

# Why Am I the Number One Enemy of the Fraternities, at least, according to their Insurer?

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*I have been a member of a premiere American Fraternity since 1966 when I was initiated into DKE at the University of Michigan. I have run the local alumni association, been the general partner on the chapter house, served on the International Board, Founded the Foundation, and ran the Fraternity for over 25 years. Inter-fraternally, I am a life member of the Fraternity Executives Association, led the inter-fraternal movement against the Northeastern Private Colleges attempt to co-edify the movement, and shepherded a freedom of association sense of Congress through both Houses of Congress. I am still an affiliate member of the North American Inter-Fraternity Conference.*

**I left Deke in 2009, as a result of, among other things, a dispute about the prevalence of hazing in the Canadian Chapters.** Since then off and on, I have been **advocating against hazing, binge drinking, Title IX violations, and other risk management violations.** To that extent I publish a [facebook page](#) showing daily risk management violations and chair Common Sense Foundation, a 501(c)(3) dedicated to educating against fraternity hazing.

**But, at least to Ned Kirklin, Executive Vice President, Practice Leader/Shareholder of Holmes Murphy & Associates of Omaha - insurance broker to the fraternities, I am a mortal enemy of the Fraternity system.** Why, because I am currently serving as an Expert Witness in fraternity risk management cases. Not however, on the defense side but on the plaintiff's side. As he expressed it to me **“Simply David you have chosen to work with plaintiff counsel, a disappointing development that tarnishes the good you have done for DKE and the Greek community.”**

**So thanks to Ned, and, on occasion, the Archer Norris law firm which represents Ned's carriers on fraternity matters,** I have been denied copies of educational materials, banned from the Fraternity Executive Association annual meeting (despite being a life member), **and most recently I was banned from this week's Fraternal Law Conference in Cincinnati.**

I suppose **that I should be grateful to Kirklin and Archer Norris for raising my credibility among plaintiff counsel seeking to sue fraternities.** However, my whole problem with this is the supposed position taken by the fraternity nationals to prevent hazing.

In the late 60s/early 70s risk management was overwhelming the Greeks. FIPG (Fraternity Insurance Purchasing Group) was formed to try to enforce a code on the young men in the chapters. Several fraternities joined. We did not. I was concerned, as was our counsel, that FIPG would be a huge assumption of risk – transferring liability from the chapters and individuals to the nationals. We eventually joined as you could no longer get insurance past 2000 without doing so and you needed to be a member to join the insurance captive that Ned put together.

There are **many problems with this code,** the current version of which is found at [www.fipg.org](http://www.fipg.org). One of the biggest is that the mandates are made by the nationals and the behavior is required at the chapter level. **There is no possibility of enforcing this thing in the manner it is enforced today with a chapter visit or two by a 22 year old consultant who has no intention of really enforcing the code anyway.**

**When someone is killed or seriously injured, Archer Norris takes the position that the fault is either with the victimor solely with local actors.**As Ned puts it **“It is the bad acts of individual undergraduate members that violate FIPG that cause 99.9% of our claims, it is not the actions of the Greek organizations.”** *As long as I disagree with that position and am willing to testify as an expert witness, according to Ned, I will lose all of my interfraternity friends.*

**So, what's the latest chapter in the conflict? The 2016 edition of the Fraternal Law Conference was held in Cincinnati this week.** This is a conference put on annually by Fraternal Law Partners a division of Manley Burke LPA a Cincinnati Law Firm that publishes *Fraternal Law*. I have attended a couple times in the past and have even been cited as an authority in conference materials. I signed up a month or so ago and got the following email on Thursday the week before the conference:

**“Mr. Easlick: Thank you for your interest in the Fraternal Law Conference. We appreciate your registration. While we certainly appreciate your interest in attending, we must rescind your registration at this time. Since you registered, we are advised that you are actively engaged as a witness in matters which may be discussed at the Conference. We believe it would be inappropriate to provide a forum where facts or legal theories may be discussed in a way that could be perceived as compromising ongoing litigation. “**

I subsequently learned that an **Archer Norris attorney was presenting on the litigation update** and it is my assumption with evidence that pressure had been applied by that firm and Kirklin's organization.

My response was:

**“I am totally amazed at the email that I just received.**

**Pardon me if I see it as a very unprofessional act, caving to the predatory views of Ned Kirklin or someone in his organization.**

**I had looked forward to visiting with you all and, potentially, participating in open discussion.**

**I am currently available as an expert witness in fraternity risk management cases...**

**... I am amazed that on this basis I am excluded from participating in a conference whose common goals allegedly are the prevention of the sorts of acts that resulted [in victims]... death. However, I now understand, that the role of the conference is simply insurance loss prevention.**

**Excluding me from this conference prevents my viewpoints from more than 30 years' involvement in fraternity law from being shared with participants who might find them interesting at your conference, but it will not prevent my voice from being heard.**

**I am also the Chair of a 501(c)(3) opposing fraternity hazing.”**

So, I guess that other than adding this jewel to my resume, and, potentially, exposing the true motives of at least the insurer of National Fraternities, I should be complimented at the threat I apparently represent to perpetrators in establishing liability in hazing and other risk management cases. **I do not try lawsuits, but I am available as a highly qualified (apparently more highly than I had imagined) Expert Witness in Fraternity Risk Management Litigation.**

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