

university students, one an undergraduate and one a graduate student, had taken their lives during the last three years. During the past ten years, the school has enjoyed a big jump in the national rankings, with greatly heightened competition among applicants for admission and for top grades once admitted.

You are outside counsel for the University and all other named defendants.² The University is self-insured and can pay any judgment against any or all defendants up to \$100 million. Trial (preceded by a pre-trial conference with the judge) is scheduled to take place in the next six months. Your review of this matter and the applicable law has led you to conclude that the University has a substantial likelihood, perhaps 80 percent, of winning at trial. The Yanni family is represented by a very aggressive, publicity-seeking plaintiff's lawyer. He has demanded \$12 million to resolve the matter. There have been no settlement talks.

A nationwide survey of all college and university suicide lawsuits filed and resolved formally over the last five years (a total of fifty cases nationwide) reveals that the defendant university was exonerated, either by summary judgment or defense verdict, in thirty-five (70%) of the cases. In the remaining fifteen cases, plaintiffs received favorable verdicts, with damage awards that ranged from a high of \$13.2 million to a low of \$545,000, with a median verdict of \$2.15 million. Data on out-of-court settlements were not available and are not included in this survey, but your research assistant, who talked to several university counsel around the country, is under the impression that both court filings and pre-filing settlements in these kinds of cases are on the rise.

The University is being pressured by other schools in its league to fight this case in order to avoid any further precedent for colleges being found responsible for student suicides and other harms over which it feels it has no real control (and for which the students' families are often responsible in this era of high-pressure child rearing). The University has already invested almost \$120,000 in lawyers' fees and other expenses in this case. Because this is a complex matter that will require significant expert testimony, you estimate that the additional costs of defense if the case goes to trial could run as high as \$500,000.