



## *Case Study: William and Michelle*

You are a private practice attorney that focuses on criminal and civil lawsuits. A couple requests that you represent them in a civil lawsuit involving their son against his prior high school teacher. Here is what you know:

William is a straight 'A', 16-year-old, high school football player. He earned an academic and football scholarship to a local university. In November of his senior year, it was discovered that he was having a sexual relationship with his 23-year-old high school English teacher, Michelle. The age of consent in the state is 16 years old and the state does not have a specific criminal statute pertaining to teacher/student relationships. Due to William being at the age of consent, the District Attorney did not prosecute the case. Michelle was fired from her teaching position and the state revoked her teaching license for violating school district policies.

Two weeks after their relationship was discovered, William dropped out of school, lost his scholarships, and moved in with Michelle. His parents feel that the teacher should be held responsible and decide to file a civil case for negligent infliction of severe and emotional distress. After the filing, the parents were willing to drop the lawsuit if Michelle agreed to never see William again. Michelle refused the deal and explained that they are in love. Michelle tells them that she will home school William to get him back on track with his life. William said he was not that interested in football and is pursuing art. Their legal, consensual relationship continues.

To prove negligent infliction of severe and emotional distress, you must be able to show that Michelle breached her duties as a teacher and that she was "praying" on him with outrageous conduct that results in harm. If this is proven, then the "consenting adults" argument falls apart. Teachers have power over students. According to William's parents, ever since Michelle came into William's life, he has isolated himself from them and, now, dropped out of school. While preparing for court, it's discovered that Michelle has a history of dating men that fall "head over heels" for her and would do anything for her. She seeks out men that she knows will fall truly, madly, and deeply in love with her. Michelle admits that she and William were attracted to each other when they first met but waited until after he turned 16 years old to express that love and have physical contact.

You find a neurologist who agrees to testify in the case as an expert witness in adolescent neurology. He states that, neurologically, teenagers' prefrontal cortex continues to develop until approximately 25 years of age. Then, with males, add a surge of testosterone during those years and William could have easily been influenced by sexual feelings. He concludes that William is not yet able to make adult decisions.

Next, you identify a psychologist who agrees to testify in this case as an expert witness on Michelle's behavior. Psychologically, she refers to Michelle's condition as "regression". She explains Michelle feels safer with someone lower than her on the social scale. A phenomenon called "relating down" or "dating down". People engage in relationships with people younger than them and/or people they have power over. It makes them feel superior and adored. The problem with Michelle's relationship history is that the men she has chosen are never enough. Eventually, it causes severe emotional distress for the men. William has already exhibited some



of this. He is estranged from his family and has a co-dependency that is developing with Michelle. According to the psychologist, research indicates that 95% of these types of relationships dissolve. When this relationship dissolves, she believes that William will have a difficult time trusting anyone. You question the psychologist about the likelihood that this relationship will end and she explains that William will continue to grow and change, therefore, the relationship will change and it is highly likely to dissolve.

During the civil trial, after the neurologist and psychologist testify, Michelle and William start feeling the pressure that they will be forced to end their relationship. They leave the state and runaway to Kansas where Michelle's sister lives. Michelle asks her sister if she and William can live with her until they "figure things out." According to the federal Mann Act, it is illegal to transport a minor (under the age of 19) across state lines with the intent to engage in sex.