

'It Doesn't Stop': Frustrated Litigators Want Radical Action as New Laws Aren't Preventing Fraternity Hazing

"I've come to the conclusion that you cannot expect the universities to babysit these fraternity houses seven nights a week throughout the school year. It's just not going to happen," David Bianchi said.

by Raychel Lean

When David Bianchi and Michael Levine of Stewart Tilghman Fox Bianchi & Cain in Miami received their latest fraternity hazing case, involving a University of Missouri student left comatose from alcohol poisoning, they were upset. That's because, despite new laws, policies and crackdowns, things appear to be getting worse.

Bianchi called it "the most significant hazing damage case that I've ever had or heard of anywhere in the United States," while Levine said, "we're very upset that this continues to happen despite the best efforts to stop them."

Though the firm began representing the families of students injured and killed in hazing incidents decades ago, Bianchi and Levine said the frustrating reality is that there's no end in sight.

"It never ends, because we get new laws passed all around the

United States that try to do something about all of these bad hazing situations, but despite the laws and despite tougher rules and regulations at the universities and despite anti-hazing policies by the big national fraternities, all of this continues, it doesn't stop," Bianchi said.

That calls for radical action, according to Bianchi and Levine, who are national leaders in hazing litigation. They said litigators should have their sights set on fraternity officers, and they're calling for universities to adopt a policy that says every officer of a chapter will be immediately expelled after a dangerous hazing incident, regardless of whether they played a role.

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(L-R) David Bianchi and Michael Levine of Stewart Tilghman Fox Bianchi & Cain in Miami.



Daniel Santulli.

throughout the school year. It's just not going to happen," Bianchi said. "I think that if you make it clear that [fraternity officers] will all be expelled, one of two things will happen. They will make sure that these hazing events don't take place because no one will want to be expelled, or no one will sign up to be a fraternity officer, which is OK, too."

The firm's latest case involves University of Missouri student Daniel Santulli, who was 18 when he took part in a fraternity tradition that involved drinking an entire bottle of alcohol. He's now

unresponsive, unable to speak, communicate or walk, and needs 24-hour care.

The lawsuit involves 23 defendants — which means going up against roughly 40 defense firms, according to Bianchi and Levine. But they said they're not concerned about the odds, pointing to the chapter's alleged history of violating the university's alcohol and hazing policies.

"I don't care how many law firms they hire," Bianchi said. "It makes no difference."

As part of Phi Gamma Delta Inc.'s pledge dad reveal night event, Santulli was blindfolded and given a bottle of Tito's vodka. He collapsed after drinking it and was later found in cardiac arrest in a car outside the hospital. It's a case that has received national media attention, eerily similar to that of [Florida State University student Andrew Coffey](#), who died after drinking his fraternity's family bottle of Wild Turkey.

Phi Delta Gamma did not immediately respond to a request for comment.

Why Don't They Say 'No'?

Santulli's family allege they were already concerned about the fraternity, as Santulli had broken down to his sister days before the incident, claiming he was being pressured to do things against his will.

But one major hurdle for plaintiffs, in Bianchi and Levine's experience, is that prospective jurors often question why students participate instead of walking away.



Credit: SB2s3 via Wikimedia Commons.

That means it's crucial to educate jurors about the dynamics of peer pressure.

"If they were stone-cold sober and not subject to peer pressure and potential ridicule and embarrassment if they say no, they would just say, 'No, I'm not going to do any of these things, I'm not going to drink an entire bottle of alcohol,'" Bianchi said.

Another problem is that it's common for fraternity members to face no criminal charges due to a perceived lack of evidence, which Bianchi and Levine say sends the wrong message.

"There are some prosecutors that don't want to make it a priority, some schools that don't want to make it a priority, some fraternities that don't want to make it a priority, and then it's sending all the wrong messages to the students, that you can do this with impunity," Levine said.

Litigating over hazing involves targeting fraternity leaders by pinpointing what their roles and responsibilities were and how they compared to what they did or failed to do. In Bianchi and Levine's experience, civil defense lawyers often argue the injured student voluntarily participated. But that's become a more difficult argument to make, as many criminal anti-hazing statutes — Florida's included — now say that the consent of the victim is no defense.

There's more evidence to come in Santulli's case, as Bianchi and Levine say police have footage from 23 cameras that were constantly rolling inside the chapter house. Prosecutors are weighing criminal charges, and the police report will be publicly available once the investigation has concluded.