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Sept. 11 Litigation Goes to Mock Trial

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Sept. 11 Litigation Goes to Mock Trial

BLOOMINGTON, Ill. — On April 15, in the Bloomington courtroom of Circuit Judge Elizabeth Robb, members of a business law class at Illinois Wesleyan will stage a jury trial to determine whether or not families of the Sept. 11 victims should be compensated for their loss based on the alleged negligence of two airlines, an airline manufacturer, and the World Trade Center's landlord.

Illinois Wesleyan professor Robert Kearney's class, "Legal Strategy in Business," has spent the semester preparing the case, which will culminate in the day-long trial before Judge Robb and a jury composed of Illinois Wesleyan students.

"From everything that I have been able to determine, this class may be one of a kind," said Kearney. "As opposed to classes, either at the undergraduate level or in law school, in which a trial is staged for a case that has already been adjudicated, these students are proceeding without knowing how the actual case will evolve."

Last September a federal judge ruled that families of the Sept. 11 victims can sue American Airlines, United Airlines, Boeing, Inc., and the Port Authority of New York and New Jersey, landlord of the World Trade Center. Once that ruling was made, Kearney knew that the case would make an ideal project for his students.

"While the facts may be complex and the subject emotional, at bottom the case is quite simple and straightforward," said Kearney. "The students can get their arms around the issues, and the event itself has really captivated them."

The 23 students have been divided into four teams representing the plaintiff group which is suing the three defendants (American and United are combined as a single defendant). Throughout the semester, the students have conducted research, taken depositions, and even filed motions with Judge Robb.

Most, but not all, of the class members are business majors, and Kearney thinks the experience is invaluable whether the students intend to pursue a legal career or not. "The overarching goal has been to demystify the legal process," he said. "Whatever the students do, they will face a lifetime of being surrounded by the legal environment. This is their only chance to experience the fullness of a lawyer's job, and it will make them better decision-makers in their careers."

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A second goal, Kearney says, is to prepare the students for a business world where preventing litigation is the future. Litigation is often the product of a series of business decisions, he said, and these students will eventually be faced with such decisions.

The plaintiffs' suit makes the following claims of negligence:

- That American Airlines and United Airlines were negligent in failing to screen passengers adequately, thereby allowing the armed terrorists to board the four flights.
- That the Port Authority of New York and New Jersey did not design the World Trade Center towers safely and did not have proper evacuation plans.
- That Boeing failed to design cockpit doors that would prevent terrorists from breaking in.

Kearney will not predict what the jury will decide. "They've all worked hard on this project," Kearney said. "But I will be as interested as anybody in how the jury rules."

SPECIAL MEDIA NOTE: The Sept. 11 trial will begin in Judge Robb's courtroom in the McLean County Law and Justice Center at 1 p.m. on Wednesday, April 15.