiff, Plaintiff's attorney, Defendant's attorney, SpongeBob SquarePants (Plaintiff), Patrick, Mr. Krabs, Abercrombie & Fish representative (Defendant), jurors, and a jury foreperson. I will play the role of Judge.

Does anyone know what a bailiff does?

[A bailiff is an officer of the Court that usually helps keep the peace and serves as a messenger or usher. The bailiff in this case will help us to remember to stand up when the Judge enters the room and helps witnesses to the stand.]

Does anyone know what attorneys do?

[Attorneys are advocates for their clients. Only attorneys can represent some one other than themselves in a court of law because attorneys are specially trained in law school. Attorneys are also licensed to practice law by the state. In this case, we have two attorneys. One attorney will represent SpongeBob SquarePants. The other attorney will represent Abercrombie & Fish. While representing the parties, the attorneys will make arguments to the jury that they believe will win their case. They will present evidence and question witnesses.]

Does anyone know what a Plaintiff and Defendant are?

[The Plaintiff is the person who starts a lawsuit in a civil case. The Defendant is the person whom the Plaintiff brings the lawsuit against. In criminal cases, the government is the Plaintiff and prosecutes the criminal Defendant on behalf of all citizens.]

Does anyone know the role of witnesses?

[The Plaintiff and the Defendant will be given an opportunity to question certain witnesses during the course of the trial. The witnesses will tell the jury what information they know so the jury can decide for either the Plaintiff or the Defendant.]

Does anyone know the role of jurors?

[In very serious criminal cases, there will be 12 jurors. In less serious criminal cases, there will be only 6 jurors. In civil cases, there are usually only 6 jurors but either side can ask for 12 jurors in serious civil cases. The jurors must sit through the entire trial and pay careful attention to the evidence presented and the testimony of the witnesses. Only after the trial is over will the jurors have a chance to talk amongst themselves and decide whether to side for the Plaintiff or the Defendant. The time that the jury spends to reach a decision is called deliberations. The decision reached by the jury is called the verdict.]

Does anyone know the role of jury foreperson?

[A jury foreperson acts as leader of the jury and helps lead the discussions during deliberations. After a verdict is reached, the Judge will ask the jury foreperson to read it out loud in front of the entire Court.]

Does anyone want to volunteer? [After enough volunteers are secured, arrange the students so that the plaintiff and plaintiff's attorney are sitting together, defendant and defense attorney are sitting together, judge in the front of the room, bailiff next to judge, and jury and jury foreperson can sit either to the side of the plaintiff or behind the attorneys and parties. Witnesses should sit immediately behind the attorneys and parties.]

**Facilitator:** Are there any questions before we begin?

Let's begin.

[At the close of the trial, the Facilitator may choose to start a discussion regarding procedures, how the verdict was reached, or other questions the students may have.]

**Bailiff:** Hear ye, hear ye, this Court is now in session. The Honorable [Judge's name] is now presiding. Please stand.

**Judge:** Thank you. You may be seated. We have completed our jury selection process, and the jury is now ready to hear the evidence to be presented by both the Plaintiff and the Defendant. The jury has the responsibility of deciding the fault of the Plaintiff and Defendant. Do each of you jury members promise to be fair and impartial and not to decide this case until you have heard all of the evidence?

**Jury:** We do.

**Judge:** Plaintiff's attorney, are you ready to give your opening statement?

**Plaintiff's Attorney:** Yes, Your Honor, I am.

**Judge:** You may proceed.

**Plaintiff's Attorney:** Your Honor, ladies and gentlemen of the jury, we will show that SpongeBob SquarePants went to the Abercrombie & Fish store so that he could buy a pair of new designer square pants. We will show that SpongeBob paid Abercrombie & Fish for the square pants and that Abercrombie & Fish promised to deliver to SpongeBob square pants. We will then show that only round pants were delivered to SpongeBob and that Abercrombie & Fish broke its promise.

Thank you.

**Judge:** Does the attorney for Abercrombie & Fish have an opening statement to present at this time?

**Defense Attorney:** Thank you, Your Honor. We will show that although SpongeBob, after receiving the round pants, altered the pants. We will further show that it is Abercrombie & Fish's policy that once the pants are altered, they cannot be returned to the store.

Thank you.

**Judge:** Plaintiff may call his first witness.

**Plaintiff's Attorney:** I call SpongeBob to the stand.

**Bailiff:** SpongeBob, please approach the witness stand.

**Judge:** SpongeBob, please raise your right hand. Do you solemnly promise to tell the truth, the whole truth and nothing but the truth?

**SpongeBob:** I do.

**Plaintiff's Attorney:** What happened on the day of August 24, 2005?

**SpongeBob:** I went to the new Abercrombie & Fish store to buy a new pair of designer square pants.

**Plaintiff's Attorney:** Did you buy the pants?

**SpongeBob:** I paid for the pants at the store that day, but Abercrombie & Fish was fresh out of the pants. The promised me that they would deliver the pants to my pineapple when they arrived in the store.

**Plaintiff's Attorney:** Did you ever receive the pants?

**SpongeBob:** I received a pair of pants about one week later. I opened the package and saw that they had sent me round pants, not square pants.

**Plaintiff's Attorney:** Did you try to return the pants?

**Defense Attorney:** Objection. This question is leading.

**Judge:** Leading questions are not allowed when questioning a witness that the attorney has called to the stand. Leading questions are those types of questions that suggest an answer. I do not believe that this question actually suggests an answer. SpongeBob may state any answer he chooses. Overruled.

**SpongeBob:** Yes, but Abercrombie & Fish would not take the pants back. That is why I am suing them now.

**Plaintiff's Attorney:** That is all the questions I have for this witness.

**Judge:** Defense counsel may now cross-examine the witness.

**Defense Attorney:** SpongeBob, didn't you change the pants that were delivered to you by Abercrombie & Fish?

**SpongeBob:** I had to. I ordered square pants and they delivered round pants.

**Defense Attorney:** And didn't you know that Abercrombie & Fish would not accept any pants that had been changed?

**SpongeBob:** I did not know that.

**Defense Attorney:** Did you receive a receipt for your purchase?

**SpongeBob:** Yes.

**Defense Attorney:** Your Honor, I would like to show this copy of the receipt to the witness.

**Judge:** You may approach the witness.

**[Defense Attorney hands piece of paper to the witness and returns to podium]**

**Defense Attorney:** SpongeBob, do you recognize that receipt?

**SpongeBob:** Yes. It is the receipt I received from Abercrombie & Fish when I purchased the pants.

**Defense Attorney:** Your Honor, I'd like to offer this paper into evidence.

**Judge:** It is accepted. Please provide a copy to the jury.

**[Defense Attorney delivers a copy to jury foreperson]**

**Defense Attorney:** Can you please read out loud for the Court to hear the last paragraph on that receipt.

**[SpongeBob reads receipt]**

**Defense**

**Attorney:** Do you understand what that means?

**SpongeBob:** No.

**Defense**

**Attorney:** Would you agree that it means that because you have changed the pants, Abercrombie & Fish does not have to take them back?

**SpongeBob:** I'm not sure.

**Defense**

**Attorney:** That is all the questions I have for this witness.

**Judge:** Plaintiff's Attorney, do you have any more questions for this witness.

**Plaintiff's**

**Attorney:** Yes, Your Honor. SpongeBob, will you please describe the changes you made to the pants.

**SpongeBob:** I sewed two extra buttons on the waistband so that I could wear them.

**Plaintiff's**

**Attorney:** Did you make any other changes whatsoever to the pants?

**SpongeBob:** No.

**Plaintiff's**

**Attorney:** No further questions.

**Judge:** SpongeBob, you may step down from the witness stand. Plaintiff may call his next witness.

**Plaintiff's**

**Attorney:** Plaintiff calls Mr. Krabs to the stand.

**Bailiff:** Mr. Krabs, please approach the witness stand.

**Judge:** Mr. Krabs, please raise your right hand. Do you solemnly promise to tell the truth, the whole truth and nothing but the truth?

**Mr. Krabs:** I do.

**Plaintiff's Attorney:** Mr. Krabs, how well do you know SpongeBob.

**Mr. Krabs:** I know him very well. He works at my burger stand, Krabs Korner.

**Plaintiff's Attorney:** How would you characterize SpongeBob?

**Defense Attorney:** Objection, irrelevant and improper character evidence.

**Judge:** Character evidence is only relevant where the subject of the lawsuit deals with the character of the Plaintiff or Defendant or where Plaintiff has made an issue of his character. Although the character of SpongeBob has nothing to do with whether he will be allowed to return the pants, SpongeBob has decided to make his character an issue in this case. I will allow it.

**Mr. Krabs:** I believe SpongeBob to be a hard-working, honest and happy guy. I do not think that he would mean to hurt anyone, not even Abercrombie & Fish.

**Plaintiff's Attorney:** Thank you. I do not have any more questions for this witness.

**Judge:** Defense counsel, do you have any questions for this witness?

**Defendant's Attorney:** Yes, Your Honor. Mr. Krabs, do you think that it is possible to alter a pair of pants without meaning to hurt anyone?

**Mr. Krabs:** I suppose so.

**Defendant's Attorney:** Thank you. No more questions.

**Judge:** Plaintiff's counsel, do you have any more questions for this witness?

**Plaintiff's Attorney:** No, Your Honor.

**Judge:** Mr. Krabs, you may step down from the witness stand. Plaintiff, do you have any more witnesses?

**Plaintiff's Attorney:** No, Your Honor. At this time, Plaintiff rests its case.

**Judge:** Defense counsel, you may call your first witness.

**Defendant's Attorney:** Thank you, Your Honor. I now call a representative from Abercrombie & Fish to the stand.

**Bailiff:** [student's name], please approach the witness stand.

**Judge:** [student's name], please raise your right hand. Do you solemnly promise to tell the truth, the whole truth and nothing but the truth?

**Representative:** I do.

**Defendant's Attorney:** Can you please explain to the Court, Abercrombie & Fish's policy about returning pants.

**Representative:** Certainly. Abercrombie & Fish will not take back any piece of clothing that has been worn or changed from its original form.

**Defendant's Attorney:** Do you tell the customers of this policy?

**Representative:** It's printed on the receipts.

**Defendant's Attorney:** Have you met the Plaintiff before today?

**Representative:** Yes, he bought some pants from Abercrombie & Fish and then tried to return them.

**Defendant's Attorney:** Did you accept them back?

**Representative:** No.

**Defendant's Attorney:** Why not?

**Representative:** Because SpongeBob had made certain changes to the pants.

**Defendant's Attorney:** Would it be a violation of Abercrombie & Fish policy to accept the pants that SpongeBob wanted to return?

**Representative:** Yes.

**Defendant's Attorney:** Thank you. I have no more questions for this witness.

**Judge:** Plaintiff's counsel, you may now question the witness.

**Plaintiff's Attorney:** Thank you, Your Honor.  
[student's name], did you explain the policy to SpongeBob when he purchased the pants?

**Representative:** No, I did not.

**Plaintiff's Attorney:** Did you ever explain to SpongeBob what was meant by the phrase "changed from original form" as it is printed on the receipt?

**Representative:** No, I did not.

**Plaintiff's Attorney:** Do you think that making "minor alterations" is the same thing as keeping something in its "original form"?

**Representative:** I don't know.

**Plaintiff's Attorney:** Thank you. No further questions.

**Judge:** Defense counsel, do you have any more questions for this witness?

**Defendant's Attorney:** No, Your Honor.

**Judge:** [student's name], you may step down from the witness stand. Defense may call its next witness.

**Defendant's Attorney:** Thank you, Your Honor. I call Patrick to the stand.

**Bailiff:** Patrick, please approach the witness stand.

**Judge:** Patrick, please raise your right hand. Do you solemnly promise to tell the truth, the whole truth and nothing but the truth?

**Patrick:** I do.

**Defendant's Attorney:** Patrick, did you help SpongeBob alter the pants he received from Abercrombie & Fish?

**Plaintiff's Attorney:** Objection. Leading.

**Judge:** Since I do believe this question suggests an answer, I will sustain the objection. Please refrain the question.

**Defendant's Attorney:** Please tell us what happened on August 24, 2005.

**Patrick:** SpongeBob came over to my home asking what to do about the round pants he had received. I told him we could make a few minor alterations so that they'd fit him.

**Defendant's Attorney:** Did you make the alterations?

**Patrick:** Yes.

**Defendant's Attorney:** Thank you. I have no further questions.

**Judge:** Plaintiff's Attorney, do you have questions for this witness?

**Plaintiff's Attorney:** Yes, Your Honor. Patrick, were the alterations made to the pants very small?

**Patrick:** Oh yes – they were so small you could hardly tell anything had happened.

**Plaintiff's Attorney:** In fact, you could say that they were so small that the pants weren't really changed from their original form, couldn't you?

**Patrick:** I suppose so.

**Plaintiff's Attorney:** Thank you. No further questions.

**Judge:** Defense counsel do you have any other questions for this witness?

**Defendant's Attorney:** No, Your Honor. Defense rests its case at this time.

**Judge:** Very well. The Plaintiff and the Defendant have the option of making closing arguments at this time. Plaintiff may go first.

**Plaintiff's Attorney:** Ladies and gentlemen of the jury, we have shown you that SpongeBob purchased a pair of pants at Abercrombie & Fish and that Abercrombie & Fish promised to deliver to SpongeBob a pair of square pants. Abercrombie & Fish broke that promise when they delivered round pants and now Abercrombie & Fish say they will not accept return of the pants because SpongeBob made some minor alterations to the pants. Abercrombie & Fish never really made sure that SpongeBob knew that they would not take returns, though. Abercrombie & Fish never explained their policy to him. The receipt given to SpongeBob only states that returns are not accepted if the pants are changed from their original form. You have heard testimony that the alterations were so minor that it could not be considered to have changed the pant's original form. Abercrombie & Fish have treated SpongeBob unfairly and should be held responsible for its actions. Thank you.

**Defendant's Attorney:** Ladies and gentlemen of the jury, do not let your sympathy for SpongeBob sway your judgment. The truth is – SpongeBob knew that by altering the pants he would not be able to return them to Abercrombie & Fish. Abercrombie & Fish clearly prints that policy on all of its receipts, even the receipt given to SpongeBob. Despite that warning, SpongeBob altered the pants with the help of his friend and should now be prevented from returning the pants to Abercrombie & Fish. Thank you.

**Judge:** Ladies and gentlemen of the jury, you have now heard all of the evidence. You have heard the testimony of all the witnesses. I instruct you that if you find that the Plaintiff has proven his case – that is you believe the Plaintiff more than the Defendant – you must return a verdict in favor of Plaintiff. However, if you find that the Plaintiff has failed to prove his case, you must return a verdict in favor of the Defendant.

You may now begin your deliberations.

**[Jury deliberates]**

**Judge:** I understand that the jury has reached a verdict.

**[Foreperson stands]**

**Foreperson:** Yes we have Your Honor.

**Judge:** Will you please hand the verdict form to the Bailiff.

**[Bailiff takes verdict form from jury foreperson and hands it to the Judge. Judge reads verdict and returns it to the Bailiff. Bailiff hands the verdict form back to jury foreperson.]**

**Judge:** Will the jury foreperson please read the verdict.

**Foreperson:** In the case of SpongeBob SquarePants v. Abercrombie & Fish, we the jury find [insert verdict].

Abercrombie & Fish  
August 24, 2005

1 pair square pants	\$54.99
tax	\$3.85
delivery	<u>free</u>
Total	\$58.84

Abercrombie & Fish will only accept returns and exchanges of items purchased from Abercrombie & Fish that are returned to Abercrombie & Fish in their original form as sold. Thank you for shopping at Abercrombie & Fish. For questions, please call our customer service line.