

BUMBLE v. OLLIVANDER'S Civil Products Liability Suit

INTRODUCTION

This year the trial is based on the Harry Potter novels and films. The 5th book in the series is due out in a month or so, and the second film was just released on DVD, so this should be fresh in the minds of the kids coming to the court. It would be useful for all involved to watch the first film if possible, and the kids will be sure to appreciate it if you could work in references to things in the film while the trial is going on. There is a scene that takes place in Ollivander's Wand Shop in the first half hour of the film so at least try to watch that. (They are charming books and films by the way so it's not like we're asking you to watch Pokemon.)

This is a products liability case, but we don't want to confuse the kids with comparative negligence or anything complicated (such as the jurisdictional problem of why this case isn't being tried in England where the incident occurred). Just go along with the flow here...

HARRY POTTER BACKGROUND

In the world of the Harry Potter novels and films, wizards and witches exist in the same world as we do, but they keep their identity secret. (Given the way witches have been treated in history, this makes a lot of sense.) Women are called witches and men are called wizards but there is no sex discrimination in the magical fantasy world of Harry Potter.

You are either born with magical in you or you aren't. Those who are born with the skill are usually sought out by wizarding schools that can teach them the magical skills they need, sort of like how sports scholarships work. Those of us who don't have any magical skills are called "muggles."

All wizards and witches need to have a good wand in order to cast their spells. It doesn't matter how good of a wizard you are if you have a crappy wand. Each wand is individually made and may contain magical components such as gryphon feathers or dragon scales. A generally held belief in the wizarding community is that you don't technically choose the wand, but the wand chooses you. How that happens is that you go to a store that sells wands and you try them all out until you know that this is the wand for you, just like those new stupid Saturn commercials.

The most famous wand merchant in the world is called Ollivander's. It is located in a secret magical location called Diagon Alley which is located in London but is hidden away from muggles.

PARTS TO CAST

Two attorneys

Cornelia / Cornelius Bumble, a witch/wizard

Nathaniel / Natalie Pertwee, clerk in Ollivander's Wands

Gregory / Gregora Greymalkin, wand expert for the plaintiff

Robin Nightshade, wand expert for the defendant

None of these are characters in the Harry Potter books.

Each part is printed on a separate page so you can give them to your "actors" (and we use that word in the most endearing and patronizing way).

NOTE: Please adjust the gender of the descriptions accordingly based on who will play the part.

PROPS

Donkey ears

Robes

Wizard Hats

Witches Hats

Collapsing wand

All of these will be provided and will be available in the Public Defender's Office in the basement of the courthouse.

The plaintiff needs to be wearing the donkey ears. Unless your "actors" are bringing their own costumes, there will be robes for everyone to wear. Witches and wizard hats should also be worn.

CORNELIA / CORNELIUS BUMBLE

Cornelia Bumble is a graduate of Hogwart's School of Witchcraft and Wizardry located in England. She now works in a book store, selling magic books in Diagon Alley.

She needed a new wand because the other wand was lost. She went to the best place to get a wand, which is Ollivander's.

There she met Nathaniel Pertwee. Nathaniel showed her a number of wands that she tried out and she eventually chose one.

A few days later, she tried a simple spell to levitate a book to the top shelf and the wand backfired and she grew donkey ears (which of course she still has, hopefully to the delight of the kids in the jury). She decided to sue Ollivander's for selling her a defective wand.

Under cross examination, she will admit that technically she didn't "lose" her old wand but that it had disappeared after she tried a spell to make her garbage disappear and instead the wand did. She will also admit that she was not the best student at school and had been required to repeat a number of classes.

NATHANIEL / NATALIE PERTWEE

Nathaniel works at Ollivander's selling wands. He has been there many years and knows wands very well. It's a job that takes much training, because the store has thousands of wands and a good salesperson can look at a wizard or witch and "feel" which kind of wand would be best. Usually it only takes trying a dozen or so to find the one perfect wand.

Cornelia came into the store looking to buy a wand and Nathaniel went through the shelves, giving her wands to try. The first three she tried caused bottles in the shop to break and made the cat lose all its hair (add whatever funny things you can think of here). The fourth wand seemed perfect for her, but it was way too expensive so she tried four or five more until she chose one that wasn't that bad and didn't cause any bad side effects.

Under cross examination, he will admit that the wand he sold her was not of the highest quality and was in fact one of the cheapest wands and had been sitting around for years because no one wanted to buy it before. He will deny however that it was defective because Ollivander never sells anything defective.

GREGORY / GREGORA GREYMALKIN (PLAINTIFF'S EXPERT)

Gregory is an expert on wands and teaches at Hogwart's School of Witchcraft and Wizardry (which is where Harry Potter goes to school). See the attached cv.

Gregory will testify that technically, any wand can be used by any wizard but of course the best wands are the most expensive and not everyone can afford one.

It is his expert opinion that the wand sold to Cornelia was defective and poorly made because the type of spell she was casting was so simple that no one ever messes it up. In fact, it's the first spell they teach new students in their very first lesson. The only way the spell could backfire is if the wand was defective.

Gregory should then be given the wand to examine and should demonstrate by trying to cast that spell which will backfire. (We have a trick wand from a magic shop that will collapse and "go limp" when you push a secret button. It should be funny for the kids, and everyone should refrain from making Viagra jokes afterwards.)

Under cross examination, he should admit that he once tried to start a competing wand shop but was put out of business by Ollivander's.

ROBIN NIGHTSHADE (DEFENDANT'S EXPERT)

Robin will state that unless a wand is literally broken (such as being snapped in two and taped back together), it will work as it is supposed to. "You can't blame the wand for the wizard." (It should be noted that one of the characters in the second novel had this same situation – a snapped wand that was taped back together – which backfired on him.)

It is her expert opinion that in the absence of a snapped wand, the only way for a wand to "backfire" is if the wizard casts the spell wrong. Even the simplest spell can backfire. After all, you have to learn how to do every single spell. It's not as if starting students can make something levitate on their very first day. Yes, it may be the easiest spell but that doesn't mean it can be done perfectly every single time. Obviously, the plaintiff's problems are of her own causing.

Under cross examination she will refuse to attempt to use the wand herself, because "that will prove nothing and will make a mockery of this trial" or something. (Besides, we can't make anything levitate.) She will also admit that yes, it is possible that sometimes a wand can break on the inside and it won't be obvious to someone using it.

ROBIN NIGHTSHADE
13 13 MOCKINGBIRD HEIGHTS
SALEM, MA

OCCUPATION:

CONSULTANT. 1999 to present
Free lance consultation to businesses and private individuals on all matters magical, including wand making, wand repair, wand reconditioning, divination, arithromancy, and transfiguration.

PRIOR EXPERIENCE:

GENERAL MANAGER, THE BROCKEN INN, Blocksburg, Germany. 1995-1999.

Day to day management of one of the most famous meeting places of witches in Europe. Supervised staff, oversaw all aspects of hotel and restaurant services. Resolution of all magical mishaps in or around the grounds.

MANDRAKE FARMER, Devil's Hole Rd. Mt. Pocono Pennsylvania. 1993-1995

Managed nation's largest mandrake farm in production and processing all varieties of mandrake for commercial, industrial and residential uses.

TOWNE SCRIER, Lake Placid, NY. 1991-1993
Crystal gazing, and other divination.

EDUCATION:

DURMSTRANG ACADEMY, certificate of diploma of witchcraft and wizardry 1987.

EAST STROUDSBURG UNIVERSITY, Bachelors of Arts Hotel and Restaurant Management. 1991

PUBLICATIONS:

"Which Would You Choose? A beginners guide to wands and their uses." Witch's Home Journal, March 2002.

"Ear muffs or plugs? A beginners guide to handling mandrake." Better Homes and Covens, May 2001.

"Seeing Past the end of your warty nose. A beginners guide to divination." Young and Modern Witches, June 1999.

"Maple, not just for syrup. A wand buying guide" Glamorous Witch August 1998

GREGORY / GREGORA GREYMALKIN
DUNCAN DRIVE
EDINBURG, SCOTLAND

OCCUPATION

DEFENSE AGAINST DARK ARTS INSTRUCTOR, HOGWARTS SCHOOL OF WITCHCRAFT AND WIZARDRY. September 2003-

Instructing young witches and wizards of varying levels of experience in the important science of fending off and defeating a variety of evil forces.

PRIOR EXPERIENCE

DIRECTOR of Wand Weights and Measures, Ministry of Magic, 1993-2003
Authored and administered the revised Magic Wand Guidelines.
Supervised a staff of 113 in the regulation and use of magic wands.

AUROR, Ministry of Magic, 1985-1993
Detection and apprehension of dark wizards.

EDUCATION

HOGWARTS SCHOOL OF WITCHCRAFT AND WIZARDRY, 1974-1981
Head boy 1980-1981, Quidditch Captain Gryffindor Team 1979-1981

MIT (Magical Institute of Technology), Bachelor of Science in Magical Implements, with a minor in Dark Magic 1985

MATTHEW HOPKINS COLLEGE, Masters Degree in Dark Witch Finding 1987

PUBLICATIONS

“Guidelines for the weight and measure of Wands” Ministry of Magic Publications, 2002

“A comprehensive study of the magical-chemical interaction of unicorn hair with certain hard woods” New England Journal of Magic June 2000.

“Most Wanted: Profiles of the ten deadliest ‘Death Eaters’” Crowley Press, 1998