

NIC CEO, Judson Horras: "Am I just fighting for a bunch of idiots?"

In the past two years I have become what is now known as a "Fraternity Hazing Expert Witness". Prior to that I was a semi retired lawyer and real estate broker who had spent over a quarter of a century as the Executive Director of Delta Kappa Epsilon Fraternity.

*I was an Associate Member of the NIC (North American Interfraternity Conference) for the past two years. The other day I attempted to renew my membership, and after being ignored for a couple of days, was informed by Jud Horras, the CEO, that they had no record of my paying last year's dues, but, "**Given your role in serving as a witness against national organizations and the natural conflict of interest that arrives from this role, we will not be able to offer membership any longer.**" To which I furnished copies of my payments in 2016, and 2017, and replied to Jud, "**BTW, I am not a witness against the nationals, I am a witness against hazing.**"*

Horras is the one interviewed by Caitlin Flanagan in a recent [The Atlantic Magazine](#), who when pointed out by her that the Beta Theta Pi house at Penn State was still engaged in a type of hazing which he, as a former Executive of that

national fraternity, thought had been eliminated, made the quote that will live in infamy, "Am I just fighting for a bunch of idiots?"

My term as Executive Director of DKE, was a bit iconoclastic to the Greek World. **In 1995 we became the first fraternity in one hell of a long time to exit the North American Inter Fraternity Conference for their failure to help me fight the Northeastern Private Colleges attempt to co-edify men's fraternities on their campus. After I led a Freedom of Association Movement through the Fraternity Executives Association (FEA) that ended up getting the support of both Houses of Congress supporting our position,** we, at the urging of John Williamson, the then NIC Exec, rejoined the NIC in 1999.

Delta Kappa Epsilon was a small Yale based elitist fraternity with some 30 chapters when I took over in 1982. It had fifty-five when I departed. In the early 80s, the National Fraternity, on average, had an executive office manned by 3 or 4 people to "govern" a group of chapters ranging from 5 to a couple of hundred. The **National had almost no power, the chapter houses were owned by local chapter alumni associations.** Other than a slight initiation fee and dues very little revenue made its way up the chain the National. Insurance was a local matter. The National and each chapter had its own coverage costing a couple thousand dollars a year.

Fraternities were very much out of favor from the mid-Sixties and Seventies. However, thanks to the movie Animal House, interest came roaring back for all the wrong reasons. Increasingly hazing and alcohol violations were ending up in court and costing millions. In 1986 at an FEA meeting, Mo Littlefield, the Exec of Sigma Nu stood up and announced that he, his wife, and board were all being sued for a Maine wrongful death case.

The result was the creation by the FEA of FIPG (Fraternity Insurance Purchasing Group) which had a one page set of Risk Management Standards that governed acceptable behavior in the chapters and up the ranks to the National. This was a top down imposed set of standards that set standards that were pretty much unenforceable by the chapters especially as regarding alcohol. See the standards [here](#). The FIPG group never did purchase insurance and changed its name to Fraternal Information and Programming Group, before becoming a section of the FEA in 2016.

FIPG became a non profit corporation which was joined by a number of fraternities who paid annual dues. The NIC under the leadership of Jonathan Brant, the current Exec, set up a program called Interchange which was to spread the FIPG gospel to the campuses and have the Interfraternity Councils on each campus adopt it as a form of self regulation - to the point that the FIPG standards are now pretty much universal on campuses across the country.

In addition, the insurance industry changed, so that the only way for a fraternity to become insured was to insure every chapter with the same insurer and mandate the

FIPG standards. This instantly transferred pretty much all power to the National. At present, each fraternity charges every undergraduate member and pledge a risk management fee (insurance premium) that can exceed \$500 per man per year. In general, this income far exceeds the actual insurance cost to the national and has developed several quite wealthy, quite powerful Greek Entities and two competing insurance consortiums.

The basic problem with this arrangement is that despite it being totally funded from the bottom up, there is basically no coverage for the individual members or the chapter. On the other hand, there's millions of dollars of coverage for the National. What happens in lawsuit situations is that the insurance company lawyers who defend the cases take the position that there is no way for the National to govern the daily acts of the chapters and it is merely there to teach and encourage good behavior.

*The result is that in Summary Judgment motion after motion in favor of the Nationals, **the undergraduates were left being defended by the Homeowners Insurer, if any, of the families of the undergraduates.** And, even cumulatively, this could in no way cover the damages for lifetime impairment and death cases from hazing.*

I left DKE in 2009 partially over a dispute regarding my attempts to disaffiliate a group of Canadian Chapters that encouraged hazing. I was out of the picture until 2015 when I gave some imput to Doug Fierberg, a plaintiff's lawyer about a case I was familiar with at Rutgers. In the process I became acquainted with the **huge imbalance of power in these cases in favor of the Fraternities over the devastated families who had lost a loved one through direct action by the Greek groups**, and I became an expert witness for the plaintiff.

How many parents, paying \$500 a year for liability insurance, off fraternity undergrads are aware that their sons are participating in an organization breaking the law on a regular basis pretty much every weekend, which will find them to be uninsured if something goes wrong?

Since then the tide seems to be turning. **A plaintiffs' Bar of experienced trial counsel is growing and cooperating with each other.** As an Expert Witness, I examine all documents in the record, deposition transcripts, official documents of the Fraternity, trade association positions, the state of the law, and other matters. Based upon that review and my 29 years experience as an Executive Director, memberships in associations, material on

Fraternity websites, and responses to discovery requests, I prepare a report, am deposed and if the case doesn't settle, testify.

Were I able to continue my memberships in the associations, I would be able, at least, to express my opinions. I guess they don't care to hear them. Too bad, maybe, Jud could stop "...fighting for a bunch of idiots"!

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About David K. Easlick: David K. Easlick currently serves as an Expert Witness. He is considered an "Anti-hazing and Risk Management Specialist, and is an expert witness in trials dealing with hazing and Risk Management engendered lawsuits involving fraternities. He has represented both plaintiffs and a National Fraternity.

As the Executive Director of Delta Kappa Epsilon International Fraternity for over twenty-nine years, past associate member of the North American InterFraternity Conference, Twenty-five year member of the Association of Fraternity/Sorority Advisors, business member, nonprofit member NASPA, and past member of FIPG and FRMT, he is an extremely qualified and understands both industry standards and best practices in Fraternal lawsuits.

As a lawyer and former litigator, David offers unique advice to counsel seeking it, however he does not try cases or seek out litigation clients.