



Case Study: McConnell v. Sigma Chi

Presented by Risk Management Foundation

Directions

1. You have been chosen as either the prosecutor representing the McConnell family, or as the counsel representing Sigma Chi.
2. Discuss with your colleagues the best arguments and prepare to present your position to the opposition in a mock trial.

The Case

The night started when Alan (a 21 year old active) Barry and Frank (both 18 year old pledges) of the Sigma Chi Fraternity decided to take a short road trip to a neighboring university to attend a party that another Sigma Chi chapter was hosting. Alan, Barry and Frank had heard that this party was “closed” to only chapter members, pledges, and their dates, but Alan figured that since he was good friends with some of the actives at the house, it wouldn’t be any problem to attend.

Alan drove Barry and Frank in his Jeep Wrangler to the party. They arrived at approximately 10:30 p.m. and proceeded to the front door of the house. They were told by the security guards that they would not be allowed inside because their names were not on the guest list. The security guards had been told by the Chapter’s Consul to check ID’s and stamp the hands of only those people that were of legal drinking age.

Alan and the two pledges decided to go around back and sneak in through another door. They were able to enter through one that was propped open with no problem and began to mingle with everyone at the party.

Right away Alan noticed that everyone who was drinking had their hand stamped. He had been to a number of parties in the past and knew that once a person was in a party their hands were never usually checked by the bartender or anyone else. Alan decided to go up to the bartender (a licensed, insured third party vendor) for a beer and successfully proved his theory. The night progressed and Alan consumed a few beers. Soon he decided to join in with a group of people who were playing a drinking game. The game involved taking shots of Wild Turkey, which someone else had secretly brought to the party.

Even though Alan and the pledges were having fun, it was getting late and they decided to head back to their own campus. No one at the party stopped them from driving home even though all three were visibly intoxicated. As they were getting in the Jeep, Barry asked Alan if he thought he was okay to drive. Alan knew he had a pretty good “buzz” going, but he had driven this way before and nothing had ever happened.

While driving home, Alan was in the right/exit lane and clipped a 1991 Honda Prelude driven by Samantha McConnell. As Alan struck the Prelude, both vehicles lost control and rolled down the embankment. The roof of the Prelude collapsed, severely injuring Samantha and killing her three-year-old son Josh who was also in the car.

It was found that Alan had been driving his vehicle while intoxicated, and had a blood alcohol level of 0.12.

In addition to suing Alan in criminal court, the McConnell family is suing the Sigma Chi Fraternity for creating an unsafe environment and allowing Alan to leave their care and operate a vehicle.

Facilitator's Guide

LEADING THE CASE STUDY

We suggest this exercise be completed in one of two ways:

1. All participants being assigned to “plaintiff” and “defendant” teams.
2. If there is a larger group, assign a group to be “jurors,” and send them out of the room while the “plaintiffs” and “defendants” prepare their arguments. Next, hold the trial and have the “jurors” decide fault and monetary reward.

Read to the participants:

By the end of this exercise, you will know more about Risk Management while also learning new ways to use preventative measure in all chapter activities in order to lower the chances of a claim occurring. The case study you will be given is based upon an actual claim. All names have been changed.

Hand out the case study. Spend a few minutes with the group, reading through the case study. Depending upon the size of the group, read one of the following:

1. We will divide into two groups. One will play the role of “plaintiff,” arguing facts in an attempt to convict the fraternity. The other group will take on the role of “defendant” and defend the fraternity against the accusations that they were responsible for the activities that took place. Please take 15 minutes to prepare your arguments. Please agree on one representative to present your case.
2. I need volunteers – you will be jurors and decide the fault and monetary reward in this case. Please leave the room, returning in 15 minutes. The remaining group will be divided into two groups. One will play the role of “plaintiff” and argue facts that will attempt to convict the fraternity. The other group will take on the role of “defendant” and defend the fraternity against the accusation that they were responsible for the activities that took place. Please take 15 minutes to prepare your arguments. Please agree on one representative to present your case.

During this time, spend a few minutes with each group and ensure they are discussing the issues at hand. Also, be sure to set up the room in order to facilitate a mock trial.

CONCLUSION

The total cost incurred, including legal fees and the settlement, was \$10 million. Because this case was in a comparative fault judgment state, the following entities were held responsible:

- Alan 60% \$6 million
- Sigma Chi Fraternity 20% \$2 million
- Bartender 10% \$1 million
- Security 10% \$1 million

REFLECTION QUESTIONS

- Based upon the discussions today, in what ways may your chapter be deficient in regards to risk management? Could your chapter be vulnerable to a situation like the one depicted in this case study? Why or why not?
- Even though Alan and his friends successfully enter the party as uninvited guests, is the chapter still responsible for their safety while at the event? Why or why not?
- Think about what steps your chapter follows when hosting a party at your house. What can you do to improve the safety at your next event?