

The Wrongful Death of Ned Washington

Ned Washington, an elderly black man of indeterminate age, was having a few beers in a tavern in a small town in a southern state. Several white patrons became annoyed at Ned's repeated playing of the same tune on the juke box and complained to the bartender who told Ned to leave. When Ned ignored him, the bartender physically ejected Ned from the premises, accidentally throwing him up against a passing police officer who was knocked over by the force of Ned's body. Enraged, the officer beat Ned about the head and shoulders with his baton, causing severe contusions, concussion and unconsciousness. After several days in the hospital, Ned died of his injuries. The police officer and the bartender were separately tried and acquitted of state criminal charges. The U.S. Department of Justice brought charges against both men for violation of Ned's civil rights; again, both were acquitted. Ned's widow then sued both men in civil court for wrongful death, and you have been referred the case for mediation.

[Note: because of two parties without identical interests on the defense side, we may need to assign at least one other member of the class to the group. If so, we will use one or both of the graduate students]