

*American Bar Association
Law Student Division*

*2017–2018 National Client
Counseling Competition*
Preliminary Round
Profile #1

*Judges and Clients' Version—
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Information*

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**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #1**

MEMORANDUM

TO: ATTORNEYS
FROM: SECRETARY
RE: PROPHET/PROPHETESS

Prophet/Prophetess Gentry has scheduled an appointment to discuss with you an issue that s/he is having in his/her congregation.

**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #1**

**CONFIDENTIAL INFORMATION FOR CLIENTS AND JUDGES
(Not to be shown to Attorneys)**

You are Prophet/Prophetess Gentry of the Church of the Gathering of Followers, and you have come to see these lawyers because the father of a former follower has threatened to sue you for your work and intervention with his teenage son. (Your first name is Devon/Delores, if they ask).

You have been the leader and spiritual advisor of the Gathering for 7 years. You have a faithful congregation of followers who total about 1,200. You have spirited Sunday morning worship services and a healthy weekday ministry that includes programs for all types of people in their life journeys. You have Making of a Man ministries for young men and new husbands to show them how to be faithful partners; Couples Communion for married couples to help them live into their marital vows; Powerful Parenting programs to help parents raise thoughtful and obedient children; in addition, to many small group prayer circles and other targeted support groups. One program you started when you were called to pastor the Gathering is the Triumphant Teens program. This is group for 13–18 year olds to help them live their faithful calling as teens of witness in a sinful world. This program has been wildly successful in steering teenagers away from the challenges and evils of the world around them and helping them turn their hearts to a higher power. Every week, the Triumphant Teens meet together and about 60–80 teens turn out every week. In addition, you have break out groups to deal with special temptations that some of the teens might be facing. You have small groups for teaching abstinence until marriage, small groups that help teens denounce the use of drugs and alcohol, and special groups for teens that questions their sexuality or gender identification. With a lot of work and prayer and physical intervention, when needed, you successfully help teenagers navigate the sinful world that surrounds them.

One of the teenagers you worked with in your Triumphant Teens work over the last two years is Sebastian. Sebastian is currently 15 years old and began attending the Gathering with his mother, Naomi. Naomi has been a regular congregant and participant in your Parenting Without Partners group, a group that focuses on single, unwed, and divorced parents. The father of her child is not a member of the Gathering, and you have never met him. The Gathering, of course, does not promote unwed parenting or divorce, but it is never too late to turn from sinful desires, and your job is to help bring these families, broken as they may be, back into the fold. Naomi expressed concerns during the Parenting Without Partners group sessions that her son, Sebastian, having no

strong male role model, might be gay. Homosexuality is, of course, a sin and cannot be tolerated. Like with other young people for whom this concern exists, you have a multiple-step approach: you first build a rapport with the young person to determine the degree of his or her sinfulness, you work with the young person one-on-one to persuade him or her to turn from his or her sinful desires and, if that doesn't fix the problem, there is the next set of interventions. After your initial discussions with Sebastian, you determined that he, in fact, had homosexual tendencies, and was unwilling to deny them and return to the fold. Therefore, you and the Disciples of the Gathering began the next level of repentances.

One Sunday, in front of the Gathering of about 1,000 people, you called out Sebastian's name and commanded him to come down to the stage. Sebastian approached the stage with his mother, who was aware of the stages of intervention. When Sebastian was on stage, he was shown pictures of men engaged in homosexual interactions while the other congregants shouted negative responses: "Sinner," "Disgusting," "Abomination," "Repent," as well as derogatory anti-gay epithets. You never lay your hands on any of the young men you are healing but you form a tight circle around them while you chant your songs of salvation. In each instance, you continue your intervention until the young man being redeemed renounces his homosexual tendencies. If the person is unwilling to renounce, s/he is shunned from the light and are brought back for another session another later day. It continues until renunciation occurs and the images and verbal interactions grow more aggressive each time. You've never had a case in which this intervention didn't result in a renunciation although sometimes it takes more than one healing session. Sebastian was particularly oppositional and it took 4 sessions before he collapsed on the floor and renounced his feelings for other boys. In fact, in session 3, you actually brought up another young man who had befriended Sebastian and whom you had successfully healed and had him testify against Sebastian. Although it had included many tears and recriminations, this young man helped Sebastian see the evilness of his desires.

All of this occurred between November and January of last year. Having been successfully cured of his desires, Sebastian was fully embraced by the Gathering. Several months ago, you heard from one of your disciples that Sebastian had attempted to commit suicide (another sinful weakness) and was committed to a psychiatric hospital for treatment. Sebastian's father had sued for—and won—custody of Sebastian in part because of allegations that he made against the Gathering and Naomi's membership in the faith. According to Naomi, Sebastian's dad has threatened to go after the Gathering next.

You are sure that there is no basis to his threat but the Board of Disciples have asked you to seek advice as to what, if any, liability you, or the Church, may have as a result of your reparative therapy. You have anywhere from 6–8 young people who receive your therapy a year and no one else has ever sued you.* You are only doing the work to which you have been called. The Gathering has a multi-million dollar contribution base, and it is important that the contributions of your

* If asked, reveal that the Gathering did pay another young person you had counseled the sum of \$400,000 to avoid a lawsuit he threatened a couple of years after his intervention.

followers be protected from any allegations or lawsuits. Even the very threat of litigation is the work of the evil one, and you need to know whether these lawyers are prepared to do battle with the dark side.

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*American Bar Association
Law Student Division*

*2017–2018 National Client
Counseling Competition*
Preliminary Round
Profile #2

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**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #2**

MEMORANDUM

TO: ATTORNEYS
FROM: SECRETARY
RE: SAMUEL/SAMANTHA STEVENS

Mr./Ms. Stevens scheduled an appointment with you. S/he is concerned about some incident that occurred at a party several months ago.

**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #2**

**CONFIDENTIAL INFORMATION FOR CLIENTS AND JUDGES
(Not to be shown to Attorneys)**

Your name is Samantha/Samuel Stevens, Sam for short. You are 20 years old and a student at State University. You scheduled this appointment because you suffered and are still suffering the effects of a traumatic incident that occurred approximately four months ago.

You and a group of friends were invited to a party at the Gamma Delta Delta house. This “fraternity” isn’t really a fraternity. It is not recognized by the University and there is no national organization. Rather it is a group of young men, currently about nine, who maintain a house out in the country, and they mock actual Greek organizations. Laughingly, they claim that Gamma Delta Delta stands for “gosh darn disassociated” or “gosh darn disturbed.”

Their house is about 10 miles from campus, in a remote rural area, making it a popular place for parties. There are no neighbors to complain about noise and no city cops; the county sheriff’s office mostly leaves the GDDs alone.

You went to one of the GDD parties on a Saturday about four months ago. It was your first time, but you’d heard the parties were fun. You agreed to meet two of your friends at the party when you got off of work at 11:00 p.m. that night. Getting there was a little daunting because the house was on a remote road that was quite dark, but you found your way. Your friends were there and things initially got off to a good start. One of the frat brothers collected your car keys when you arrived, as apparently was their custom to prevent anyone from driving drunk and risking trouble from the University or anyone else. You and your friends made your way to the drink area, where there was a beer keg, Jell-O shots, and punch, and some other beverages. You had a couple of Jell-O shots before helping yourself to a cup of beer. There wasn’t any food other than chips and dip, but you weren’t hungry anyway. Plus the music was good, and lots of people were having fun.

You struck up a nice conversation with a guy/gal names Chris. The two of you hit it off, so you spent most of the evening with Chris. When your friends were ready to leave, maybe around 1:30 a.m., you decided to stay a bit longer to hang out with Chris. You had another beer and maybe another Jell-O shot or two—it’s all kind of fuzzy in your mind. Anyway, you decided to go when Chris said s/he was leaving with his/her friends.

When you went to retrieve your keys, the guy in charge of the keys would not return them to you. The frat brother in charge of keys claimed that you were too drunk to drive. He told you that you could catch a ride with someone else, call a ride-share company, or walk, but you weren't going to get the GDDs in trouble by killing yourself or someone else in an accident. By then, everyone you knew had left and your one credit card is maxed out, meaning you could not make any additional charges, so calling a cab or ride-share car was out of the question. You were reluctant to ride with a stranger, and none of your friends were responding to your telephone calls. Walking was out of the question—you got lost in the woods as a kid and hiking in the dark has freaked you out ever since. You told the GDD brother that you weren't going to risk your personal safety by walking or riding with strangers, and you demanded your keys. He staunchly refused.

You felt you had no other choice but to stay, although staying in the house with strangers was unnerving. Your parents regularly remind you about the hazing incidents, sexual assaults, and other potential harm that has happened at Greek organizations. It was one thing to be there with friends, quite another to be there alone.

You ended up falling asleep on the sofa in the game room. You thought you felt someone touch you, and you immediately froze. You don't recall anything happening to you, but some of your clothes were on the floor when you awoke. Your shoes were off as were your pants, but otherwise, you're not aware that anything happened to you. About 6:00 a.m. on Sunday, you awoke with a hangover. You found the box with your car keys unguarded. You grabbed your keys and made your way back to your own apartment.

Since that time, you've had terrible nightmares about being trapped or lost in the dark. You're pretty sure that nothing happened, but you can't be sure. Plus, how dare they keep you from leaving when you were ready to go. You didn't feel intoxicated when you asked for your keys, but you did feel trapped. Being stuck in the country brought back all of the fears you had from your traumatic experience as a child, and it continues to haunt you. You've seen one of the campus counselors, but she made a referral to a therapist who can work more intensely with you. You can't afford to pay for private therapy—the deductible on your health insurance is high, and so you simply can't afford it. You can barely afford this initial consultation with these attorneys. Surely, the GDDs should be held responsible for what they did to you.

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*2017–2018 National Client
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Preliminary Round
Profile #3

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**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #3**

MEMORANDUM

TO: ATTORNEYS
FROM: SECRETARY
RE: ADDISON SULLIVAN

Addison Sullivan has made an appointment to see you. Sullivan was recently fired from his/her job, and s/he is wondering if she can fight his/her termination. Sullivan knows s/he is responsible for what happened, but s/he doesn't think it is her/his fault.

**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Preliminary Round
Profile #3**

**CONFIDENTIAL INFORMATION FOR CLIENTS AND JUDGES
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You are Addison Sullivan. You worked for a custodial service (We Kleen It) that sends workers to businesses to clean offices. You had worked for this company for ten years when the owners unexpectedly shut down the business. You took that opportunity to go into business for yourself. One of your jobs with the custodial service had been cleaning the offices of a large law firm in the downtown area. They had been pleased with your work, so you contacted the managing partner, Rebecca Russell, and offered to continue cleaning the offices by yourself. She agreed and you signed a contract to clean the offices for six months. Ms. Russell said she would evaluate your work at that time and maybe you can then continue permanently. Things were going great until recently.

You and your spouse have a ten-year-old daughter, Wendy. Last month, your spouse was out of town on business, and you could not find anyone to stay with Wendy while you went to work. Since you are self-employed now, there was no one to contact to take your place. You really did not have any options other than to take Wendy with you to work. You called Ms. Russell who said you could bring Wendy with you. You got to the office building about 8:00 p.m., and put Wendy on some blankets in one of the corner offices. The office was on the thirteenth floor and had two walls of floor-to-ceiling windows for Wendy to look out at the city. She seemed content staying there and playing games on her tablet. You also knew that this was the office that would take you the longest to clean because it has a large collection of autographed sports items. You did not know what all of it was, but there were football helmets and baseballs on several shelves, and you spent more time trying to dust around these items than you spent in any other office.

A couple hours after you arrived, your spouse called you frantic about the big storm that was moving into your area. You had not been paying attention to the weather, although you knew it had been raining. You turned on the weather app on your phone and heard the meteorologist say a severe thunderstorm was quickly approaching the city, and to expect large hail and high winds. They warned everyone to stay indoors and away from the windows.

You are very afraid of storms. You lived in Oklahoma when you were a very small child, and one of your earliest memories is seeing a tornado tear through the playground across the street from your house, as you and your family were getting into a storm shelter.

You immediately ran to the corner office to check on Wendy. You were afraid that the hail and wind would break the windows and Wendy would be injured or killed. You were in a panic. Wendy was also crying, sensing your panic. The storm blanketed the office building quickly. The wind was howling so loudly you thought it might take down the building. The hail was beating against the windows like bullets. You knew the storm was going to break the windows at any moment. You told Wendy to grab the blankets and move into the hall. You knew this would not give her much cover, but it was better than staying in the office with so many windows. As you were escorting her into the hall, you grabbed one of the football helmets from the shelf and told Wendy to put it on. The two of you huddled together in the hall for almost an hour until the storm passed. Luckily, none of the windows had broken in any of the offices. You put the football helmet back on the shelf and quickly finished cleaning. You and Wendy were both very shaken up over the ordeal.

A few days later, Russell contacted you and asked you if you had damaged one of the autographed football helmets. You told her about the storm. She said there was a scratch on one of the helmets that covered one of the autographs, and that there was no way to restore it without ruining it. She told you whose signature it was, but you do not remember. Maybe somebody named Montana? Apparently, there were signatures of an entire football team on the helmet, and the scratch was across the star player. She did tell you the helmet was worth \$10,000. You could not believe it! Most of the helmets on the shelves were in acrylic cases. This one was just sitting out on the edge of the shelf, which is why you grabbed it. You asked her why it was not in a storage case, and she said the attorney had just purchased it and had not had time to put it in a case.

You do remember that Wendy was so upset by the storm that she tripped and fell going to the hallway, banging her head. You guess she scratched the helmet at that time. You told Ms. Russell the story and that you were very sorry. She fired you and said that you were going to have to pay for the helmet. You do not have any liability insurance to cover the cost of the helmet.

You have contacted these attorneys hoping they can help you.

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Semifinal Round Profile

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**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Semifinal Round Profile**

MEMORANDUM

To: Attorneys

From: Secretary

Re: Alan/Allison Williams

Dr. Williams scheduled an appointment to discuss with you an issue that s/he is having on his/her job. Apparently, s/he works as a researcher of some sort.

**American Bar Association
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Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Semifinal Round Profile**

**CONFIDENTIAL INFORMATION FOR CLIENTS AND JUDGES
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Your name is Alan/Allison Williams. You scheduled this appointment to talk to the attorneys about how your life has fallen apart in the past four months. You've lost your job and so far have not even started looking for new employment because of all of the things that have happened to you in the past few months.

You have Ph.D. (doctorate) in biochemistry from State University. You could not believe your luck when you were selected as a post-doctoral fellow to work with Dr. Chris Gradel, one of the leading biochemists in the world. In case these attorneys are unfamiliar with what a post-doc fellow is, it is an individual who has completed his doctorate (so that it would be appropriate for them to refer to you as Dr. Williams), but has agreed to spend two or three years working with an established researcher, assisting that researcher with his or her projects while enjoying mentoring from that established researcher. In addition to gaining mentoring, working as a post-doc fellow allows an individual to develop ideas for one's own research projects and hopefully develop relationships in the field to facilitate joint projects with others and to obtain funding for those projects.

You saw your post-doc fellowship with Dr. Gradel as quite the *coup*. S/he is doing cutting-edge research on cancer drugs. His/her lab is at Bluffington University, where s/he is on the faculty. S/he and her team of researchers have made many important discoveries and Dr. Gradel has published many important papers. The word on the street is that Dr. Gradel is exceptionally difficult to work with but if you can survive your post-doc with him/her, your career will be on solid ground for the future. You could never get a handle on why so many people from whom you sought advice characterized Dr. Gradel as "difficult," but you always considered yourself up to any challenge and thought you would be able to handle this one.

You started with Dr. Gradel in July more than two years ago. Your fellowship started with little fanfare or problem. Dr. Gradel was extremely demanding and persnickety, but you enjoyed the work, even when Dr. Gradel sometimes exploded at you or the others on his/her team for seemingly small things. Dr. Gradel was working on a drug-like molecule that seemed to interfere with an inflammatory response that is at the heart of a variety of diseases, including some cancers. The research seemed promising in that it could spur cell death in certain cancers. Dr. Gradel had been working on this research for several years before you arrived, but had run into a wall with one aspect of the research. You were surprised and delighted when about a year into your

fellowship, you suggested a minor change to one of the protocols that seemed to solve the problem that Dr. Gradel had been having.

Your solution, along with your diligence and general creativity, apparently attracted the attention of Dr. Gradel. Although of the four post-docs working with Dr. Gradel, three had been with him/her longer than you, s/he asked you to accompany him/her to a conference in Geneva, Switzerland, to present a paper on the progress s/he had been making with this research. You jumped at the opportunity, and that's when the problems started. Of course, you and Dr. Gradel had separate hotel rooms. S/he invited you to have dinner with him/her the first night you were there. Thereafter, Dr. Gradel included you in lunches and dinners with other researchers in the area, giving you the networking opportunities that you hoped you would have by signing on with Dr. Gradel. You found that in these settings, Dr. Gradel was funny and charming. Indeed, you enjoyed these social interactions, and even found yourself gently ribbing Dr. Gradel in a playful way, but you were always professional.

The trip, however, took a decided turn when Dr. Gradel invited you to his/her room, ostensibly to go over his/her presentation the next day. Initially, there was nothing out of the ordinary, but as the evening wore on, Dr. Gradel ordered a bottle of wine and two glasses. Two glasses later, Dr. Gradel made a pass at you. When you reminded Dr. Gradel that s/he was married and that you, yourself, are engaged, that seemed to do nothing to chill Dr. Gradel's advances. Rather, s/he became more insistent. The evening ended with Dr. Gradel groping you and trying to convince you to go to bed with him/her. You untangled yourself and beat a hasty retreat to your room. You were quite upset—this is not how it's supposed to work. You phoned your best friend to relate all that had happened. The next day, Dr. Gradel acted as though nothing had happened. You made it a point to never be alone with Dr. Gradel after that. You returned to the United States without further incident.

However, when you returned to the United States, your life became a living hell. You seemed incapable of doing anything right for Dr. Gradel. You were blamed for anything that didn't go as planned, whether it was a lunch order that was delivered late or a mistake in the data. All of this was *before* you reported the Geneva incident on the sexual harassment hotline for Bluffington University. Bluffington did open an investigation, but it seemed that the investigation consisted of little more than asking Dr. Gradel what happened, and Dr. Gradel denying that anything had happened (surprise, surprise). When you insisted that the University do something or else you would take it to the press, Lela Adams, the nice "investigator" in the University's Title IX office, told you that there was no proof that anything had happened that you hadn't invited. She suggested that you had made the come-on to Dr. Gradel and insinuated that you were as much at fault if not more. She suggested that you proceed carefully lest you be accused of defaming Dr. Gradel.

It was bad enough that the University seemed indifferent to what had happened, but then Dr. George Swenson, the dean of Bluffington's College of Life Sciences, paid a visit to your little cubbyhole of an office—something he had never seen fit to do before. In fact, you doubt that Dr. Swenson even knew your name before this mess. He suggested that you let the whole affair drop. He reminded you that Dr. Gradel is a world-renowned scientist and this his/her work might result

in the Nobel Prize for medicine, which would benefit the University significantly, and no one would believe your story. Dean Swenson offered to give you a good letter of recommendation and to use his contacts to help you find another position if you would quietly resign your post-doc fellowship. You were insulted at the suggestion. Dr. Gradel is the one who is in the wrong, and the University needs to stop selling its soul to protect Dr. Gradel.

Things got progressively worse for you, with Dr. Gradel railing against everything you did and various other post-docs—some who worked for Dr. Gradel and some who worked for other researchers—refusing to have anything to do with you socially or professionally. You were professionally isolated, which turned your dream fellowship into a nightmare. You heard from Charles Omalu, one of the few post-docs who will still talk to you, that Dr. Gradel was trashing you as a scientist and that s/he rumored that you'll be lucky if you can land a job teaching middle school science.

The isolation and the criticism finally got to you. You were not fired, but you did quit. Now you want to do something about what has happened to you. You are depressed and you can't sleep. How did it all go so terribly wrong?

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*American Bar Association
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*2017–2018 National Client
Counseling Competition
Final Round Profile*

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**American Bar Association
Law Student Division
Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Final Round Profile**

MEMORANDUM

TO: ATTORNEYS
FROM: SECRETARY
RE: DELTA GERRISH

Delta Gerrish has made an appointment to see you. Ms. Gerrish is afraid she may be in trouble for some actions she took against her former boyfriend.

**American Bar Association
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Client Counseling Competition
Intentional Torts
2017–2018 National Competition
Final Round Profile**

**CONFIDENTIAL INFORMATION FOR CLIENTS AND JUDGES
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THIS SHOULD BE PLAYED BY A FEMALE

YOU SHOULD BE VERY UPSET DURING THIS INTERVIEW. CRY IF YOU CAN.

You are Delta Gerrish. You are afraid you and your sister may have gone too far in getting revenge on your former boyfriend. Your ex, Josh Sanders, is an assistant prosecutor. He is some sort of supervisor and well respected in the legal community. You work in the mailroom at the courthouse. The two of you dated for six months until you broke it off three weeks ago. At first, Josh seemed like a dream come true; he was a true gentleman. Against the advice of your mother and sister, Jennifer, you moved into Josh's apartment after the first week. You had been alone for a long time, and it felt good to have someone to come home to in the evenings. You told everyone that you were in love. It was all quite wonderful for the first month.

The next five months were the worst five months of your life. Josh was controlling and manipulative, and then became violent. There were many times he would berate you over the smallest thing like not being ready on time or failing to make the bed, or borrowing his car and not filling the gas tank before you returned it. During those arguments, he called you every foul name he could think of. After a month of increasing anger, he started pushing you when he became angry. At first, there were just slight shoves, but after a few weeks, the pushing started to hurt as he pushed you into furniture and walls. You complained one time that he had pushed too hard, and he responded by punching you in the small of your back. It left a bruise the size of his fist. Often he would grab your forearm and squeeze it until you screamed. Another time he hit you across your thigh with a baseball bat because you walked in his apartment and were upset with him when you found him watching porn on his computer. After that day, he watched porn right in front of you almost every day and dared you to say anything about it. The last month he repeatedly forced you to have sex with him when you told him you did not want to.

You never reported any of these attacks to the police. You threatened to call 911 the first time he pushed you, but he told you he had so many friends in law enforcement that no one would ever believe you. He said he would make your life miserable if you ever reported him. You believed him. You were too embarrassed to tell your friends or your mother. The only person you told was Jennifer. Jennifer kept telling you to leave Josh, but you really thought he would change. The marks he left were always in areas covered by your clothing so no one ever suspected what

was happening. You do not know why you stayed so long. He just kept apologizing after every time he hurt you, and it felt good not to be alone. You also did not want to admit you were such a bad judge of character. Every time something happened, you believed him when he said he would never do anything like that again. Finally, about three weeks ago you realized he would never change, and you packed your things and left. Jennifer let you stay with her until you decided what to do.

Josh called your cell phone repeatedly looking for you after you left. He left threatening messages telling you he was going to get you fired. You were scared and mad, and that is when Jennifer talked you into getting even. You and Jennifer made fifty copies of a flyer and taped them to apartment doors in Josh's building. You also left a few in offices and restaurants in and around the courthouse. On the flyers, you put a picture of Josh and the words, "Be Aware—You Have a Sexual Offender Nearby." You knew this was probably a bad idea, but Jennifer insisted you needed to let Josh know he couldn't push you around.

Josh caught you after work a couple days ago and told you he had been suspended from his job pending an investigation. He said he had been given a notice that his landlord was not renewing his lease. He told you he was going to sue you for ruining his life. You hope these attorneys can help you with the mess you have made. You just want this whole ordeal behind you. You do not have any proof of his violent behavior other than the threatening messages he left on your phone; you did not take pictures of your bruises. You do not think anyone will believe you because you did not report the attacks when they happened. Because of that, you do not want to press criminal charges against him. Can he sue you or Jennifer over a few flyers?

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