



# FRATERNAL LAW™

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The new academic year begins against the backdrop of continuing reaction to the tragedies caused by the misuse and abuse of alcohol. At least three wrongful death suits are underway or about to be filed against fraternities in California, Indiana and Massachusetts. A creative California case seeks both injunctive relief against a fraternity for unfair competition and an order that the fraternity give up all the money it received from events where minors were illegally provided with alcohol. In Ohio, a year-old state statute is under attack because it requires anyone buying five kegs of beer or more to register and to grant advance approval for the police to search the premises where the alcohol is being served.

What follows are several articles dealing with these issues. They point out the unfortunate fact that in spite of the many efforts by national Greek organizations and colleges and universities to control alcohol and hazing, continuing efforts are needed. Fraternity officers returning to school must recognize that too frequently, the academic year begins with news of another death when an illegal alcohol-laden rush activity, pledge event or improperly controlled fraternity party ends in tragedy.

## THE RESPONSE TO ALCOHOL DEATH AT CHICO STATE

**A**drian Heideman died on October 7, 2000, at Cal State-Chico's Pi Kappa Phi House. Adrian had been encouraged to drink a substantial quantity of blackberry brandy. The lawsuit that has now been filed against the fraternity, the chapter and numerous members of the chapter claims that after Heideman became so drunk he couldn't care for himself, two members of the fraternity took him to a basement room and left him "lying on a narrow bed with his face against the wall." The members "turned the lights off before they left him there" while they went upstairs to continue to "drink and to watch the strip show." More details of that lawsuit, particularly of a unique theory being applied in the complaint can be found in an accompanying article.

Edith Heideman, Adrian's mother, was quoted in the *San Francisco Chronicle* on the day after the suit was filed as saying:

"I don't want another young man on the threshold of his manhood to suffer the indignity and tragedy of dying on the brink of life and I don't want another mother to live with this unrelieved, unremitting pain that I have to live with the rest of my life of not having my son."

For its part, the University initiated, as a permanent part of its campus web site, a web link describing their alcohol policy and programs emphasizing what they do to educate students about the dangers of excessive alcohol use. Their action was clearly linked to Heideman's death as the new web

link begins with the recognition that "Our campus was saddened by the tragic and senseless death of Adrian Heideman on October 7, 2000."

While announcing that it beefed up staffing by adding a new professional to advise Greek organizations, another professional staff member at the Campus Alcohol and Drug Education Program and assigning a faculty member to assist the University President in assessing alcohol issues, the University also made clear on the web site the legal limitations under which it operates stating:

"One of the major challenges facing the campus is that 90% of its students live off-campus and the University does not have the legal authority to

### 2001 FRATERNAL LAW CONFERENCE

This issue includes detailed information regarding the 2001 Fraternal Law Conference which takes place November 9-10 in Cincinnati, Ohio. A conference registration form is also attached.

This meeting of fraternity executives, student fraternity leaders, university and Greek affairs representatives and their attorneys provides an opportunity for all parties to meet and discuss current issues and events with the goal of ensuring a healthy and vital Greek system.

invoke University disciplinary sanctions to address students' off-campus misconduct. The University's authority is restrained by many court cases, confirming that colleges and universities do not have jurisdiction to impose discipline for misconduct that occurs off-campus unless it is at a campus-sponsored event. In California, students who are 18 and older are considered legal adults and, accordingly, are held legally responsible for their own conduct and behavior, wherever that may be. While on campus or at a campus-sponsored activity, students are subject to all University policies and disciplinary sanctions, including those addressing alcohol abuse. Unfortunately, as strong as both the University's alcohol policy and concerns regarding alcohol abuse are, that policy does not apply to student behavior occurring off-campus."

While results are mixed across the country, Cal State-Chico makes valid points. Increasingly, courts are pointing out that those students who are adults for all other purposes,

but underage for the purpose of drinking, are responsible for their own conduct when they choose to consume or even abuse alcohol while underage. Some state courts have specifically recognized that universities do not have a duty to protect students from their own misconduct.

Individual responsibility, however, does not relieve the criminal misconduct of those who supplied the alcohol to the underage drinkers.

As reported in the March 2001 issue of *Fraternal Law*, three members of the Pi Kappa Phi Chapter, including its President, were criminally prosecuted for "providing alcohol to a minor causing death." The chapter president and the two members who purchased the alcohol, all pled guilty and were sentenced to 30 days in jail.

Presumably the remorse they showed over Heideman's death accounted, at least in part, for the lightness of the sentence. They may not be as fortunate as the lawsuit against them, their chapter and national proceeds.

• Timothy M. Burke

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## ANOTHER SENSELESS CAMPUS DEATH

**O**n January 27, 2001, 19-year old Seth Korona attended, along with perhaps 400 other students, a Theta Chi rush party at Indiana University. A week later he was dead. During the party, Korona performed a handstand on a beer barrel while drinking from the barrel's tap. Within minutes he fell backwards, slamming his head against the side of a metal door frame, knocking himself unconscious. He recovered consciousness, complained of a headache, but refused to go to the hospital until the next day. The hospital, according to published reports, initially suspected Korona had meningitis, a condition causing fluids to develop around the brain and spinal cord. It wasn't until two days after he was admitted that it was discovered he had a skull fracture. By that time, Korona was in a coma from which he never recovered.

The Monroe County Prosecutor opted not to pursue criminal charges against anyone in spite of the fact that someone, perhaps several people, purchased four kegs of beer, someone prepared alcohol-laced "pledge punch" and apparently the chapter made the alcohol available to anyone at the party whether they were of legal drinking age or not. The University has filed charges against at least 25 students for violating campus alcohol and other rules.

The Korona family has retained legal counsel who has given notice of his intent to file suit against Indiana University, the President of Theta Chi Fraternity and Bloomington Hospital. Following a press report that an off-duty Indiana State Trooper worked security at the party, Korona's attorney said he will add the Indiana State Police to the list.

It remains to be seen whether or not a lawsuit against

any of the potential defendants can succeed. This case is complicated by the fact that had Korona gotten prompt, correct medical attention, he may not have died. However, if reports are accurate that this chapter had a history of problems related to the misuse of alcohol, it will strengthen the plaintiff's case. Published reports indicate that in 1989, Theta Chi was "nearly kicked off campus" for a series of violations. Michael Gordon, the Dean of Students in 1989, said at the time "usually a university expels when someone is killed or is in a coma. We don't want to wait until someone is in a coma." In 1998, the fraternity was suspended when police found 175 cases of beer in the chapter house, along with 30 bottles of vodka. In response to Korona's death, both the University and Theta Chi suspended the chapter.

Seth Korona's death at Indiana University, Adrian Heideman's death at Cal State-Chico, Scott Krueger's death at MIT were all needless deaths. Each was an enormous tragedy for the families involved. Each brought substantial disrepute to the fraternity chapters involved. The responsibility for these deaths will, for the rest of their lives, be with the individuals who purchased the alcohol and the fraternity officers who knew about the illegal use of alcohol but did nothing to stop it. But at least those individuals have lives in front of them. They will all spend a significant part of those lives dealing with the legal consequences of their actions and the lawsuits that grow out of them.

• Timothy M. Burke

## THE CHICO STATE LAWSUIT: IS ILLEGALLY SERVING ALCOHOL UNFAIR COMPETITION?

The lawsuit filed by Michael and Edith Heideman, the parents of Adrian Heideman, who died in the Pi Kappa Phi House at Cal State-Chico, contains claims against the national fraternity, its chapter, officers of the chapter and specific individuals who purchased the alcohol and encouraged Adrian to consume it. The Complaint includes a claim based on violations of California's anti-hazing law, seven separate negligence claims and a unique claim based on California's Unfair Business Practices Statute. A slightly edited version of the Ninth Cause of Action of the Complaint filed on behalf of the Heidemans by the San Francisco law firm of Kerr & Wagstaffe is reprinted below.

### NINTH CAUSE OF ACTION

Business & Professions Code sections 17200 et seq.  
(Against defendants PKP-Chico and PKP)

122. This cause of action is brought pursuant to California Business & Professions Code sections 17200 *et seq.* The conduct of defendants constitutes unfair, unlawful and fraudulent business practices within the meaning of Code section 17200.
123. It is the law and public policy of the State of California that alcoholic beverages shall not be provided to persons under the age of 21. The same public policy necessarily prohibits encouraging or requiring minors to consume alcoholic beverages. The recruitment, initiation, and social activities of PKP and PKP-Chico complained of herein constitute unfair business practices [in violation of the law] because they include and consist in substantial part of providing alcoholic beverages to persons under the age of 21 as well as permitting, encouraging, and requiring those persons to consume such alcoholic beverages.
124. It is the law and public policy of the State of California that students at universities such as CSU-Chico shall not be subjected to hazing. Educ. Code §§ 32050-51. The recruitment, initiation, and social activities of PKP and PKP-Chico complained of herein constitute unfair business practices because they include and consist in substantial part of prohibited hazing.
125. Business and Professions Code section 17203 provides that a court "may make such orders or judgments ... as may be necessary to prevent the use or employment by any person of any practice which constitutes unfair competition ... or as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition."

126. The Heidemans are informed and believe that the acts of defendants are ongoing throughout local chapters under the control of PKP and that defendants will continue to engage in these unfair and unlawful business practices unless restrained. Accordingly, the Heidemans, on their own behalf and on behalf of the public, seek an injunction preventing defendants from continuing to engage in the illegal practices alleged above. The Heidemans seek an order of this Court enjoining PKP and PKP-Chico, and each of them, from providing alcoholic beverages to persons under 21 at any fraternity function or on any fraternity premises; allowing persons under 21 to consume alcoholic beverages at any fraternity function or on any fraternity premises; encouraging, requiring, or coercing persons under 21 to consume alcoholic beverages; and any other hazing prohibited by California law.

127. In committing unfair business practices, defendants have been unjustly enriched and should be disgorged of their unjustly acquired gains, in an amount to be determined at trial. Additionally, the Heidemans seek restitution of the amounts that defendants have improperly collected by virtue of their conduct in violation of that section....

While the Complaint seeks unspecified money damages to be determined by a jury, the first unique twist in the Ninth Cause of Action is the demand for injunctive relief -- a court order prohibiting the fraternity and its chapter from providing alcoholic beverages to persons under 21 at any fraternity function or on any fraternity premises or allowing persons under the age of 21 to consume alcohol at fraternity functions or on fraternity premises. A violation of such a court order, if granted, would put the fraternity or the chapter that engaged in it, in contempt of court, subjecting the violators to additional judicial sanction, including the possibility of jail.

The second twist is the demand for "the disgorgement of all earnings, profits, compensation and benefits" resulting from the fraternity's alleged unfair business practices. In making that claim, the Heidemans have identified yet another legal theory which may be used to attack those fraternal organizations and their officers and members who fail to heed laws regulating the consumption of alcohol, particularly where those organizations, their officers or members, provide alcohol to or encourage drinking by those who, under the law, may not yet legally consume alcohol at all.

• Timothy M. Burke

## A NEW ATTACK ON KEG PARTIES BUT IS IT LEGAL?

A year-old Ohio law attacking beer blasts and underage drinking is now itself under attack. The Ohio Chapter of the American Civil Liberties Union is challenging the constitutionality of an Ohio keg law passed in August, 2000. The law requires a person purchasing five or more kegs of beer to sign an affidavit stating where the kegs will be consumed and allowing the police to come onto the property where the party is taking place without obtaining a search warrant. Section 4301:1-1-68 of the Ohio Administrative Code, known as Rule 68, requires beer distributors to obtain a signed affidavit from anyone purchasing five or more kegs at least five days before the purchaser receives the kegs. The affidavit gives law enforcement officers authority to inspect the premises of the site where the kegs will be served. Buyers must also promise not to give beer to anyone under 21 years of age. Distributors who fail to obtain the affidavits can be fined up to \$100.

Ohio fraternity houses that purchase five or more kegs could be seeing some uninvited guests at their parties. According to a spokesperson for the Ohio Liquor Control Commission, the Ohio law is intended to protect distributors from liability for selling to underage drinkers. But whatever its stated intent, the law's effect is to make it easier for law enforcement authorities to control underage drinking by giving them advance permission to inspect party premises.

Ohio is not the only state to have such a law. New Hampshire, Kansas, Iowa and Pennsylvania all have or are considering similar legislation.<sup>1</sup> Maryland has had a keg law since 1994.<sup>2</sup>

Opponents of Ohio's law contend that it forces adults to waive their constitutional right to privacy in order to engage in a legal activity.<sup>3</sup> The ACLU of Ohio filed suit in the United States District Court for the Southern District of

Ohio, Eastern Division, on May 25, 2001, on behalf of Scott Hooper, a professor at Ohio University in Athens, Ohio. Mr. Hooper was not allowed to purchase five kegs of beer when he refused to sign an affidavit. The suit alleges that requiring prospective beer purchasers to give law enforcement officials the right to search premises where beer will be served violates both the United States and Ohio constitutions. The Fourth Amendment to the United States Constitution and Article 1, Section 14 of the Ohio Constitution protect the right of the people to be secure from unreasonable searches and seizures of their persons, houses, papers and possessions.

The suit names as defendants Maureen O'Connor in her capacity as Director of Public Safety for the state of Ohio (she is also the state's lieutenant governor), the Ohio Department of Public Safety, and the Ohio Liquor Control Commission. The suit seeks an injunction against enforcement of Rule 68 as well as a declaration that the law violates the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the Ohio Constitution.

Information about the lawsuit and a copy of the complaint can be obtained from the ACLU of Ohio Web site at <http://www.acluohio.org>.

• Lycette Nelson

<sup>1</sup> *Ohio's New Keg Registration Act: How it works*, MODERN BREWERY AGE, Vol. 51, No. 34, August 21, 2000 at 4.

<sup>2</sup> Liz Sidoti, *Ohio Cracks Down on Keggers*, AP ONLINE, August 8, 2000.

<sup>3</sup> *ACLU to Sue State Liquor Control Commission Over Five Keg Law*, ACLU of Ohio Press Release, May 24, 2001, available at [http://www.acluohio.org/press\\_releases/2001\\_press\\_release/may\\_24.htm](http://www.acluohio.org/press_releases/2001_press_release/may_24.htm).

## FIRST AMENDMENT GOVERNS KENTUCKY STATE UNIVERSITY

The First Amendment Rights of Freedom of Expression and Freedom of Association are so complexly intertwined, that if they are withdrawn from any student group, the action harms all student groups and everyone else on the campus. In January, the United States Court of Appeals, Sixth Circuit, upheld the First Amendment rights of editors of the 1993-94 Kentucky State University yearbook known as the *Thoroughbred*.

The student editor had resolved to "do something different." Her goal was to "bring Kentucky State University into

the nineties." She wanted to "present a yearbook to the student population that was what they [had] never seen before."

The yearbook was covered with a material known as "rain shower foil stamp" which was purple in color. One of the editor's notions was to have the yearbook focus on a central theme, which was "Destination Unknown." The theme was to describe the atmosphere of "uncertainty" that the editor thought characterized the campus at that time. Apparently, the editor felt that the uncertainty was displayed "in students wondering 'where are we going in our lives' and in a current controversy regarding whether KSU was going to become a community college."

When the yearbook was delivered to campus, administrators seized it and prevented its distribution among the students. Administrators found "the publication to be of poor quality and 'inappropriate.'" As explained by the Sixth Circuit, "in particular, Gibson [the Administrator] objected to the yearbook's purple cover (KSU's school colors are green and gold), it's 'Destination Unknown' theme, the lack of captions under many of the photos, and the inclusion of current events ostensibly unrelated to KSU." The Administrator conferred with the University President before taking her draconian action.

The suppression of the yearbook was not only a violation of the First Amendment Right of Freedom of Expression by students, and therefore unconstitutional, but it was one of the dumbest things that a college administration can do with regard to a publication. To suppress a student publication as a pragmatic matter merely makes the publication more notorious, more alluring and better known than it would have been if nothing had been said and it had been distributed on campus.

The United States Court of Appeals for the Sixth Circuit did not discuss the bad judgment of the school administration, but it did discuss that it was an illegal judgment. The Sixth Circuit states: "We begin with the fundamental principle that there can be 'no doubt that the First Amendment Rights of Speech and Association extend to the campuses of state universities.'" The Sixth Circuit cites *Widmare v. Vincent*, 454 U.S. 263, 268-269, 70 L.Ed.2nd. 440, 102 S.Ct. 269 (1981).

The Court reviewed the university policies as found in the Student Handbook and through years of practice and concluded that the editor was essentially autonomous. The University staff member appointed as advisor to the yearbook had the limited role of "assuring that the yearbook is not overwhelmed by ineptitude and inexperience." The policy expressly states: "In order to meet the responsible standards of journalism, an advisor may require changes in the form of material submitted by students, **but such changes must deal only with the form or the time and manner of expressions rather than alteration of content.**"

Having found that the yearbook is a "limited public forum," the Court found that rights of the University "to limit expressive activity are sharply circumscribed." A state university may "enforce content-based restrictions only if they are narrowly drawn to serve a compelling interest, and may enforce content neutral time, place and manner restrictions only if they are 'narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.'"

The same principles that apply to Freedom of the Press on campus also apply to Freedom of Association. This area of the law was reviewed a decade ago in: "State Power and Discrimination by Private Clubs: First Amendment Protection for Non-Expressive Associations," 104 Harvard Law Review 1835 (1991). The article was summarized in *Fraternal Law* No. 42, November 1992.

Whether it is the content of a publication, or the freedom to associate with those whom one chooses to associate, a state university cannot violate student rights. The same law applies whether it arises through an administrative action against a publication or an administrative action against a student assembly. The rights of students in Greek organizations and in other organizations all come under the same law. When the rights of any student group are suppressed, it affects all students on that campus and perhaps on other campuses.

• Robert E. Manley

## BUT AT DARTMOUTH . . .

On May 11, 2001, Dartmouth College announced that the Zeta Psi Fraternity had permanently lost its recognition by the College. According to the College's investigation, Zeta Psi prepared and distributed "newsletters" that "purported to describe exploits, many of them sexual in nature, of various members of the fraternity and other students." The publications, which the Fraternity described as satire, included use of names and photographs of Dartmouth women and descriptions of the reported exploits. One newsletter promised a report on "patented date-rape techniques" in an upcoming issue.

In announcing the permanent derecognition, Dean of the College James Larimore wrote that "[a] Dartmouth education is based in significant part on the concept of a community of learning." He went on to state that "Dartmouth's recognition of Zeta Psi and other (Coed, Fraternity and Sorority) organizations is premised on the idea that they contribute positively to the life of the institution. When an organization violates the rules and values of the community in the manner that Zeta Psi has - by abusive treatment of fellow students - it forfeits its right to continued membership in our community." Dean Larimore recognized the considerable discussion on campus about freedom of expression. He countered that allowing such freedom to engage in any and all expressive behavior, subject to no standard whatsoever, "is corrosive of the very idea of a residential college." He concluded that "Dartmouth has the right and the obligation to remove from its residential life system an organization that will not conform to the standards of that system."

Letter to the Dartmouth Community from Dean of the College James Larimore is available at the Dartmouth College website, [www.dartmouth.edu/~news/releases/may01/j1511.html](http://www.dartmouth.edu/~news/releases/may01/j1511.html).

# THE CONTINUING CONTROVERSY OVER MANDATORY STUDENT FEES

As reported in *Fraternal Law* in September 2000, the University of Wisconsin has unsuccessfully struggled attempting to defend the constitutionality of its mandatory student fee system. In 1996, a group of conservative students and alumni challenged the University's method of distributing student fees to student organizations. Much of the allocation decision was left to student government and it was possible that the funding of specific groups could be subjected to a student referendum.

The court determined that the University gave unbridled discretion to the elected student government and that discretion "inadequately protected the principle of viewpoint neutrality and the constitutional rights of objecting students where student fees were compelled."

While generally the U.S. Supreme Court, in a unanimous decision,<sup>1</sup> found the University's system to be constitutional, the existence of the student referendum possibility caused the Supreme Court to remand the case so that a lower court could determine whether or not the funding decisions were content neutral. That is, did the funding decisions depend on whether or not the decision-makers, members of student government, agreed or disagreed with what a student group might advocate?

Among the groups that had previously received funding were the college Democrats, the college Republicans, the campus ACLU Chapter and the International Socialist Organization. The diversity of these groups indicated a willingness to fund groups advocating a wide variety of political beliefs.

In December of 2000, after the case was remanded to the United States District Court for the Western District of Wisconsin, the court found that the then-existing University of Wisconsin program was violative of the First Amendment.<sup>2</sup> The court determined that the University gave unbridled discretion to the elected student government and that discretion "inadequately protected the principle of viewpoint neutrality and the constitutional rights of objecting students where student fees were compelled."

The court gave the University one more chance. In the most recent decision this spring, the court noted that since its December decision, the University "made extensive efforts to bring its segregated fee system into compliance with this court's ruling."<sup>3</sup> The University created an appeals process for a Registered Student Organization (RSO). It required that a record be kept for consideration on appeal and that standardized forms be used stating the rationale behind funding decisions. Ultimately, a denied organization could ap-

peal all the way to the University Chancellor who would review decisions *de novo*. The court also favorably noted that the University had attempted to establish specific criteria for both funding and funding amounts.

Still, the court concluded that the University had not gone far enough to eliminate the possibility of discrimination based on the ideas espoused by the organization seeking funding. As the court put it:

"Despite defendants' efforts, the measures undertaken fail to address the central constitutional defect in the segregated fee program. The level of student government's discretion is unchanged. No proffered changes address the discretion held by the student government committees in making their eligibility and funding decisions. Determining funding eligibility remains a discretionary exercise. Only five of the 12 criteria utilized in such decisions can be labeled objective – the remainder are inherently subjective and malleable and provide for the use of expansive discretion."

The court voiced a particular concern about organizations being required to "run the gauntlet of subjective criteria" and went on to criticize the university saying:

"Admonishments to student government officials and a *de novo* appeals process are not sufficient to cure this violation."

As a result, the court granted injunctive relief to the plaintiffs enjoining the University from compelling plaintiffs to pay those portions of segregated University fees used to fund expressive RSO activities to which plaintiffs object.

The point sharply made by the trial court was that a University must aggressively ensure that decisions to fund student organizations which engage in expressive First Amendment activity must clearly be made in a neutral manner without consideration of the political, moral or social beliefs advocated by the organization seeking funding.

• Timothy M. Burke

1 Board of Regents v. Southworth, 529 U.S. 217 (2000).

2 Fry v. Board of Regents, 132 F.Supp.2d 749 (W.D. Wis. 2000).

3 Fry v. Board of Regents, 2001 U.S. Dist. LEXIS 3346 (W.D. Wis. Mar. 15, 2001).

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The goal of *Fraternal Law* is to provide a discussion of fraternity law, but its contents are not intended to provide legal advice for individual problems of Greek organizations. The latter should be obtained from your attorney.

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## FRATERNAL LAW CONFERENCE

NOVEMBER 9<sup>TH</sup> AND 10<sup>TH</sup>, 2001

Full day session on Friday, November 9<sup>th</sup>, begins at 9:00 a.m.

Half-day session on Saturday, November 10<sup>th</sup>, ends at noon

Kingsgate Conference Center - University of Cincinnati

▶ **THE LEGAL STATE OF THE GREEK SYSTEM IN A NEW MILLENNIUM**

From the standpoint of more than 30 years as a national fraternity and sorority lawyer, Robert E. Manley discusses current mega trends and new statutory and case law affecting the Greek world.

▶ **UNIVERSITY-IMPOSED STANDARDS AND THE FIRST AMENDMENT**

Timothy M. Burke will trace the recognition of student rights over the last century and review the impact university-imposed standards documents may have on those rights on both private and public campuses.

▶ **TRADEMARKS AND LICENSING**

Donald Frei, a nationally known intellectual property lawyer, reveals how fraternities and sororities, just like the colleges and universities where they are located, can use trademark licensing to protect their mascots, symbols, insignia and make a few dollars doing it.

▶ **WASHINGTON & LEE UNIVERSITY'S APPROACH TO FRATERNITIES AND ALCOHOL**

In 1990, David L. Howison was appointed Dean of Students at Washington and Lee University. One of his major responsibilities was to coordinate the implementation of the University's Fraternity Renaissance which was designed to strengthen the fraternity system. Dr. Howison will reflect on the lessons learned over the past decade, including the impact of changing alcohol laws, policies and trends on the fraternity culture at W&L.

▶ **HAZING LIABILITY IN THE 21<sup>ST</sup> CENTURY**

Gary E. Powell, who has defended national fraternities in hazing cases in several parts of the country, will join with Hank Nuwer, the author of *Broken Pledges: The Deadly Rite of Hazing*, in discussing the issues and dangers which continue to swirl in spite of ongoing efforts by virtually every national fraternity and sorority to stamp out hazing.

▶ **ANATOMY OF A CATASTROPHIC LAWSUIT**

Cincinnati attorneys Todd McMurtry and Peggy Barker look at how mismanagement of the defense of a fraternity lawsuit can produce disaster.

▶ **TAXATION UPDATE FOR FRATERNAL ORGANIZATIONS**

Barbara Bromberg, a nationally recognized specialist in non-profit organizations and taxation, gives an update on tax laws and policies that impact on fraternities and sororities.

▶ **THE RESULTS OF THE ALCOHOL FREE HOUSING INITIATIVE**

Daniel Wientzen, the Director of Risk Management and Housing for the Phi Delta Theta Fraternity, will report on the progress made in the Alcohol Free Housing Movement which has been supported by resolutions of the National Interfraternity Conference and the National Panhellenic Conference. More than a dozen national fraternities are in various stages of implementation of alcohol-free housing policies.

▶ **LEGAL HAZARDS OF E-MAIL, THE INTERNET AND OLD RECORDS**

Robert E. Manley will discuss whether e-mail and old records are important documents which need to be preserved as a part of the organization's history or traps which can significantly harm the organization or its individual members.

▶ **A SUNRISE SESSION FOR LAWYERS – LEGAL ROUND TABLE**

An opportunity for an informal in-depth discussion of current legal topics and cases geared specifically for the attorneys in attendance.

▶ **PROBLEM SOLVING**

An interactive session led by Tim Burke in which all in attendance solve the kinds of problems Greek leaders and university officials face.

The tenth national **FRATERNAL LAW CONFERENCE** will take place November 9-10, 2001, at the Kingsgate Conference Center on the University of Cincinnati campus in Cincinnati, Ohio. This year's conference begins at 9:00 a.m. on Friday and continues through noon on Saturday.

**Fraternity Officers, Council Members and Administrators** - Since the last Fraternal Law Conference in 1998 several fraternities have seen changes in staffing at the executive level. New blood means new ideas and fresh thinking. One thing hasn't changed: risk management remains a top priority. We hope that at the conference you will see how interaction with people on all sides of issues relevant to Greek letter organizations can help you in the implementation of policies and procedures which can put your fraternity in the best possible position to reduce your exposure to liability.

**Students** - Take advantage of the low student rate to attend the conference with your school's student affairs officer or Greek adviser. With our Friday luncheon, evening reception, and continental breakfast on Saturday all included in the registration fee, the Conference is really a bargain.

**School Officials** - Invite the students along. Let them see all points of view. Bring back to your campus what is working elsewhere.

**Attorneys** - Manley, Burke & Lipton invites the attorneys attending the Fraternal Law Conference to a Legal Round Table to discuss from a legal point of view how we may better assist the fraternity or university in dealing with current fraternity issues. This meeting will take place at 8:00 a.m. Saturday prior to the start of the general session.

**CLE credit** is available from the State of Ohio and many other states. We are happy to cooperate in providing you or your state CLE Board with conference information.

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**REGISTRATION INFORMATION**

The general registration fee is \$225.00 per participant; **student fee** is \$140.00. Included in the conference fee is the Friday luncheon, Friday evening reception and continental breakfast on Saturday.

A conference registration form is printed below and may be copied as necessary. Hotel reservations may be made by calling the Kingsgate Marriott toll free at (888) 720-1299. Ask for the Fraternal Law Conference rates when making guest room reservations. For further information contact **Jana M. Shaw**, Managing Editor of *Fraternal Law* at (513) 721-5525.

**REGISTRATION FORM**

**Return to:** Jana M. Shaw, *Fraternal Law*, 225 West Court Street, Cincinnati, Ohio 45202  
Phone: (513) 721-5525; Telefax: (513) 721-4268; E-mail: jshaw@mbl-law.com

Name \_\_\_\_\_ Title \_\_\_\_\_  
Affiliation \_\_\_\_\_  
Address \_\_\_\_\_  
City/State \_\_\_\_\_  
Zip \_\_\_\_\_ Phone \_\_\_\_\_

I am a/an:     Attorney             Fraternity/Sorority Leader             Student             University Official

- ▶ Enclose Conference fee of \$225.00, made payable to *Fraternal Law*.
- ▶ Enclose Conference fee of \$140.00, student registration fee.

Refund Policy: Full refund for cancellations received on or before October 20. Refund minus \$50 for cancellation received between October 21 and November 1. No refunds after November 1.