

Maggie and the Professor or conflict resolution, American style

by Phillip W. Weiss

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Characters

Maggie Ciernikova – s Slovakian-American graduate student

Professor Ernst Rheinhardt – a German-American graduate professor

Abner Yeabelman – an attorney representing Maggie

Zander O'Doul – an attorney representing Rheinhardt

Professor Sylvia Kleiderman – chairman of a hearing panel

Dr. Roger J. Repolsky – an expert witness

Dr. Conrad Begelhorn – an expert witness

Sunny Dubois – a waitress

Stepan Busoc – Maggie's friend or lover

Professor Harold Eppler – member of the hearing panel

Professor Ronald Corkman – member of the hearing panel

Cyndy Goodday – a graduate student

Erdley O'Shay – a graduate student

Professor Lester McNally – a graduate professor

Synopsis: A dispute over an academic grade on a term paper mushrooms into a legal war.

Tagline: Here we go again.

This play is a work of fiction.

PART TWO

NARRATOR

To recap: In part one a college student, Maggie Ciernikova, is attending a history class. She gives longwinded run-on answers to questions posed by the instructor, Professor Ernst Rheinhardt. Believing that Maggie is trying to take control of the class and show him up and destroy his reputation because he is an ethnic German and she a Slovak, Professor Rheinhardt is determined to take action. He arranges a meeting with Maggie at a local restaurant. At the restaurant Rheinhardt offers Maggie a deal: if she remains silent for the remainder of the class, he will give her a grade of A and permit her to use him as a professional reference. Maggie is offended and refuses the offer. She pours a glass of water on Rheinhardt's head and leaves the restaurant. At the end of the semester, Rheinhardt gives Maggie a grade of F for the class. He bases the grade on what he deems to be Maggie's poorly written term paper. Maggie believes that her term paper was well-written and that the F is retaliation for refusing to agree to remain silent. She retains an attorney, Abner Yeadelman, and files a grievance against Professor Rheinhardt. The school convenes a hearing and witnesses are called to testify. Witnesses who have testified thus far are Cyndy Goodday and Erdley O'Shea, two of Maggie's fellow students in the class; Professor Lester McNally, a member of the faculty with whom Professor Rheinhardt had confided; Sunny Dubois, the waitress who served Maggie and Rheinhardt at the restaurant; and Stepan Busoc, a personal friend of Maggie's with whom Maggie had confided. We now rejoin the hearing in progress. The next witness is about to be called.

ABNER

I call Professor Roger J. Repolsky.

A portly middle aged man enters and goes to the witness box.

KLEIDERMAN

(to Repolsky)

Please raise your right hand. *(Repolsky raises his right hand.)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

REPOLSKY

I do.

KLEIDERMAN

Please be seated. *Repolsky sits.*

ABNER

What is your name?

REPOLSKY

Professor Roger J. Repolsky.

ABNER

What are your professional credentials?

REPOLSKY

I am a professor of advanced educational metrics at Babcock University Center, Confederation of the Central Pacific States.

ABNER

What is advanced educational metrics?

REPOLSKY

It is a field of education that specializes in the practical application of psychological theory in the area of academic grading.

ABNER

How long have you been a professor?

REPOLSKY

Twenty-seven years.

ABNER

And during that time, how long have you been involved in the study of advanced educational metrics?

REPOLSKY

Twelve years.

ABNER

Do your studies include the grading of term papers?

REPOLSKY

Yes, they do.

ABNER

Do you require your students to write term papers?

REPOLSKY

I do.

ABNER

So, you have both theoretical and practical knowledge in the field of educational grading?

REPOLSKY

That would be accurate.

ABNER

And the grading of term papers is something with which you have familiarity?

REPOLSKY
(*laughing*)

Oh yes, sometimes too familiar. I have graded at least ten thousand term papers.

ABNER

What grading system do you use to grade term papers?

REPOLSKY

A letter grade system based on a method developed by me, known as the Repolsky Grading Scale.

ABNER

Could you briefly describe your grading method?

REPOLSKY

The grades range from A to F, with A being the highest grade and F the lowest. What differentiates my system from the more conventional grading systems is that my system eliminates the element of bias in assessing the quality of a paper. It does this by comparing a paper to a master template of standards embedded in a computerized program. Human error is eliminated. The system is fool proof. It also allows an instructor to process many more papers.

ABNER

Who develops the master template?

REPOLSKY

A panel of distinguished professors from the Academy for the Advancement of Academic Arts, or AAAA.

ABNER

What is the AAAA?

REPOLSKY

The Academy for the Advancement of Academic Arts is a compendium of forty seven major international professional academic organizations that represent over eight hundred thousand college professors around the world. Among its many functions, the AAAA issues certificates to institutions of higher education which certify that their grading systems are in accordance with AAAA academic standards.

ZANDER

(to Kleiderman)

I move that this witness's entire testimony be stricken.

KLEIDERMAN

(to Zander)

On what grounds?

ZANDER

That it's all a bunch of baloney!

ABNER

(to Kleiderman)

It's not baloney, Madam Chairman. Dr. Repolsky is an expert witness and his testimony should be heard in full.

KLEIDERMAN

Objection overruled. *(to Abner)* However, I urge you to try to get to the point as quickly as possible.

ABNER
(to Kleiderman)

Thank you. I will. (to Repolsky) Now, sir, did you have an opportunity analyze this term paper? (Abner shows Repolsky Maggie's term paper.)

REPOLSKY

Yes.

ABNER

What grade did you give this paper?

REPOLSKY

An A minus.

ABNER

Based on what?

REPOLSKY

Based on the Repolsky Grading Scale.

EPPLER
(to Repolsky)

Wait a minute. Are you saying that a paper that was graded an F should have gotten an A minus?

REPOLSKY
(to Eppler)

Yes.

EPPLER

Isn't that a rather wide discrepancy?

REPOLSKY

Yes, it is.

EPPLER

So, maybe your grading system could be flawed?

REPOLSKY

Absolutely not!

EPPLER

Frankly, I never heard of your grading system. How do we know that it's legitimate?

REPOLSKY

Sir, my findings have been published in over three hundred thirty seven books and journals around the world and have been confirmed by no less than two hundred seventy three academic organizations, including twenty three in the Peoples' Republic of Dubekistan and fourteen in the South Arctic Confederation.

CORKMAN

(to Repolsky)

Why are you becoming so defensive?

REPOLSKY

Because I resent the implication of the hearing officer's questions.

CORKMAN

What implication?

REPOLSKY

That somehow my system is worthless.

CORKMAN

Isn't that possible?

REPOLSKY

Absolutely not! It's been tested and retested so many times that I have lost count.

CORKMAN

Who develops the master templates for your program?

REPOLSKY

The AAAA.

CORKMAN

And where is their main office?

REPOLSKY

Bratislava in the Slovak Republic.

CORKMAN

Are you Slovakian?

ABNER

I object! Irrelevant.

KLEIDERMAN

Objection overruled.

CORKMAN
(to Repolsky)

So, again, are you Slovakian?

REPOLSKY

No, I am an American. And I resent the implication of your question. I am not biased in favor of the plaintiff.

CORKMAN

Nobody asked you if you're biased.

ABNER
(to Kleiderman)

May I continue with my examination of the witness?

KLEIDERMAN
(to Abner)

You may continue.

ABNER
(to Repolsky)

So my client's term paper should have received an A minus?

REPOLSKY

Yes.

ABNER

How long did it take for you to analyze my client's term paper?

REPOLSKY

It took the computer about thirty seconds.

ABNER

Did the analysis include any comments?

REPOLSKY

It did.

ABNER

Can you share those comments with the court?

REPOLSKY

Yes, I can.

Repolsky removes a sheet of paper from his jacket pocket.

ABNER

What does that sheet of paper contain?

REPOLSKY

My comments.

ZANDER

Objection! Inadmissible. This information was never shared with my client.

ABNER

I'll be glad to share this information with the respondent now.

ZANDER

Isn't it a little bit too late for that?

KLEIDERMAN

Objection overruled. However, I hereby direct that the plaintiff provide this panel and a respondent with a copy of the document in question and that the failure of the plaintiff to share evidence in a timely manner be duly noted in the record.

ABNER

(to Kleiderman)

I did not know about this document until just before the start of this hearing.

KLEIDERMAN

That's no excuse. Withholding evidence is a serious offense.

ABNER

I know that, madam Chairman, but it was not intentional.

KLEIDERMAN

That's irrelevant. I order a five minute recess to give Mr. Yeadelman time to comply with my order. A copying machine is located down the hall. The witness may also take a break. *Kleiderman, Eppler, Corkman and Repolsky exit.*

ABNER

(to Zander)

How much does it cost to make a copy?

ZANDER

I think it's a quarter a copy.

ABNER

A quarter? That's quite expensive. Could you loan me two quarters? I seem to be out of change.

ZANDER

Why don't you ask your client?

Rheinhardt reaches into his coat pocket and takes out two quarters.

RHEINHARDT

Here, Mr. Yeadelman, I have two quarters. Consider it a gift. *(laughs)* Abner takes the two quarters.

ABNER

(to Rheinhardt)

Thank you.

RHEINHARDT

(chuckling)

My pleasure. You see, sir, I'm not such a bad guy. *Abner exits. (to Maggie)* My dear, I just want to let you know that I forgive you for that little escapade you pulled, or should I say poured, on me at the restaurant. *(pause)*. You know, of course, that you have no chance of winning. Your witness, Repolsky, is a buffoon, a charlatan. He's been laughed out of so many court rooms already that his presence can only amuse. No one can possibly take him seriously. The fact is, your paper was atrocious. No amount of analysis can change that fact. But to show you what a good guy I really am, I'll tell what I'll do: if you agree to drop this case, I'll give you a D minus on the paper and for the course. I think that is fair.

ZANDER

(to Maggie)

What the professor is offering is fair.

MAGGIE

I need to discuss that with my lawyer.

ZANDER

We're making the offer now. If you decide to accept, then you inform your lawyer when he returns.

MAGGIE
(to Rheinhardt)

Let me tell you something, Professor Rheinhardt. ...

Abner returns. He is holding papers in his hand.

ABNER
(to Maggie)

What's going on?

MAGGIE
Professor Rheinhardt made me an offer to settle this case.

ABNER
(to Zander)
You communicated with my client outside of my presence?

ZANDER
It was just idle conversation.

ABNER
From what my client told me, it seems that what was discussed was more than just idle conversation.

RHEINHARDT
(to Abner)
Get off your high horse, counselor. You know and we all know that you can't win this case. But it pains me to see your client trying to climb a mountain that can't be climbed. So, to ease her pain, and to put an end to this fiasco, I'm willing to change the grade of her paper to D minus and give her a D minus for the course.

ABNER
What kind of deal is that?

ZANDER
It's a good deal.

ABNER

Says you, and don't tamper with my client again, you hear? We had two weeks to negotiate something and you never said a word. But the moment I turn my back, whammo!

RHEINHARDT

Nobody was tampering with anyone. We were just talking.

ABNER

Call it what you want. I'm reporting this to the panel.

RHEINHARDT

Stop being foolish.

Kleiderman, Eppler, Corkman and Repolsky return and take their respective places.

KLEIDERMAN

I call this hearing back to order. All parties are present and the witness is present. *(to Abner)* Mr. Yeabelman, did provide copies of the witness's report to the respondent?

ABNER

(to Kleiderman)

Not yet, madam Chairman. During the recess a serious matter developed,

KLEIDERMAN

What serious matter?

ABNER

During the recess, the respondent and his counsel communicated with my client while I was out of the hearing room.

KLEIDERMAN

What about?

ABNER

According to what I was told, they offered to change the grade on my client's term paper and give her a passing grade for the course if she agrees to drop the case.

KLEIDERMAN
(to Zander)

Is that true?

ZANDER
(to Kleiderman)

Yes, madam Chairman.

KLEIDERMAN

Why wasn't this offer communicated to the plaintiff in the presence of her attorney?

RHEINHARDT
(to Kleiderman)

Perhaps I could explain. It was just meaningless banter, that's all, between me and the plaintiff. Completely spontaneous.

ABNER
(to Kleiderman)

Madam Chairman, I am outraged and move for a summary judgment in favor of the plaintiff.

ZANDER
(to Kleiderman)

I oppose that motion. If anything, the plaintiff's complaint should be thrown out.

KLEIDERMAN

Order! First, I will tolerate no further shenanigans from either one of you. Second, both motions are denied. Third, while this hearing is in session, I am ordering all parties to communicate through me. Is that clear? Now, let's proceed with this hearing. Where were we?

EPPLER
(to Kleiderman)

You ordered the plaintiff to provide copies of the witness's report to the respondent.

KLEIDERMAN
(to Eppler)

Thank you.

EPPLER

You're welcome.

KLEIDERMAN
(to Abner)

Well, were the copies made and distributed as ordered?

ABNER
(to Kleiderman)

I will comply now, Madam Chairman. *(Abner gives a copy of the report to Zander and another copy to Kleiderman)* May I proceed with my direct?

KLEIDERMAN
(to Abner)

Proceed.

ABNER
(to Kleiderman)

Thank you. *(to Repolsky)* Please read the comments contained in your report.

REPOLSKY
(reading from the report)

This term paper rates a grade of A minus. This is based on the following criteria: style of writing, clarity of argument, use of footnotes, content of bibliography, general organization, grammatical integrity, and overall scholarship. The style of writing is flowing and engaging. The arguments are set forth clearly and coherently. Footnotes are used appropriately for quotations and other factual material. The bibliography is extensive. The paper is well organized,

that is, has a readily identifiable beginning, middle and end. Grammar is generally good, containing just a few minor errors and some awkward sentence structure. As a work of scholarship, this paper is of immense value. It makes an important contribution to the general body of knowledge and after minor editing to correct grammatical errors, this paper would be suitable for publication.

ABNER

When did you evaluate the plaintiff's paper?

REPOLSKY

Two weeks ago.

ABNER

Were you surprised by the grade the paper had received from the respondent?

REPOLSKY

Very much so. In fact, I was shocked. An F for this paper is completely unjustifiable.

ABNER

Thank you. *(to Zander)* Your witness.

ZANDER

Now Mr. Repolsky ...

REPOLSKY

That's "Professor" Repolsky, thank you.

ZANDER

Excuse me, "professor" Repolsky, did you actually read the paper yourself?

REPOLSKY

No, I did not.

ZANDER

Who read it?

REPOLSKY

My computer.

ZANDER

So, you did not read the paper. Okay. Now, isn't it a fact that your Repolsky Grading Scale was determined to be a fraud?

REPOLSKY

Absolutely not!

ZANDER

Remember, sir, you are testifying under oath. Once again, I ask, wasn't your grading system found to be a fraud?

REPOLSKY

No!

ZANDER

Didn't the Federal Trade Commission receive at least twenty seven complaints about your program?

REPOLSKY

Yes, but they are all politically motivated. They come from teachers' organizations who want to discredit me because they fear for their jobs.

ZANDER

But it is a fact is that complaints were filed. True?

REPOLSKY

Yes, complaints were filed, but so what? People make complaints all the time. That doesn't mean they're true.

ZANDER

But it doesn't mean they're false either, correct?

REPOLSKY

The Federal Trade Commission can rule whichever way it wants. I fully stand behind my system. It is foolproof and eliminates human error, and is used in many countries throughout the world.

ZANDER

Isn't it a fact that five years ago you were deported from the Royal Saharan Republic for bribing school officials to adopt your system?

REPOLSKY

Absolutely untrue.

ZANDER

And isn't it true that three years ago the government of Amazonia revoked your visa after you were charged with racketeering?

REPOLSKY

Outrageous! I am an educator, not a hoodlum or shakedown artist.

ZANDER

Isn't it true that you served a three year stretch in federal prison for money laundering?

REPOLSKY

That was years ago, before I turned my life around. Why are you trying to tear me down?

ABNER

(to Kleiderman)

I move that this entire cross-examination be stricken.

KLEIDERMAN

(to Abner)

Motion denied. *(to Zander)* You may proceed.

ZANDER
(to Kleiderman)

Thank you. *(to Repolsky)* Sir, isn't it true that the AAAA is nothing but a sham organization concocted by you?

REPOLSKY
No, the AAAA is real, it exists.

ZANDER
Isn't it true that two years ago the French news agency, Francaise Victoire, published a four part expose on the AAAA which revealed that the AAAA is nothing but a cover for an international criminal syndicate?

REPOLSKY
That report was groundless, all based on innuendos and slurs intended to discredit my work.

ZANDER
Indeed, sir, is your name really Repolsky?

REPOLSKY
My name is Repolsky. What are you trying to say, that I'm not who I say I am?

ZANDER
Isn't it true that while serving in federal prison you were known as Slovan Petlikov?

REPOLSKY
Yes, so?

ZANDER
So, who are you? Roger Repolsky or Slovan Petlikov?

REPOLSKY
Now, I am Repolsky.

ZANDER

And isn't it true that you were born in Presov in Slovakia?

REPOLSKY

Yes, it is true, but I moved to the United States many years ago. I live here now. What does this have to do with anything?

ZANDER

Are you related to the plaintiff?

REPOLSKY

No, I am not.

ZANDER

Both you and she are from Slovakia. You're not related?

REPOLSKY

No. Just because we're both Slovakian does not mean we are related.

ZANDER

I know that. However, you both come from the same country, true?

REPOLSKY

Yes. True. *(to Kleiderman)* How much more of this inane questioning must I endure?

KLEIDERMAN

(to Zander)

Are you almost finished?

ZANDER

(to Kleiderman)

Almost, madam Chairman. Just a few more questions for the witness. *(to Repolsky)* How much did the plaintiff pay you to testify?

REPOLSKY
(to Kleiderman)

Must I answer that question?

KLEIDERMAN
(to Repolsky)

I am directing you to answer that question.

REPOLSKY
(to Zander)

One thousand dollars plus expenses.

ZANDER

So you're being paid to testify?

REPOLSKY
(*indignant*)

Of course! What do you expect? For me to work for free? I have expenses too! Do you do your job for nothing?

ZANDER

Thank you. No further questions.

ABNER
(to Kleiderman)

I wish to re-direct.

KLEIDERMAN

Granted, but keep it short.

ABNER
(to Kleiderman)

Thank you. (to Repolsky) What is your relationship to the plaintiff?

REPOLSKY

None.

ABNER

Have you testified truthfully thusfar?

REPOLSKY

Of course I have.

ABNER

Has anyone coached you in advance regarding your testimony?

REPOLSKY

No.

ABNER

When you were serving time in prison, was that for any offenses that had anything to do with the matters currently being discussed here?

REPOLSKY

No.

ABNER

Why did you change your name?

REPOLSKY

Because I no longer wanted to be known by my original Slovakian name, so I changed my name to Roger J. Repolsky.

ABNER

Why Roger J. Repolsky?

REPOLSKY

It sounded less foreign than Slovan Petlikov.

ABNER

Have you ever been found guilty in the United States of any violations of the law relating to the adaptation of your grading system?

REPOLSKY

No.

ABNER

Has any US federal regulatory agency issued any cease and desist orders against your grading system?

REPOLSKY

No.

ABNER

Why did you create your grading system?

REPOLSKY

To allow teachers to spend more time educating and less time grading papers.

ABNER

Have you received any honors for creation of your grading system?

REPOLSKY

Yes, many.

ABNER

Could you name a few?

REPOLSKY

With pleasure. I received the Golden Pen with oak leaf clusters from the Central Mediterranean Republic. I was made a honorary member of the Council for Educational Excellence by the Chancellor of Higher Education for the Peoples' Republic of North Walistan. And I was awarded the coveted Silver Eraser with gold chalk marks by the president of East Bulvania, a beautiful country inhabited by women whose charms are unsurpassed.

ABNER

Thank you. No more questions.

ZANDER
(to Kleiderman)

May I re-cross-exam?

KLEIDERMAN
(to Zander)

Yes, but please keep it short.

ZANDER
(to Kleiderman)

Thank you. (to Repolsky) How much did you pay to receive those honors?

ABNER

Objection!

ZANDER

Question withdrawn! I'm finished with this witness.

REPOLSKY
(to Zander)

May I answer? (to Kleiderman) I resent that question.

KLEIDERMAN
(to Repolsky)

The witness is excused. You may leave.

REPOLSKY

But your excellency, I want to answer the question!

KLEIDERMAN

You are excused! Please leave or I will have to call security to have you escorted out.

REPOLSKY

Oh, all right. *Repolsky exits.*

KLEIDERMAN
(to Abner)

Are you ready to call your next witness?

ABNER
(to Kleiderman)

I am, madam Chairman. I call Dr. Conrad Begelhorn.

A distinguished-looking man enters and goes into the witness stand.

KLEIDERMAN
(to Begelhorn)

Please raise your right hand. *(Begelhorn raises his left hand)*. No, I said your right hand. *(Begelhorn slowly lowers his left hand and raises his right hand)*. Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

BEGELHORN

I do.

KLEIDERMAN

You may lower your hand and be seated. *Begelhorn lowers his right hand and sits.*

ABNER

Your name?

BEGELHORN

Dr. Conrad Begelhorn.

ABNER

What is your profession?

BEGELHORN

I am the Director of the Institute for the Study of Communication Disorders at Central Amazon University.

ABNER

How long have you served in that capacity?

BEGELHORN

For the past seven years.

ABNER

Before that, where were you employed?

BEGELHORN

I was an associate professor of speech pathology at Berlton Women's College, West Wind Islands in the southern Atlantic Ocean.

ABNER

Have you published any articles?

BEGELHORN

I have.

ABNER

How many?

BEGELHORN

Three hundred twenty seven.

ABNER

On what topics?

BEGELHORN

Speech and language problems during periods of acute intoxication. The relationship between speech impediments and drug use. The physiology of slurred speech during periods of chronic inebriation. The diagnosis of and treatment for drug-induced aphasia. The relationship between family history and the onset of expressive disorders induced by chemical agents. Comparative analysis of speech patterns between men and women during periods of acute and chronic intoxication. Drug addiction and distortions of speech: psychosocial factors. And many other subjects.

ABNER

Have you received any special honors?

BEGELHORN

I have. Dozens.

ABNER

Can you mention a few?

BEGELHORN

I can.

KLEIDERMAN
(to Abner)

Can't you speed this up?

ABNER

Madam Chairman, I'm trying to establish my witness's credentials.

KLEIDERMAN

Okay, but don't take all day doing it.

ABNER
(to Begelhorn)

Please tell the panel a few of your honors.

BEGELHORN

I received the Brass Microphone Award from the Brotherhood of Radio Announcers, the Silver Ear Medallion from the Eastern Conference for the Selective Listening Impaired, the E. Pettegrew Pitsdale Prize from the National Association for the Attainment of Better Diction, and the coveted I Can Hear You Fine Award from the International Conference for Speech and Language Development located at South Pacific University and chaired by the legendary Dr. E. Foggington Jones.

ABNER

What are your educational credentials?

BEGELHORN

I have a BA in history from Atlantic Coast College, North Pacific Republic; a MA in liberal philosophy from the Center for Capitalist Studies, Southern Federation of Socialist States; and an MD degree from the University of the Antarctic, located just a few miles south of the North Pole. I also served as Chief of Medical Services for the US Liberty Corps, a well known paramilitary mercenary organization, where I treated thousands of patients, including several high ranking politicians, suffering from a wide range of acute and chronic speech impairments secondary to the ingestion of chemically based intoxicants.

ABNER

Did you ever examine my client?

BEGELHORN

Yes.

ABNER

When?

BEGELHORN

Three weeks ago.

ABNER

You are familiar with her case?

BEGELHORN

Yes.

ABNER

What were your findings?

BEGELHORN

After a thorough examination, which took over four hours and involved the administration of several specially developed diagnostic procedures and tests, I concluded that the patient was suffering from a condition known as Longitudinal Expressive Dysphonia, or LED, a very rare disorder.

ABNER

What are its symptoms?

BEGELHORN

It's a neurological disorder which causes the patient to compensate for difficulty in speaking by lapsing into long rambling patterns of speech to avoid becoming silent. The patient can have normal speech for long periods of time and then suddenly without warning lose expressive control.

ABNER

What causes it?

BEGELHORN

That is still unknown. However, my team of scientists at Central Arctic University are working feverishly to unravel that mystery.

ABNER

Can this disorder be treated?

BEGELHORN

There is no known treatment. Cognitive behavioral therapy has been known to be effective in helping the patient to better control the onset of panic associated with the fear of being silent, but that treatment is at best palliative in nature.

ABNER

Is LED associated with alcohol or drug abuse?

BEGELHORN

There are studies that suggest that the ingestion of toxic substances could trigger or exacerbate the symptoms, but the findings are far from conclusive.

ABNER

Have you treated any cases of Longitudinal Expressive Dysphonia?

BEGELHORN

Yes, one.

ABNER

Where?

BEGELHORN

In a small village near the arctic circle.

ABNER

And what was the outcome?

BEGELHORN

The patient continues to demonstrate a tendency to lose expressive control, but the frequency of relapse has been reduced substantially, to the great relief of all who are within listening range of her.

ABNER

Could this condition explain why my client's speech is at times long and rambling?

BEGELHORN

Absolutely!

ABNER

So, my client is suffering from a neurological condition that requires medical treatment?

BEGELHORN

Yes.

ABNER
(to Zander)

Your witness.

ZANDER

You are a medical doctor?

BEGELHORN

Yes.

ZANDER

And you specialize in speech and language communication disorders?

BEGELHORN

Yes.

ZANDER

And you practiced medicine for the US Liberty Corps?

BEGELHORN

Yes.

ZANDER

(louder)

Now, isn't it true that the US Liberty Corps fired you?

BEGELHORN

Absolutely not! I resigned!

ZANDER

Isn't it true that the US Liberty Corps sued you for embezzlement, fraud, and sexual misconduct involving one of their guard dogs named Lady?

BEGELHORN

Those matters were blown way out of proportion and had no bearing whatsoever on my competence as a medical doctor.

ZANDER

I have a report from the commandant of the US Liberty Corps which states, and I quote, this is to certify that Doctor Begelhorn served in the US Liberty Corps for five years. During his period of service, his performance was consistently shoddy. Despite intensive attempts to help him improve, Doctor Begelhorn's performance continued to be substandard, leaving us no choice but to terminate his service with the corps. Signed, Edwin J. Bronson, Colonel General and Supreme Commandant, US Liberty Corps. Closed quote.

BEGELHORN

That letter proves nothing.

ZANDER

Isn't that why you went to the central arctic?

BEGELHORN

I went to the central arctic because I was offered a wonderful opportunity to be of service and pursue my research.

ZANDER

Now, you testified that the plaintiff has a condition you call Longitudinal Expressive Dysphonia. Correct?

BEGELHORN

Correct.

ZANDER

Isn't it true that there is no medical journal or recognized medical authority anywhere in the world that recognizes Longitudinal Expressive Dysphonia as a legitimate medical or psychiatric diagnosis?

BEGELHORN

Untrue. It is recognized by my colleagues at Central Arctic U.

ZANDER

Isn't it true that they hired you at Central Arctic University after you agreed to serve as their chief of janitorial services?

BEGELHORN

That is only partially true.

ZANDER

Then tell us the entire story.

BEGELHORN

They were glad to accept me as a member of the faculty if I, in return, would agree to help them with their efforts to disinfect their campus in order to prevent further outbreaks of psychosomaticitis, or PST, an especially dreadful disease with an extremely high morbidity rate, that had been plaguing the campus for years. To help eradicate that horrible disease required that I perform janitorial services on a daily basis, service that I gladly provided. I might add that through my intercession as chief janitor, the school won the prestigious Golden Mop and Pail Award and was the subject of a feature article in a recent edition of Wipe and Clean Magazine.

ZANDER

You performed these janitorial services as the chief of housekeeping services. Correct?

BEGELHORN

Yes. But I was doing serious medical research too.

ZANDER

So you were mopping the floor and doing medical research at the same time?

ABNER

Objection! Mocking the witness!

KLEIDERMAN

Objection overruled. *(to Begelhorn)* Please answer the question.

BEGELHORN

Yes, I did both. And I found it to be very rewarding.

ZANDER

I'm finished with this witness.

ABNER

(to Kleiderman)

I wish to re-direct, Madam Chairman.

KLEIDERMAN
(to Abner)

You may re-direct.

ABNER
(to Kleiderman)

Thank you *(to Begelhorn)* Does my client have Longitudinal Expressive Dysphonia?

BEGELHORN

Yes.

ABNER

Does one necessarily have to be ingesting alcohol or drugs to trigger the symptoms?

BEGELHORN

Not necessarily.

ABNER

Meaning?

BEGELHORN

That a person can be sober and still exhibit the symptoms of the disorder.

ABNER

Thank you. *(to Kleiderman)* I'm finished with my re-direct.

KLEIDERMAN
(to Zander)

Do you wish to re-cross-exam this witness?

ZANDER
(to Kleiderman)

I do. *(to Begelhorn)* Isn't the term Longitudinal Expressive Dysphonia just a fancy sounding label for blabbering?

BEGELHORN

No, it is not.

ZANDER

How do they differ?

BEGELHORN

When people blabber, they simply chatter away, not knowing or caring how they sound. However, for people who suffer from LED, they are terrified over becoming silent and thus feel compelled to talk. It is the terror associated with becoming silent that makes LED such a terrible disease.

ZANDER

Isn't it true that you made up the term Longitudinal Expressive Dysphonia?

BEGELHORN

No. I did not "make up" the term. It appears in dozens of prestigious medical journals.

ZANDER

And that scientists around the world have published articles directly refuting your findings and theories associated with LED?

BEGELHORN

Pure politics meant to personally discredit me and then take credit for my findings.

ZANDER

And that during your service with the US Liberty Corps, you were also accused of engaging in corporate espionage?

BEGELHORN

Ridiculous charges. I was too busy treating patients and conducting research to have time to steal information.

ZANDER

And that you were described as being, quote, a pompous charlatan and a buffoon of the lowest order, closed quote, by none other than the internationally renowned scientist and philanthropist Dr. Friedrich von Christenstein?

BEGELHORN

That had to do with an unfortunate misunderstanding that arose after he introduced me to his seventeen year old daughter, Ingrid, who bore a striking resemblance to Rita Hayworth.

ZANDER

I'm finished with this witness.

KLEIDERMAN

(to Begelhorn)

You are dismissed. *Begelhorn exits.* *(to Abner)* Call your next witness.

ABNER

I call Maggie Ciernikova.

Maggie gets up and goes to the witness stand.

KLEIDERMAN

(to Maggie)

Please raise your right hand. *(Maggie raises her right hand.)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

MAGGIE

I do. *(Maggie lowers her right hand.)*

KLEIDERMAN

You may be seated. *(Maggie sits.)*

ABNER

Ms. Ciernikova, or would you rather I address you as Maggie?

MAGGIE

You can address me as Maggie. I don't stand on formality. In fact, everyone in this court can address me as Maggie, even you, your honor. (*glances at Kleiderman*)

ABNER

Maggie, where were you born?

MAGGIE

In a small village outside of Bratislava.

ABNER

In what country?

MAGGIE

At the time it was in Czechoslovakia. Now it's in the Slovak Republic.

ABNER

So, you are Slovakian?

MAGGIE

Yes, and not only that, I come from a village in Slovakia that is known for making the finest and tastiest cheeses in all of Europe. If you ever go to my country, make sure that you eat some of the cheese. My grandmother, bless her soul, showed me how to make cheese. I used to help her, but then I got involved in my studies and moved to Bratislava, so I had to put the cheesemaking on hold, but ...

ABNER

How long have you lived in the United States?

MAGGIE

Almost twenty years.

ABNER

Are you a US citizen?

MAGGIE

Yes, and proud of it. I'll tell you, I bless the day I came to the United States, the greatest country in the world.

ABNER

What do you do for a living?

MAGGIE

I'm an actress, singer and fashion model.

ABNER

So, you are an entertainer?

MAGGIE

Yes, I'm an entertainer.

ABNER

Are you currently attending school?

ZANDER

(to Kleiderman)

Madam Chairman, the respondent is willing to agree that the plaintiff is Slovakian, is an entertainer, is a US citizen, attends graduate school and was a student in his class.

KLEIDERMAN

It is so stipulated. *(to Abner)* Mr. Yeadelman, let's move on.

ABNER

(to Kleiderman)

Thank you, madam Chairman. *(to Maggie)* You were a student in Professor Rheinhardt's class?

ZANDER

(to Kleiderman)

Madam Chairman, that's already been stipulated!

KLEIDERMAN

(to Abner)

Please, Mr. Yeadelman, stop wasting time!

ABNER

(to Kleiderman)

I don't mean to waste the panel's time. I was just trying to establish a foundation for this witness's testimony.

KLEIDERMAN

(to Abner)

Move your questioning forward!

ABNER

(to Kleiderman)

Yes, madam Chairman. *(to Maggie)* You wrote a term paper for Professor Rheinhardt's class?

MAGGIE

Yes, and one of the best papers I ever wrote.

ABNER

What grade did you receive?

MAGGIE

An F. Can you believe that? Can ANYONE here believe that?

ABNER

Did you think that grade was fair?

MAGGIE

No, of course not. It was about as fair as a foul ball, that's what.

ABNER

Did you complain to Professor Rheinhardt?

MAGGIE

You better believe I did.

ABNER

What did he say?

MAGGIE

You can appeal the grade but I'd be wasting my time. Says him! The nerve of him, trying to bribe me as if I was some kind of dodo who could be bought off. Well, let me tell you, that's not what I'm about. And if any one thinks I am then ...

ABNER

Did anything happen after that?

MAGGIE

Yes, Professor Rheinhardt called me at my apartment and invited me to meet him at a restaurant.

ABNER

Did he explain why?

MAGGIE

No. He just said to meet him, and like a jerk I met him.

ABNER

So you met him?

MAGGIE

I just said that. We met.

ABNER

Where?

MAGGIE

At some dump called Café Noir on Main Street.

ABNER

What did you discuss?

MAGGIE

My grade.

ABNER

What did Professor Rheinhardt say?

MAGGIE

He said that he would give me an A for the paper, an A for the course and give me permission to use his name as a reference if I agreed to stay quiet for the rest of the class. But I couldn't stay quiet in the class because I have so much to say and because I found the class so incredibly stimulating. It reminded me of that other class that I took the previous semester that dealt with the history of classical music, a subject that really got me to thinking. It was such a marvelous class, and the professor was really outstanding. By the way ...

KLEIDERMAN

(to Maggie)

I must interrupt you. Please answer the question.

MAGGIE

(flustered)

Oh my, I'm so sorry. It's just that sometimes my mind just starts racing. You understand, of course. It's like Dr. Begelhorn said, I have this condition, and sometimes it kicks in at the most embarrassing times and ...

KLEIDERMAN

(to Maggie)

Please, just answer the question.

MAGGIE

What was the question?

ABNER

After Professor Rheinhardt offered to give you an A for course, etc, if you agreed to stay silent in class, what did you say?

MAGGIE

I said no. I would not be silenced.

ABNER

And what did Professor Rheinhardt say?

MAGGIE

That there could be consequences.

ABNER

Did anything else occur?

MAGGIE

Yes.

ABNER

What occurred?

MAGGIE

I was getting up to leave and somehow a glass of water on the table wound up on Professor Rheinhardt's head. He moved his head and it got in the way of the glass and over it went, right on the professor's head. You should have seen the look on his face. (*Maggie laughs*)

ABNER

How did that happen?

MAGGIE

Aren't you listening to me? His head got in the way of the glass. While I was collecting my belongings I happened to grab the glass to take a drink of water and while I was leaning over the table to shake Professor Rheinhardt's hand, he moved his head, the glass slipped out of my hand and the water poured right over his head. It was an accident.

ABNER

Then what happened?

MAGGIE

I left. I was tired. And the food stunk.

ABNER

When you were in class, did Professor Rheinhardt ever talk to you about your participation in class?

MAGGIE

No.

ABNER

Did he ever warn you that you were, let's say, monopolizing the class?

MAGGIE

No.

ABNER

Or showing him up?

MAGGIE

No.

ABNER

Or that you were failing?

MAGGIE

No.

ABNER

Did you know Professor Rheinhardt's ethnicity?

MAGGIE

Yes.

ABNER

What was it?

MAGGIE

German.

ABNER

How did you know that?

MAGGIE

Because Rheinhardt is a German name. Where I'm from it's a very common name.

ABNER

Did you harbor any animosity toward Professor Rheinhardt because of his German ethnicity?

MAGGIE

I couldn't care less.

ABNER

Prior to enrolling in the class, had you ever met Professor Rheinhardt?

MAGGIE

No.

ABNER

Did anyone ever mention him to you?

MAGGIE

No.

ABNER

Did the name Ernst Rheinhardt mean anything to you?

MAGGIE

No.

ABNER

Why do you believe that the grade of F is unfair?

MAGGIE

Because it had nothing to do with the quality of my work. I worked like a dog to write that paper, and look what I got? An F!

ABNER

So, the grade was based on what?

MAGGIE

Obviously on my refusing to knuckle under to Professor Rheinhardt's demand to remain silent. Even a child could see through that.

ZANDER

(to Kleiderman)

Objection! Speculation.

KLEIDERMAN

Overruled. *(to Abner)* You may continue.

ABNER

(to Kleiderman)

Thank you. *(to Maggie)* Do you believe that you are excessively talkative?

MAGGIE

I know that occasionally I do get kind of wordy, but that's just the way I am. Usually I get that way when I'm with people I like.

ABNER

So, you liked Professor Rheinhardt?

MAGGIE

At first I did, but after that meeting at the restaurant, that all changed.

ABNER

Yet you still continued to participate in class?

MAGGIE

Yes, and as often as possible. Like, for instance, when we talked about the final days of the Reich, I had an awful lot to say, and nobody stopped me. I thought it was okay with the professor. He looked pleased. He'd look at me with a certain smile whenever I said something in class.

ABNER

Did any of your fellow classmates complain about your class participation?

MAGGIE

Not that I know of. In fact, a lot of times it provoked laughter. Gee, I wonder if they were laughing at me?

ABNER

Did Professor Rheinhardt ever specifically make any mention of your Slovakian ethnicity?

MAGGIE

Not to me he didn't.

ABNER

(to Kleiderman)

No further questions. *(to Zander)* Your witness.

ZANDER

(to Maggie)

Are you a klutz?

MAGGIE

Are you a twat?

ZANDER

(to Kleiderman)

Please direct the witness to stop being argumentative and to answer the question.

KLEIDERMAN
(to Maggie)

The witness is directed to stop being argumentative and to answer the question.

ZANDER

Do you have any problems with physical coordination?

MAGGIE

No.

ZANDER

Then how did the water inside the glass that you were holding in your hand wind up on Professor Rheinhardt's head?

MAGGIE

Like I said, I went to shake his hand and the glass slipped and out came the water. What do you think: that I poured it over his head on purpose?

ZANDER

Well, did you?

MAGGIE

No way. It was his fault that he got all wet. I was getting up to leave. I had enough of our date. I just wanted to go home.

ZANDER

Isn't it true that you hate my client?

MAGGIE

Hate him? No way! He's not worth it.

ZANDER

He gives you an F on the paper, flunks you for the course, and you don't harbor any hatred for him?

MAGGIE

He flunked me. That doesn't mean I have to hate him for it.

ZANDER

After you learned that you had gotten an F on your paper, didn't you tell my client, quote, you wanted to shut me up! That's what the communists tried to do to my people in Slovakia. You're no different than them! In fact, you're worse because at least the commies were upfront about they were doing, not sneaky and pretentious like you. Closed quote?

MAGGIE

I don't remember exactly what I said. I was upset and when I get upset it effects my memory. You can ask Dr. Begelhorn.

ZANDER

Isn't it a fact that you were more than just "upset"? That you were livid with rage?

MAGGIE

No way! Now you're making things up.

ZANDER

Did you not tell my client, quote, you gave me an F? Are you fucking serious? Closed quote?

MAGGIE

I really don't recall exactly what I said. But if I said that, so what? We're both adults.

ZANDER

Did you not threaten my client when you said, quote, If you think this is finished, well it isn't! Closed quote?

MAGGIE

I'm sorry. I cannot recall my exact words. I will admit I was upset, but who wouldn't be?

ZANDER
Are you a teacher?

MAGGIE
No.

ZANDER
Are you licensed or certified in the field of education?

MAGGIE
No.

ZANDER
Have you ever taught in a classroom?

MAGGIE
No.

ZANDER
Have you ever graded term papers?

MAGGIE
No.

ZANDER
Do you have a Ph. D.?

MAGGIE
No.

ZANDER
Then how do you presume to second guess my client?

MAGGIE
Because he treated me unfairly!

ZANDER

Or maybe because you can't accept the fact that he was right? That your paper deserved an F?

MAGGIE

(becoming tearful)

Oh, I don't know! Trying to sort this out is beginning to give me a huge headache.

ABNER

(to Kleiderman)

I object to this entire line of questioning. The counselor is badgering the witness.

ZANDER

(to Kleiderman)

The witness is hostile and being evasive.

KLEIDERMAN

Objection overruled. However, I must admonish both counsels to refrain from being overly aggressive in their examinations. *(to Maggie)* Are you prepared to continue?

MAGGIE

(to Kleiderman)

I'm okay now, your highness.

KLEIDERMAN

(to Zander)

You may proceed.

ZANDER

(to Kleiderman)

Thank you. *(to Maggie)* Now, you are Slovakian, correct?

MAGGIE

With a name like Ciernikova, what else could I be?

ZANDER

And you knew that my client is of German background?

MAGGIE

Only because of his name.

ZANDER

But you knew that he had a German name?

MAGGIE

Yes.

ZANDER

Isn't it true that you wanted to target my client because of his German ethnicity?

ABNER

Objection! That question is way out of line!

KLEIDERMAN

(to Zander)

Counselor, where are you going with this?

ZANDER

(to Kleiderman)

I'm trying to establish that the witness harbored malice for my client.

KLEIDERMAN

(to Zander)

She already testified as to why she was upset.

ZANDER

(to Kleiderman)

I do not believe that the witness has been totally forthcoming in her testimony.

KLEIDERMAN

(to Zander)

The panel will decide who's been forthcoming. In the meantime I'll grant you a little bit of latitude on this line of questioning, but only a little. *(to Abner)* Objection overruled. *(to Zander)* You may proceed.

ZANDER

(to Kleiderman)

Thank you. *(to Maggie)* Is it not true that Slovakia was occupied by Germany during World War Two?

MAGGIE

Yes, but I was not alive at the time. And the war ended a long time ago.

ZANDER

And isn't it true that during the German occupation of Slovakia the Germans treated the Slovaks with extreme brutality and did everything they could to destroy Slovak culture?

MAGGIE

That's what the history books say. What are you trying to do, teach me history?

ZANDER

And didn't you specifically talk about how the Germans had occupied Czechoslovakia during the war and how your father fought against the Nazis and the Communists?

MAGGIE

I can't recall everything I said, but it's possible that I said that.

ZANDER

And didn't you discuss how your father had fought against the Germans and Russians?

MAGGIE

I wasn't listening to myself.

ZANDER

So isn't it true that you're obsessed with Germans?

MAGGIE

NO WAY!

ZANDER

In fact, you hate Germans. Isn't that true?

MAGGIE

I don't hate anybody! I love everybody. I have lots of friends. As a matter of fact I go out of my way to help people whenever I can. Just because I filed a complaint against Professor Rheinhardt doesn't mean I hate him. After all, we're all human beings And as they say in Slovakia ...

ZANDER

Then why did you bring up your father in class?

MAGGIE

Because the professor brought up the Munich Conference.

ZANDER

Then I take it that you have studied the Munich Conference and the German occupation of Slovakia during World War Two?

MAGGIE

We were taught the history in school. What's the big deal? Here you're taught about the civil war. That don't mean that southerners hate northerners.

ZANDER

And in school were you not taught that the Germans in Czechoslovakia allied themselves with Adolf Hitler?

MAGGIE

Yes.

ZANDER

And that the Czech-Germans were a bunch of traitors?

MAGGIE

Yes, we were taught that. We were taught a lot of stuff!

ZANDER

Do you believe that what you were taught was the truth?

MAGGIE

At the time I had no basis for questioning it.

ZANDER

But you questioned it later?

MAGGIE

Yes, I did.

ZANDER

When?

MAGGIE

After I came to the United States.

ZANDER

So, after you came to the United States, you started questioning what you were taught at home?

MAGGIE

Yes.

ZANDER

How did this transformation occur?

MAGGIE

I don't know. I can't explain it, and I'll tell you something else: my headache is getting worse!

ZANDER

Is that because that transformation never happened?

MAGGIE

You're confusing me.

ABNER

(to Kleiderman)

Objection. Once again, Madam Chairman, I ask that counsel stop badgering the witness and get to the point already.

KLEIDERMAN

(to Zander)

Objection sustained. *(to Zander)* Go to another line of questioning.

ZANDER

(to Kleiderman)

Thank you, Madam Chairman. *(to Maggie)* Did Professor Rheinhardt write any comments on your paper?

MAGGIE

Yes.

ZANDER

How many?

MAGGIE

I don't know. I didn't count them.

ZANDER

Did each page contain at least one comment?

MAGGIE

I don't know. You tell me. All I know is that he flunked me, for nothing!

ZANDER

Would it come as a surprise to you if I told you that Profesor Rheinhardt wrote fourty-seven comments on your paper?

MAGGIE

If you say so.

ZANDER

Fine. *(to Kleiderman)* Let the record show that the witness agrees that the paper contains forty-seven comments by Professor Rheinhardt.

KLEIDERMAN

Duly noted.

ZANDER

(to Maggie)

Did you read any of Professor Kleinhardt's comments?

MAGGIE

Yes.

ZANDER

How many?

MAGGIE

One. That one that said F! That was enough.

ZANDER

So you really don't know why he failed you. True?

MAGGIE

Not rue. Because I'm from Slovakia and because I wouldn't shut up like he wanted me to.

ZANDER

And not because you submitted a poorly written paper?

MAGGIE

No. My paper was just fine.

ZANDER
(to Maggie)

I would like for you to read two of Professor Rheinhardt's comments.
(Zander gives Maggie a copy of the term paper.) Do you recognize that document?

MAGGIE

Yes.

ZANDER

What is it?

MAGGIE

It looks like a copy of my term paper.

ZANDER
(to Kleiderman)

Madam Chairman, the document provided to the witness is a certified copy of the original term paper.

KLEIDERMAN

Are there any objections? (*pause*) Hearing none, the panel rules that said copy is an authenticate reproduction of the original. (to Zander) You may continue.

ZANDER
(to Kleiderman)

Thank you.

EPPLER
(to Zander)

Why do you need to ask the witness about the paper? She was given an F, the paper contains a lot of comments, none of which are complimentary and all of which are critical. So why embarrass the witness?

ZANDER
(to Eppler)

I'm not looking to embarrass the witness. I want to show that the grade of F was legitimate and not arbitrary and to give the witness an opportunity to explain her objections.

EPPLER
(to Kleiderman)

I move that the witness not be required to answer any questions about the paper. I think we could read Professor Rheinhardt's comments ourselves.

CORKMAN
(to Rheinhardt)

I second that motion. The witness was flunked. What's there to discuss? To have the witness try to refute the commentary would be pointless. We know that she disagrees with the grade. The question is: was the witness treated fairly?

KLEIDERMAN

My colleagues' objections are duly noted and overruled by the chair. However, testimony will be limited to one comment only. *(to Zander)* You may continue.

ZANDER
(to Kleiderman)

Thank you. *(to Maggie)* Please turn to page fourteen and read the comment noted at the bottom of the page. *(Maggie turns to page fourteen).*

MAGGIE
(reading from the paper)

This statement about the Nuremburg Conference is entirely erroneous and unsubstantiated by any sources. In addition, your statement, that Neville Chamberlain was duped by Hitler, is entirely speculative, poorly argued, and unsupported by any evidence. Further, your writing contains numerous errors in spelling and syntax, indicative of shoddy writing.

ZANDER

Does that statement you just read describe a paper that deserves a passing grade?

MAGGIE

He is entitled to his opinion, even if they're wrong.

ZANDER

I have no further questions for this witness.

ABNER

(to Kleiderman)

If I may re-direct?

KLEIDERMAN

(to Abner)

You may.

ABNER

(to Kleiderman)

Thank you. *(to Maggie)* Have you ever failed a college or post-graduate course?

MAGGIE

No. I never failed a course.

ABNER

Have you ever received an F on a term paper?

MAGGIE

No. Not even close.

ABNER

Have you ever been told that your school work is shoddy?

MAGGIE

No because my school work has always been of the highest quality.

ABNER

Or that your writing is substandard?

MAGGIE

No.

ABNER

Have you ever been barred from applying to a school?

MAGGIE

No.

ABNER

What is your current grade point average?

MAGGIE

Three point two oh. And it would be even higher if wasn't for Professor Rheinhardt.

ABNER

Why did you talk about your father in class?

MAGGIE

Like I said before, Professor Rheinhardt brought up the subject of the Munich Conference, a time during my father was alive. I'm proud of my father's record. He was patriot who put his life on the line. It had nothing to do with Professor Rheinhardt being German. He could have been anything and I still would have brought up my father.

ABNER

No further questions.

ZANDER

(to Kleiderman)

I wish to re-cross exam.

KLEIDERMAN

(to Zander)

You may proceed.

ZANDER
(to Kleiderman)

Thank you. (to Maggie) Why can't you accept that you wrote a terribly flawed paper?

Objection!

ABNER

MAGGIE
(to Zander)

Screw you too!

ZANDER
(to Kleiderman)

The witness is being evasive.

MAGGIE

Because it was the grade and not the paper that was terribly flawed. Okay? Is that direct enough for you? Like, what is it you want me to say? That Kleinhardt was right? That I should have failed?

ZANDER
(to Kleiderman)

I'm through with this witness!

KLEIDERMAN
(to Maggie)

You may step down. *Maggie leaves the witness stand and returns to table.*

KLEIDERMAN
(to Abner)

Do you have any other witness's to call?

ABNER
(to Kleiderman)

Yes, I do.

KLEIDERMAN
(to Abner)

You may call your witness.

ABNER
(to Kleiderman)

Thank you. I call Professor Ernst Rheinhardt.

ZANDER

I object!

KLEIDERMAN
(to Abner)

You want to call as a witness the respondent? Isn't that rather unusual?

ABNER

Perhaps unusual, but his testimony is critical to establishing the facts in this case.

ZANDER

I repeat my objection! My client is under no obligation to testify, none at all!

ABNER
(to Kleiderman)

Again I call Professor Rheinhardt to the witness stand.

RHEINHARDT
(to Zander)

He wants me to testify? No big deal! He can ask me all the questions he likes.

ZANDER
(to Rheinhardt)

As your attorney, I am advising you that you are under no obligation to testify.

RHEINHARDT
(to Zander)

I have nothing to hide. If he wants to waste more of the court's time with me, let him do it. I'll indulge him his fun.

ZANDER
(to Kleiderman)

Madam Chairman, my client agrees to testify.

KLEIDERMAN
(to Rheinhardt)

The witness will enter the witness stand. *(Rheinhardt enters the witness stand.)* Please raise your right hand. *(Rheinhardt raises his right hand)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

RHEINHARDT
(to Kleiderman)

I do. *(Rheinhardt lowers his right hand.)*

KLEIDERMAN
(to Rheinhardt)

You may be seated. *(Rheinhardt sits)*

ABNER

Professor Rheinhardt, it is a pleasure meeting you.

RHEINHARDT

Thank you.

ABNER

I've read your curriculum vitae that is published by the school. It says that you are the author of fourteen books. Is that true?

RHEINHARDT

Yes.

ABNER

They all deal with different aspects of European History in the mid-twentieth century, correct?

RHEINHARDT

That is correct.

ABNER

Two of your books you wrote are *I Served With Honor* and *When the Fatherland Called: A German Soldier's Story*, correct?

RHEINHARDT

Correct.

ABNER

These books are about whom?

RHEINHARDT

My father, Victor Rheinhardt.

ABNER

Your father served in the Wehrmacht during World War Two?

RHEINHARDT

Yes.

ABNER

What was his rank?

RHEINHARDT

At the end of the war he was a colonel.

ABNER

Where was he born?

RHEINHART

In Prague.

ABNER

He was German?

RHEINHARDT

Culturally, yes.

ABNER

Why do say culturally?

RHEINHARDT

Because he wasn't born in Germany.

ABNER

Yet he considered himself German?

RHEINHARDT

Yes, culturally.

ABNER

After Czechoslovakia was founded, where did your father live?

RHEINHARDT

In a small town near the German border.

ABNER

In a region that was then known as the Sudetenland?

RHEINHARDT

Yes.

ABNER

According to your book *I Served with Honor*, your father was a member of a political organization that supported German annexation of the Sudetenland. Isn't that correct?

RHEINHARDT

Yes.

ABNER

And after the Sudetenland was annexed by Germany, your father joined the German army. Correct?

RHEINHARDT

Correct. Obviously you have read my books.

ABNER

I have. During the war where was your father stationed?

RHEINHARDT

In various places. France, the General Government, Vienna, Prague.

ABNER

What about Bratislava?

RHEINHARDT

There too.

ABNER

When?

RHEINHARDT

Late 1944.

ABNER

While stationed in Bratislava in late 1944, was your father involved in any military or paramilitary operations?

RHEINHARDT

First, my father was never involved in paramilitary operations. Those charges against him were dismissed by a US military court.

ABNER

What was he accused of?

RHEINHARDT

He was accused of murdering ninety seven civilians in a village outside of Bratislava. But those so-called civilians were a cadre of terrorists and thugs who were trying to overthrow the Tiso government and create their own so-called Slovak Republic. They were terrorizing the local population and murdering German soldiers who, including my father, were there to maintain law and order and protect the population.

ABNER

So your father fought against Slovaks?

RHEINHARDT

He fought against bandits.

ABNER

But in Slovakia. Correct?

RHEINHARDT

Correct.

ABNER

Did your father otherwise admire the Slovaks?

RHEINHARDT

I don't know. He never discussed it to me.

ABNER

You were born in the United States but grew up in Germany. Correct?

RHEINHARDT

Yes.

ABNER

How old were you when you first learned that your father was accused of war crimes?

RHEINHARDT

I was sixteen years old. I had just moved back to the United States with my parents. Then one day, my father received a letter from the Justice Department informing him that he was being investigated for having lied on his original application to enter the United States. Questions were being raised regarding his involvement in the deaths of the ninety-seven civilians. Two people, who I later learned were Slovaks, came out of the wood work and claimed that my father was present when the incident occurred. I was shocked. You couldn't find a more honorable man in the world than my father, but instead he became the subject of a witch hunt the likes of which drove him to an early death.

ABNER

You knew that my client was a Slovak. Correct?

RHEINHARDT

At first, no, but later on, yes.

ABNER

How did you learn she was a Slovak.

RHEINHARDT

She told the class during one of her run-on tirades.

ABNER

And during one of her run-on tirades she had mentioned that her father had fought against the Nazis?

RHEINHARDT

Yes, she did.

ABNER

And that did not bother you?

RHEINHARDT

What do you mean?

ABNER

That her father may have fought against your father? That her father may have been one of those bandits that your father wanted to eliminate?

RHEINHARDT

That never even occurred to me.

ABNER

So, you were not offended by my client's comments?

RHEINHARDT

Absolutely not. I was teaching a history class, not refighting the war.

ABNER

At some point, you and my client met at a restaurant called Café Noir. Correct?

RHEINHARDT

Correct.

ABNER

This was your idea. Correct?

RHEINHARDT

Correct.

ABNER

Why did you want to meet with her?

RHEINHARDT

To discuss certain aspects of her behavior in class that I found objectionable.

ABNER

What exactly was she doing that was so objectionable?

RHEINHARDT

She was trying to undercut my authority by employing longwinded replies to monopolize class time. She did this to deliberately to show me up, of that I am certain.

ABNER

What makes you so certain?

RHEINHARDT
(angry)

She wanted to humiliate me because I was a German and she knew it. She wanted to rub my face in the dirt, watch me squirm.

ABNER

Why didn't you just tell her to shorten her comments?

RHEINHARDT

Because the class seemed to adore her, so I felt powerless to intercede. Each class I had to endure her insatiable blabbering. To have cut her off would have alienated the entire class. I tried to reason with her at the restaurant but after our meeting her behavior became worse! In one class she talked nonstop for over thirty minutes. Do you know what it is like to have to listen to someone running off at the mouth nonstop for thirty minutes?

ABNER

So when you graded her term paper, you were angry at my client?

RHEINHARDT

Yes, I was, but that did not effect the way I graded her paper. Her paper stunk, period. Regardless of what I thought about her personally, she wrote what I found to be the most poorly written, or should I say concocted, excuse for a dissertation I have ever read. A ten year old with even a limited skill in writing could have done a better job. Her spelling and grammar were atrocious. The paper contained not even one clearly stated idea. Her bibliography came straight out of the children's section of the public library. In short, her writing emulated the content and style of her speech, rambling and inane, which made reading her paper an even more excruciating and oppressive experience for me. It should have been me suing her for mental anguish.

ABNER

The fact that my client is Slovak and you the son of a Sudeten German had no bearing on your decision to fail her?

RHEINHARDT

None whatsoever. Maggie earned that distinction all by herself.

ABNER

And the fact that she poured water on your head in public had no bearing either?

RHEINHARDT

No, it did not. I am not so petty that I would use such incivility against her. Her story about the glass having accidentally slipped is so transparently ridiculous that it requires no further comment.

ABNER

But still, didn't it make you feel even angrier at her?

RHEINHARDT

Maybe it did. But the fact remains that her paper was woefully substandard, and I graded it accordingly.

ABNER

(to Kleiderman)

I'm done with this witness. *(to Zander)* Your witness.

ZANDER

You are a fully tenured professor. Correct?

RHEINHARDT

Yes. Correct.

ZANDER

In your years teaching college, how many papers have you graded?

RHEINHARDT

Thousands.

ZANDER

In your years as a professor, your students were of which ethnicity?

RHEINHARDT

I don't know, I never took a survey nor did I ever ask.

ZANDER

In your years teaching college, is the plaintiff the only student you have ever failed?

RHEINHARDT

No.

ZANDER

Is the plaintiff the only student who has ever accused you of being biased?

RHEINHARDT

Yes.

ZANDER

Did the plaintiff deliberately attack you at the restaurant?

RHEINHARDT

Yes.

ZANDER

Without provocation?

RHEINHARDT

Yes.

ZANDER

Is that why you did not try to curb her excessive commentary in class?

RHEINHARDT

Partly yes.

ZANDER

Because you were afraid of her?

RHEINHARDT

Partly, yes.

ZANDER

You were afraid of what she might do if you tried to re-impose your authority over her?

RHEINHARDT

Yes.

ZANDER

Did you discuss this with any of your colleagues?

RHEINHARDT

No.

ZANDER

Why not?

RHEINHARDT

Because it would have been humiliating for me to have to admit that I was afraid of a student, especially a female student.

ZANDER

(to Kleiderman)

I'm finished.

KLEIDERMAN
(to Abner)

Do you wish to re-direct?

ABNER
(to Kleiderman)

Yes, I do, madam Chairman. *(to Rheinhardt)* Is it your testimony that you tolerated or endured my client's supposedly longwinded commentary in class because you were afraid of her?

RHEINHARDT

Yes.

ABNER

But my client testified that the pouring of the water over your head at the restaurant was an accident. So why would you be afraid of her?

RHEINHARDT

Because it was not an accident. It was deliberate.

ABNER

But wasn't it you who set up the meeting?

RHEINHARDT

Yes, it was, and I regret it now.

ABNER

Did my client ever behave aggressively in class?

RHEINHARDT

No, but she behaved aggressively with me.

ABNER

Okay, hypothetically presuming that my client did behave aggressively with you, do you think you could have done or said something to provoke her?

No. RHEINHARDT

I'm finished with my re-direct. ABNER
(to Kleiderman)

Do you wish to re-cross exam? KLEIDERMAN
(to Zander)

No, Madam Chairman. ZANDER
(to Kleiderman)

You may step down. (Rheinhardt leaves the witness box and returns to his table.) (to Abner) Do you wish to call anymore witnesses? KLEIDERMAN
(to Rheinhardt)

The plaintiff rests. ABNER
(to Kleiderman)

Do you wish to call any witnesses? KLEIDERMAN
(to Zander)

The respondent rests. ZANDER
(to Kleiderman)

Since both the plaintiff and respondent rest, we will now have closing summations, first by the respondent, then by the plaintiff, and then rebuttal by the respondent. (to Zander) Ms. O'Doul, are you ready to begin your summation? KLEIDERMAN

ZANDER
(to Kleiderman)

I am, madam Chairman.

KLEIDERMAN
(to Zander)

You may proceed.

ZANDER

The issue in this case is simple. Did my client, Professor Ernst Rheinhardt, treat the plaintiff fairly when he gave her an F on her term paper? The evidence shows that he did treat her fairly. The plaintiff produced a poorly written paper. That is a fact. The plaintiff has attempted to obscure this fact by charging Professor Rheinhardt with bias, that he was targeting her because she is Slovakian. To prove such intent would require being able to read my client's mind. But even if he did harbor negative thoughts against the plaintiff, the fact remains that the plaintiff produced a paper of such poor quality that it could only be given a failing grade. No credible evidence was offered to refute that fact. Professor Repolsky testified that the plaintiff's paper should have received an A minus and Dr. Begelhorn testified that the plaintiff had a medical condition that affected her ability to communicate properly. Their testimony should be given no weight whatsoever. Both witnesses are unabashed charlatans. Their works have been repeatedly challenged and rejected by competent academic and governmental authorities. As for Professor McNally, Ms. Dubois, Ms. Goodday and Ms. O'Shay, their testimony is entirely irrelevant. None of them were involved in the grading of the plaintiff's paper. That alone was Professor Rheinhardt's responsibility. The fact is that when Professor Rheinhardt graded the plaintiff's paper he was doing his job. His qualifications and ability to do his job were never challenged. Indeed, the fact that the professor continued to teach the class after the plaintiff attacked him in the restaurant and then conspired with her friend Mr. Busoc to retaliate ...

ABNER

Objection, madam Chairman. Counselor's use of the word retaliate is unsupported by the testimony.

KLEIDERMAN

Objection overruled. *(to Zander)* You may continue.

ZANDER

(to Kleiderman)

Thank you. *(Zander resumes her summation)* Let's be clear on this point: the plaintiff assaulted my client. On that point there can be no doubt. The plaintiff testified that the incident in the restaurant was an accident. Meanwhile, she told Mr. Busoc that she had, quote, dumped water, closed quote, over my client's head. Obviously she contradicted herself. And after she perpetrated that assault, she complained about my client to Mr. Busoc with whom she has a personal relationship. Who knows what they were going to concoct. She became a loose cannon, placing the safety of my client and the entire school at risk.

ABNER

(to Kleiderman)

Objection. Inflammatory, prejudicial.

KLEIDERMAN

(to Abner)

Overruled *(to Zander)* Proceed.

ZANDER

He didn't know what she would do next. Yet my client continued to do his job. He did what was right and responsible and refused to be intimidated. The grade of F was fully warranted. Accordingly, the plaintiff's complaint should be rejected. *(Zander returns to her seat.)*

KLEIDERMAN

(to Abner)

You may begin your summation.

ABNER

Thank you. My client, Maggie Ciernikova, received an F on her term paper for one reason only: the malice Professor Rheinhardt harbored for my client. It is as simple as that. For Professor Rheinhardt, Slovakia was an evil place, the place where his father was accused of having perpetrated war crimes. So when he learned that my client was from Slovakia, something clicked in his mind. All of a sudden she was no longer his student. She became his father's enemy and in turn his enemy, to be defeated and destroyed. To defeat and destroy her, he turned to the most lethal weapon in his arsenal, his pen. Wielding his pen like a sword ...

ZANDER
(to Kleiderman)

Objection. There is no evidence that my client wielded his pen like a sword.

KLEIDERMAN
(to Zander)

Overruled. (to Abner) You may continue.

ABNER
(to Kleiderman)

Thank you. (*Abner resumes his summation*) As I was saying, wielding his pen like a sword, he gave Maggie an F. No matter how excellent her term paper, he was determined to fail her. Professor McNally testified how angry and upset the respondent was with my client. Yet my client had done nothing wrong. Ms. Goodday and Ms. O'Shay both testified as to my client's exemplary conduct in class. She participated in class, responded to questions, did her work, in short, she conducted herself like a student. As for the incident in the restaurant, counsel for the respondent described it as an attack. Nothing could be further from the truth. It was an accident, an unfortunate moment of clumsiness that is all. The police were not called, my client was not detained, the professor was uninjured, no damage was done. That is corroborated by the testimony of Ms. Dubois, the waitress at the scene. As for the allegation that my client conspired with her friend Mr. Busoc to retaliate against the respondent, that is pure fantasy. When my client visited Mr. Busoc she was distraught. She was traumatized. Her plans had been shattered. She needed someone with whom to ventilate, so she visited a friend. Retaliation was the furthest thing from her mind. Her alleged statement to Mr. Busoc, that she dumped water on the respondent's head at the restaurant, was uttered during a period of extreme emotional distress and cannot be taken seriously. Mr. Busoc himself testified that normally the plaintiff never acted out in public. But if she did act out at the restaurant it was entirely due to the respondent's abuse of his authority which drove my client to the brink of despair. The fact is that my client had no chance of passing. Don't believe the professor when he says that my client's ethnicity was not a factor in his decision to fail her. It was a factor, the decisive factor, the only factor. The damaging effects of my client's medical condition, the longitudinal expressive dysphonia discussed by Dr. Begelhorn, enflamed the respondent's hatred for her and made him even more determined to punish her. Professor Repolsky, a noted expert in the field of academic fairness, testified that Maggie's paper should have been given not an F but an A minus. My client has no prior history of academic problems or of having ever failed a class. The evidence shows that my client, Maggie Ciernikova, was treated unfairly, a victim of Professor Rheinhardt's prejudice toward Slovaks. Therefore her complaint should be affirmed and the grade on the paper changed to A minus. *Abner returns to his seat.*

KLEIDERMAN

I want to compliment both counsels for the splendid work they did today representing their clients. Now the panel will retire to deliberate and render a decision.

The end.

Technical terms

Longitudinal expressive dysphonia – a neurological disorder with psychiatric features affecting the parts of the brain that control speech. This disorder is often mistaken for another far more common condition, amentius stupidosis, also known as stupidity, which has many of the same symptoms as LED.

Psychosomaticitis – inflammation of the psyche. The patient believes that his or her ego is on fire. The exact etiology of this condition is unknown. However, research has demonstrated that there is a positive correlation between the ingestion of large quantities of alcohol and the onset of symptoms.

Repolsky Grading Scale – an academic grading system developed by Dr. Roger J. Repolsky, the noted Slovakian-American physician and world-champion yodeler. In 2007 Dr. Repolsky was awarded the coveted Laughing Donkey Medallion by the International Council for Academic Fairness, or ICAF, founded in 1934 by the legendary Professor Leo Herbert Geisler, known as the George Washington of college grading, whose advocacy for transparency in the academic grading process brought accountability into what heretofore was a field rife with abuse.