**Trial Advocacy #297 | Mavrova Heinrich | Baker Courtroom**

**Class Meetings**

**Mondays:** 3:10 p.m. – 4:05 p.m., in Baker Courtroom.  
**Wednesdays:** 3:10 p.m. – 5:00 p.m., in Baker Courtroom.

**Required Texts**


**Class 1 – August 21**

**READINGS:** TAB: Chapter 2: Getting Ready for Trial (pp. 15 – 25 only); Chapter 5: Opening Statements.

**TOPICS:** Course Syllabus; Theories & Themes; Opening Statements.

**Class 2 – August 23**

**READINGS:** PTA: Problem 11, *Myers v. Nita Day School* (disregard the procedural information at the bottom of p. 135).

**TOPICS:** Opening Statements.

**Assignment:**  
**Group A (Last Name A – G):** Deliver the opening statement for plaintiffs, John Myers’ parents.  
**Group B (Last Name H – Z):** Deliver the opening statement for defendant, Nita Day School.

In addition to the information in the problem, the following also applies:

Under Nita law, a school commits the tort of negligent supervision if the school fails to use ordinary care to protect its students from injury under circumstances where such conduct would reasonably have been foreseen and could have been prevented by the use of ordinary care.

To prove the tort of negligent supervision, a plaintiff must prove: (1) the school had a legal duty to use ordinary care to protect the plaintiff from reasonably foreseeable harm; (2) the school breached that duty; (3) the breach was the proximate cause of the resulting injury; and (4) plaintiff

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1 You may use an older edition of the *Problems in Trial Advocacy* text. The 2011, 2013, and 2015 editions are all acceptable substitutes.
suffered actual damages to his person or property. It is well established in Nita’s jurisdiction that a school has a legal duty to protect its students from reasonably foreseeable harm.

The trial court denied Nita Day School’s motion to dismiss on sovereign immunity grounds, and the case will proceed to trial as scheduled.