



Familiarize students with gaming and gambling issues.

- a. Introduce gaming and gambling by asking students what they already know or have experienced related to the topics. Invite students to share their stories to help others understand the issues from a peer point of view.
- b. Give students the Background Information handout BU UIF FOE PG UIJT E P D & G A M E which features the three articles and background information below.

f <http://theconversation.com/gambling-loot-boxes-in-video-games-could-be-conditioning-children-107667>

f <https://www.theverge.com/2017/12/19/16783136/loot-boxes-video-games-gambling-legal>

f <https://thenextweb.com/syndication/2018/12/10/loot-boxes-in-video-games-could-be-giving-kids-a-gambling-problem/>

Under-aged youth can purchase keys, or their counterparts, in video games. Keys are purchased for a base rate without the player knowing what crate or loot box the key will open – it is a randomized selection that could have something as simple as a modification for a game’s avatar in it or as essential as game-enhancing armor or weapons. When a player purchases a key in a game, the key is a gamble involved –the key they purchase will open a box that has an item of either greater or of lesser value in it than the amount that they paid for the key. These winnings or digital goods (weapons, armor, avatar modifications, etc.) do not have real money value in the game. But players can transfer their digital goods to online third party sites. Through a legal



loophole, these third-party sites such as Steam Marketplace allow players to buy and sell digital goods from their games for real money. The outcome of this process is that under-aged youth end up losing or winning real money even though it is illegal for them to gamble with real money.

2. Introduce the court case

- a. Give each student the Court Case handout the background information of the case. You may want to read it aloud with the class:

Nathan Smith is 13 years old and has been using his parents' money without themm80 0 10 93.618os18o

Witnesses (4-6 – mix of eye witnesses and professionals) – Lawyers will get an equal number of witnesses to work with and together the witness and lawyers will decide how the witness can best assist in arguing their side of the case. Witnesses must be cross examined by opposing counsel in trial as well and will need to prepare for cross examination. Witnesses will also each need to create their own Eyewitness Statement or Expert Witness Report

- f Clerk/Timekeeper (1) – They will ensure timing is fair and that a strict schedule is maintained.
- f Jurors (up to 12) – They will deliberate together after the case and come up with a verdict. Jurors will need to take notes throughout the trial. A jury foreman will need to be elected.
- f Journalist (1 or 2) – They will need to take notes throughout the trial and give a short recap of the proceedings after each class.
- f Judge (Played by the teacher) – The judge will rule over the courtroom and ensure all runs smoothly. The judge will address the jury and will inform them of how they are to deliberate and decide the case, and what burden of proof they will apply. For example: “This is not a criminal case and the plaintiffs do not have to prove their case beyond a reasonable doubt – they only have to show on a balance of probabilities that the corporate defendants are liable.”

Note: Encourage plaintiff and defense lawyers to come up with their own arguments. If they are stuck, however, we suggest the following:

Team Fortress 2 Defense: Keys do not differ in price based on the value of the item you win, and because they stay in the game they do not contribute to winning or losing real money and are therefore not gambling. It is not the game’s responsibility to monitor who trades on third-party sites, nor to check ages of players, and age should not even matter considering real money is not involved.

Steam Marketplace Defense: This is a buy-and-sell marketplace that does not involve gambling. There is no need for an age restriction because anyone can purchase or sell products online. It is not the responsibility of Steam Marketplace to research where the items are coming from and the ages of the individuals that are buying and selling goods. The site is also not responsible for contributing to any problem gambling as individuals should be monitoring their own use.

Plaintiff: Focus on how it is illegal for children to gamble, how digital matter ends up having real monetary value when taken to the third party sites, how keys to crates and loot boxes still cost real money to purchase, how Steam Market and Team Fortress 2 know the video game targets many under aged youth and that they should have an extra added duty to ensure kids are not gambling, and how Nathan has now had a year of gambling experience which might lead to problematic gambling. In addition, they will likely want to challenge that digital matter has real



Make reasoned ethical judgments about legal systems or codes

9 Make reasoned ethical judgments about controversial decisions, legislation, or policy

9 Assess the justification for differing legal perspectives after investigating points of contention, reliability of sources, and adequacy of evidence

9 Use social studies inquiry processes and skills to ask questions

9 Gather, interpret, and analyze legal concepts, issues, and procedures

9 Communicate findings and decisions

9 Assess and compare significance and impact of legal systems or codes



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Nathan Smith is 13 years old and has been using his parents' money without them knowing to regularly purchase keys to crates in Team Fortress 2.

It started out with his parents giving him \$30 or so just to play the online games. The Smiths say Nathan seemed happy playing Team Fortress 2 with his friends and they did not want to take that away from him. The Smiths' credit card was linked with Nathan's gaming account, and Nathan began to purchase keys to crates without his parents' consent.

Nathan began acting out in school and around the home, and began spending more and more time alone in his room online. His parents were concerned and after looking over credit card statements they discovered that over the past year Nathan had spent about \$1000 of their money on a combination of keys in Team Fortress 2 and on buying, selling, and trading goods from the game in the Steam Marketplace.

After being confronted by his parents, Nathan claimed that he has been buying more keys recently and visiting the Steam Marketplace more frequently because he wanted to win back the money before his parents found out.

Nathan's parents are suing Team Fortress 2 and Steam Marketplace for \$1000 each for not enforcing the age restriction of gambling and for punitive/exemplary damages of setting their child on the road to problematic gambling behavior. They say they have noticed a significant change in Nathan's behaviour and are concerned that he is already experiencing problematic gambling.

The media got wind of this case and the story is being discussed on national radio, television, and online. It appears many parents and children can relate to the Smiths' experience, and share concerns about the current laws regarding digital material and its true monetary value (or, currently, lack thereof).



– They will argue on behalf of Nathan Smith and his parents for why digital matter/goods should have the same value as real money and for damages.

Defense Lawyers (2-4)– They will defend the current status quo. There need to be lawyers for both Team Fortress 2 and for Steam Marketplace.

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Name: _____

Expert Witness Report

Use this outline to help you read through the expert witness to begin analyzing this witness's role in the trial.

Witness Name: _____

Witness Age: _____

Witness Occupation: _____

Witness positive factors: _____

Witness negative factors: _____

Witness's area of expertise: _____

What Expert can testify to: