

Video Violence on Trial

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Do video games inspire real-life violence in their users? Should game manufacturers be held responsible when a violent incident occurs? A JMU business law class attempted to answer these questions when they staged a mock trial in November based on a real incident in Paducah, Ken.

In December 1997, 14-year old Michael Carneal opened fire on students at his school, after they finished morning prayer. He killed three girls and injured numerous others. In 1999, the parents of the three girls filed a lawsuit against several manufacturers whose video games Carneal allegedly played.

According to business law professor Scott Whittier, Carneal said he found his inspiration in the movie *The Basketball Diaries*. He was also a fan of video games like *Doom*, *Quake* and *Mortal Combat*, where screen characters suffer violent deaths.

Influenced by news of the Columbine High School shootings, Whittier decided to choose a case where the "video game" theory was applied. "It took a lot of work to devise all the hypothetical facts, all the 'stories' of the witnesses, and the underlying documents from the defendant businesses," says Whittier.

The hypothetical case, *Barnes vs. Rewind Video*, was based on the actual Paducah case. Whittier's sister-in-law, a social worker, created a fake psychological report of the shooter, while a doctor at her hospital created false emergency medical reports on the victims. These documents were available for the mock trial juries.

"The exciting part of the trials is that JMU students took the lead on an issue with real world implications," says Whittier, who asked the Paducah attorneys to send his students suggestions on the case. After the trial, Whittier sent the attorneys the results of juror surveys and the verdicts. Four of the 17 juries awarded the plaintiffs "substantial damages." The attorneys were pleased to hear the results of the mock trials, but the students received the real benefits.

"I can teach what law is with a book," Whittier says, "But, it's a different experience when the students are responsible for a case from start to finish."

Senior music industry major Mike Shaw played the role of a prosecuting attorney and actually used his sister, who dressed the part, as a witness. Adrienne Shaw played the role of a military expert knowledgeable on video games used to train soldiers.

"The students really enjoyed the exercise," says Whittier. "Most really enjoyed participating rather than having a final exam. ... Some students even decided that they wanted to be lawyers, while others realized that they would rather sweep up behind circus elephants rather than practice law."

While the real-life Paducah case has yet to be tried, Whittier hopes to continue staging mock trials on different cases for future classes.

by Anna C. Lucas ('00)

