

1997

PENNSYLVANIA
HIGH SCHOOL
MOCK TRIAL
COMPETITION

CASE MATERIALS

Developed by:
Temple - LEAP under the auspices of the Young
Lawyers Division of the Pennsylvania Bar
Association

**1997 PENNSYLVANIA HIGH SCHOOL MOCK
TRIAL COMPETITION**

MARIO and MARIA MARSHALL

v.

PRIESTLEY COLLEGE

CASE MATERIALS

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INTRODUCTION AND ACKNOWLEDGEMENTS

An orderly society expects reasonable behavior from its members. One of the consequences of living in an increasingly complex society is the likelihood that a person can suffer personal injury or loss of property as the result of the unintended actions of another. When the parties cannot agree who is at fault or even whether fault exists, it is the job of the courts to provide a forum to decide the matter. Instead of guilt or innocence, the court determines whether a party is liable for behavior that deviates from that which the society expects of a normally reasonable person. This area of the law is known as Tort law. The word "tort" means "a wrong". This year's mock trial materials concern a Tort claim alleging wrongful death. At the heart of this controversy is the dilemma a college confronts when it attempts to balance the ideals of its mission with its everyday responsibilities of providing a safe, nurturing and challenging educational and work environment to its students and employees.

The problem was written by Gerry Plourde of the Law, Education and Participation Project of the Temple University School of Law (Temple-LEAP) under the auspices of the Young Lawyers Division of the Pennsylvania Bar Association (PAB/YLD). Temple-LEAP thanks Susan Donmoyer of the Pennsylvania Bar Association and the members of the Mock Trial Committee headed by Harrisburg attorney Deborah Spertzel and York attorney Michelle Kahan for their support in producing the problem and coordinating the statewide competition. Special thanks goes to Harrisburg attorney Alan Boynton for his work in refining this year's state problem.

Temple-LEAP also wants to thank the following Philadelphia area lawyers for reviewing drafts of the problem and suggesting a number of changes that have been incorporated into the final materials: Donna Alsburger, Mollie Peckman and Thomas McLaughlin.

Thanks also go to the following Temple University School of Law community members who also reviewed and revised the problem: Temple-LEAP attorney and Project Director David Trevaskis, Temple-LEAP attorney and Philadelphia Urban Law Student Experience Coordinator Roberta West and Temple-LEAP Scholar in Residence Andrew Goode.

The problem author adds the following personal thanks:

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To Temple-LEAP Project Secretary June Durham for tirelessly and cheerfully coordinating the flow of vital information.

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To Temple University School of Law Professor Marina Angel for creating a straight path through the twin bramble bushes of Labor and Employment Law.

To my wife Karen, who acted as a willing sounding board for even the most esoteric legal ruminations.

To all of the students, moderators and coaches participating in the Mock Trial Competition for bringing the issues and characters populating this problem to life.

NOTE

Questions regarding the mock trial problem are to be directed to problem author Gerry Plourde. Gerry is a fourth-year law student and can be reached in the following ways:

1. By leaving a voice-message at (215) 204-1973
2. By sending a fax message to (215) 204-5455
3. By e-mail. Web site information will be provided shortly.

Because of the Temple University School of Law Fall Final Examination period which is scheduled from December 9, 1996 through December 20, 1996 and the Winter Break which immediately follows, no questions will be answered before January 6, 1997. Please use this time to become thoroughly familiar with the case materials.

6. On May 12, 1994, Plaintiffs suffered the loss of their son, Frank Marshall, who perished in a fire in his dormitory on the campus of Priestley College.

7. At the time of his death, Frank Marshall was a full-time student enrolled at Priestley College.

8. At all times relevant to this proceeding, David Dougherty was an employee of Priestley College.

9. David Dougherty was employed as a Resident Assistant assigned to Lavoisier Hall. In the Spring of 1994, David Dougherty began exhibiting unusual and erratic behavior such as patrolling the hallways of Lavoisier Hall with a baseball bat and discussing setting fires.

10. Representatives of the College were aware of the unusual and erratic behavior of David Dougherty.

11. On May 12, 1994, David Dougherty intentionally set a fire in Lavoisier Hall.

12. The fire set by David Dougherty was the direct and proximate cause of the death of Frank Marshall.

13. Frank Marshall was in Lavoisier Hall at the time of the fire.

14. On May 12, 1994, Frank Marshall died of smoke inhalation caused by the fire at Lavoisier Hall.

COUNT I: WRONGFUL DEATH

15. Plaintiffs incorporate Paragraphs 1 through 14 of this Complaint as if set forth in full.

16. The above-described death of Frank Marshall was proximately caused by the negligent act of Defendant, in that (1) it possessed an affirmative duty to protect Frank Marshall from death at the hands of David Dougherty, (2) it breached said duty, and (3) said breach was the direct and proximate cause of the death of Frank Marshall.

17. Through its employees, Defendant breached its duty to Frank Marshall by failing to recognize the danger posed by David Dougherty's behavior.

18. Through its employees, Defendant was aware that David Dougherty had a history of setting fires.

19. Defendant breached its duty to Frank Marshall by failing to take necessary steps to remove David Dougherty from his position as an employee of Defendant.

20. As a direct and proximate consequence of the above-described wrongful act of Defendant, Frank Marshall died on May 12, 1994.

21. At the time of his death, Frank Marshall had a life expectancy of 73 years and was in excellent health.

22. By reason of the death of Frank Marshall, Plaintiffs have been deprived of Frank Marshall's comfort and society.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendant and that compensatory damages and costs be awarded to Plaintiffs.

Counsel for Plaintiff

August 21, 1995

IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF TEMPLE, PENNSYLVANIA

MARIO and MARIA MARSHALL,
Plaintiffs

vs.

PRIESTLEY COLLEGE,
Defendant

CIVIL ACTION NO. 95-204

JURY TRIAL DEMANDED

ANSWER TO COMPLAINT WITH NEW MATTER

1.-8. Admitted.

9.-10. Denied. After reasonable investigation, Defendant is without information or knowledge regarding the averments set forth in these paragraphs and the same are denied and proof is demanded at trial if material and relevant.

11.-14. Admitted.

COUNT I: WRONGFUL DEATH

15. Defendants incorporate their responses to Paragraphs 1 through 14 of the Complaint as if set forth in full.

16. Denied. This averment is a legal conclusion to which no response is required. To the extent that any response is required, the averment is denied.

17.-21. Denied.

NEW MATTER

22. The May 12, 1994 fire was set by David Dougherty acting outside his capacity as an employee of Defendant and over which Defendant had no control.

23. Defendant acted reasonably in its supervision of David Dougherty's employment activities.

24. The May 12, 1994 fire was not caused by the negligence, if any, of Defendant.

WHEREFORE, Defendant requests that judgment be entered in its favor and against Plaintiffs on Count I of the Complaint.

Counsel for Defendant

15 September 1995

Date

IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF TEMPLE, PENNSYLVANIA

MARIO and MARIA MARSHALL,
Plaintiffs

vs.

PRIESTLEY COLLEGE,
Defendant

CIVIL ACTION NO. 95-204

REPLY TO NEW MATTER

22. Denied. Defendant was aware of David Dougherty's erratic behavior and failed to act to exercise its legitimate control over David Dougherty by removing him from his position of responsibility.

23. Denied. By failing to remove David Dougherty from his assigned duties despite clear evidence of his erratic behavior, Defendant did not act reasonably in its supervision of David Dougherty's employment activities.

24. Denied. By negligently failing to remove David Dougherty from his assigned duties, Defendant provided the necessary component which provided Dougherty the opportunity to set the fire that resulted in the death of Frank Marshall.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendant and that compensatory damages and costs be awarded to Plaintiffs.

Counsel for Plaintiff

29 September 1995
Date

IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF TEMPLE, PENNSYLVANIA

MARIO and MARIA MARSHALL,
Plaintiffs

vs.

PRIESTLEY COLLEGE,
Defendant

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CIVIL ACTION NO. 95-204

PRETRIAL ORDER

This action arises out of a Complaint filed by Plaintiffs on August 20, 1995 against Priestley College. Venue is proper in this County since it is the county in which the claim arose and is the county in which the Defendant is located. Plaintiffs claim that Defendant was negligent in its supervision of its employee, David Dougherty, and that such negligence was the proximate cause of the death of Plaintiffs' son, Frank Marshall. Defendant denies acting negligently. To prevail, Plaintiffs must prove by a preponderance of the evidence one of two theories: Either that Defendant had a duty to provide safe housing without the threat of harm from a fellow student who also was an employee of Defendant or alternatively that David Dougherty's status as an employee of Priestley College required that the college provide adequate supervision which would have removed Dougherty from his position and prevented the death of Frank Marshall. Plaintiffs must also prove by a preponderance of the evidence that Defendant breached this duty and that the breach was the proximate cause of the injury suffered by the Plaintiffs. Parties have agreed to bifurcate this matter with regard to damages. The parties will only try the issue of liability at this time.

BY THE COURT:

Marissa S. Smith, Judge

IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF TEMPLE, PENNSYLVANIA

MARIO and MARIA MARSHALL,
Plaintiffs

vs.

PRIESTLEY COLLEGE,
Defendant

CIVIL ACTION NO. 95-204

STIPULATION OF FACTS

1. Priestley College was chartered on March 15, 1810.
2. Priestley College's campus is in Lowell Township, Temple County, Pennsylvania.
3. Lavoisier Hall, residence hall on the campus of Priestley College, was built in 1812 and totally renovated in 1992.
4. On May 12, 1994, David Dougherty was an employee of Priestley College.
5. On May 12, 1994 at approximately 1:30 a.m. David Dougherty set a fire in Lavoisier Hall.
6. As a direct consequence of the fire, Lavoisier Hall was heavily damaged.
7. Frank Marshall died on May 12, 1994 at approximately 1:50 a.m. as a result of smoke inhalation.
8. At the time of his death, Frank Marshall was a resident student at Priestley College and was residing in Lavoisier Hall.

9. Defendant Priestley College has a regulation prohibiting the transportation, possession and/or use of alcoholic beverages on campus.

Counsel for Plaintiffs

Counsel for Defendant

PLAINTIFFS' WITNESS: Max(ine) Planck, Ph.D.

My name is Max(ine) Planck. My current residence is 12 Railroad Avenue, Aliquippa, Pennsylvania. I am currently employed as an adjunct lecturer in Chemistry at Carnegie Mellon University. Although I live in Pittsburgh, I consider Central Pennsylvania my home. My family still lives in Shamokin Dam in the house where I was born. I left there to attend Lafayette College, from which I graduated in 1975 with a Bachelor of Science Degree in Chemistry. Subsequently, I attended the Massachusetts Institute of Technology, where I received a Master of Science degree in 1977 and a Ph.D. in 1981.

Early in my college career, I had resolved to return home to teach. I was fortunate. From 1981 until 1983, I was able to secure employment at Temple County Community College as an adjunct professor. It was during this time that I met Dean Bohr, the Academic Dean of Priestley College. Dean Bohr knew the Chairman of the Physics Department at Temple and was occasionally invited to attend Temple faculty social functions, like the annual Holiday party in December, as well as events celebrating faculty anniversaries and retirements. At one of these functions, I learned from Dean Bohr of a tenure-track opening at Priestley. I was impressed by Priestley's reputation as a school which encouraged and supported its faculty's research activities. Dean Bohr suggested that I apply and, thanks to recommendations provided by my colleagues at Temple and my Dissertation Advisor at MIT, I was hired in August of 1983.

I was a member of the Priestley Chemistry faculty for thirteen years, receiving tenure in 1988. I found teaching at Priestley to be a wonderful experience. The students were committed to project learning and the faculty members always had something new that they were working on. Unfortunately, during 1994 and 1995, a dispute arose concerning the authorship of a basic research project which I conducted with Dr. Mendoza, a colleague. He alleged that my paper did not credit him sufficiently for research performed by him. On September, 12, 1996, my attorney worked out a settlement with the College. I agreed to resign from the faculty. In exchange, the College agreed not to further pursue the matter. It was a fair settlement, but having to leave the Priestley community was heartbreaking.

I remember Frank Marshall very well. Priestley is a small school and it prides itself on its small student-faculty ratio. Frank was a student in a number of my classes, but even in a large university he would have drawn attention. He was a very gifted student and showed great potential as a research chemist. His death is a tragedy, even more so because it could have been so easily avoided.

My first knowledge of David Dougherty came from his application for admission. I was one of the three members of the Admissions Committee from May, 1990 until May, 1994. Dean Bohr serves on the Committee as well. It is one of Priestley's goals to recruit student who have overcome adversity. Usually, this goal entails some sort of financial hardship, but other difficulties are also considered. Dean Bohr often cites this "Wilsonian

Tradition". In the fall of 1990, David Dougherty applied for admission to Priestley. Before the admissions committee met, Dr. Boyle, the chair of the committee, sent a memo to committee members, stating that the committee would hold a special meeting to discuss an unusual application. This differed from the normal procedure. Ordinarily, each member of the committee receives three or four application files to review prior to the regularly scheduled meeting. The member reviews the paperwork and decides provisionally whether the applicant should be admitted. At the meeting, the member gives a brief synopsis of the applicant's file and makes his or her recommendation. The committee then votes on the application. In most instances, the recommendation of the reviewing faculty member is accepted by the committee. In this way, approximately twelve files are reviewed at each meeting.

As I indicated, in the case of David Dougherty this procedure was not followed. Instead, Dr. Boyle scheduled a special meeting to review the application. S/He sent copies of Dougherty's essay and letters of recommendation to each member of the committee. Even a cursory examination of the package's contents clearly indicated that an in-depth review was warranted. Dougherty's admissions essay disclosed his struggles with depression resulting from his parents' separation and divorce when he was 11 years old. He wrote that, as a result of this condition, he had also set a number of fires, the most serious of which destroyed a barn and killed three horses. These actions resulted in his arrest and a period of court supervision linked with psychological counseling. The letters of recommendation from Dougherty's juvenile corrections officer and his psychotherapist indicated that he had made excellent progress and that they believed he would benefit from the opportunities that a college like Priestley could provide. At the special meeting, Dr. Boyle stated that s/he was concerned about the possibility of having what s/he termed "a violent ex-convict" on campus. Dean Bohr strongly advocated admission, accusing Dr. Boyle of bias against the mentally ill. I didn't believe that charge, but after careful consideration of all the points discussed, I decided David deserved a chance, and cast the swing vote that approved David's application. After the vote, Dean Bohr apologized to Dr. Boyle for his/her allegations, but I noticed that their relationship appeared somewhat strained from that time on. They became more formal with each other in their interactions.

By coincidence, I was David's faculty advisor for the entire time he was a student at Priestley. The College requires that students meet with their advisors at least once per semester. David exceeded this requirement. He saw to it that we met at least once a month. He was committed to making a success of his academic career. He wasn't on Frank Marshall's level, but he certainly showed promise.

In his Sophomore year, David began working as a Resident Assistant to help pay his tuition. He was assigned to Lavoisier Hall. The first year he worked there, September, 1992 until May, 1993, the building had just undergone renovation. David appeared to really like the work. He gained a reputation for going beyond his basic job requirements to help out other students. In our monthly meetings, his attitude showed

that this work benefited him as well. He tended to be shy and his job gave him a reason to get involved.

Things were very different in David's second year at Lavoisier. A different group of students were assigned there and it became generally known that the dorm was very rowdy. Students were always getting into trouble. There were reports of beer and liquor being consumed in the dorm in violation of the College's regulations... On at least one occasion I saw beer and wine cooler bottles littering the floor. In the most serious incident, the partitions separating the shower stalls were broken. Graffiti was written on the walls. Campus security launched an investigation. Flyers asking for information were posted around campus and the administration made constant requests for assistance during faculty meetings. The incidents were primarily centered on David's floor. As a result, he was constantly in meetings with Dean Bohr, campus security and other members of the Administration.

By the time Spring semester came around, David appeared to be at the end of his rope. His grades were beginning to slip. When he received his mid-term grades he found that he was failing two subjects. He began meeting with me weekly. His eyes were bloodshot and he had dark circles beneath them. He told me he was having trouble sleeping. He started talking about his childhood and the trauma of his parents' separation and subsequent divorce. He explained that he began setting fires in the woods behind his home in hope that it would force his parent to reconcile. These discussions began in early April of 1994. At first I thought I could help just by listening and providing a sympathetic ear, but David kept talking about setting fires. Then, near the end of the month, he began to talk about his failures. His demeanor would vary. Sometimes he would appear nervous and agitated; at others, he would be almost emotionless. Occasionally, he would say that his problems all came from the troublemakers in the dorm. I became concerned for his health and safety. I urged him to seek counseling. To my knowledge, he never did.

On the afternoon of May 3, 1994, things came to a head. David stopped by and told me he had the solution to his problem. He said he was going to find out who was at the root of the problems at the dorm and he would make them pay. There was something in the tone of his voice that alarmed me. Immediately after David left, I called Dean Bohr's office. I believed this to be the appropriate course of action because Dean Bohr was not only the Academic Dean, but also, as the Director of Housing, was David's supervisor. I was informed that the Dean had left the office and would be attending a regional conference until May 9, 1994. I was advised to contact campus security if I believed the problem to be serious. I considered this possibility, but decided that I might be being an alarmist. Instead I wrote to Dean Bohr to request a meeting regarding my concerns.

I didn't get to see Dean Bohr until May 9, 1994 and when I did it was a very unsatisfactory meeting. I tried to communicate everything that I had observed about David and my sense that someone could get hurt if something wasn't done. Dean Bohr

allowed me to relate my entire story. Once I was finished s/he seemed more interested in asking me about an article I had recently published concerning research I had conducted. In fact, s/he acted like this was the only reason I came to see him/her. The article concerned a process for strengthening plastic without causing the weight gain which customarily results. I had been assisted by one of my colleagues, Doctor Mendoza. Imagine my surprise when the Dean accused me of not crediting Dr. Mendoza's contributions in my article. I had recently been asked about the article by my Department Chairman, Dr. Boyle. Things became very acrimonious. I walked out. A little more than two days later, the fire broke out and Frank Marshall died. Subsequently, the dispute over my work led to my departure from Priestley.

Max(ine) Planck, Ph.D

PLAINTIFF'S WITNESS: Robert(a) Boyle

My name is Robert(a) Boyle. I am the Chairman of the Chemistry Department at Priestley College. I am also a member of the Admissions Committee. This litigation places me in an unusual and uncomfortable position. I was Frank Marshall's advisor. As a matter of fact, I taught almost everyone involved in this litigation. Dr. Bohr, Frank Marshall, Jaye Jordan and Dave Dougherty were all students of mine at one time or another. As chair of the Chemistry Department, I supervised Dr. Planck and Dr. Mendoza. I have served on the Admissions Committee since 1977, longer than Dr. Bohr has been Dean. My duties as a senior member of the faculty and Chair of the Chemistry Department recently required that I chair a committee which examined charges of plagiarism against Dr. Max(ine) Planck.

I have been a member of the Priestley faculty since 1964, having arrived shortly after completing my Doctorate in Chemistry at Case Western Reserve University. I received tenure at Priestley in 1970 and was named Chair of the Chemistry Department in 1977.

Frank Marshall was in many ways the ideal Priestley student. I first met him when he came to the college campus as a high school junior exploring his options for college. As he learned of the college's facilities and philosophy, he became visibly imbued with the school's spirit. His grades were excellent and his recommendations were stellar. When he applied for admission in the fall of 1989 for the Class of 1994, the Admissions Committee unanimously voted to offer him a full academic scholarship and took the step of making him a Wilson fellow based on his family background. His family's resources to pay for his education were non-existent. His mother had a serious illness which required a great deal of medical care and the family had no health insurance. Without a grant that covered room and board, he would have been unable to attend college.

As I mentioned before, I was Frank's faculty advisor. From the time he arrived on campus in the fall of 1990, Frank's dedication to his studies was remarkable. He was remarkably well-rounded. In addition to being at the top of his class, he was a good athlete and he played lacrosse and basketball for the college, making the varsity team of both sports in his sophomore year.

It was also in the fall of 1990 that a serious rift developed in the Admissions Committee over the application of David Dougherty. I was the Chair of the three-member committee that year and I was the first to review his file. What I saw caused me a great deal of concern. He wrote in his essay that he had committed three acts of arson, one of which killed livestock in addition to destroying property. He also admitted that he had a juvenile record, had been institutionalized and placed on probation. Although both his juvenile counselor and his therapist wrote letters of recommendation, neither stated unequivocally that he was now incapable of relapse. I considered the evidence before me and decided that Dougherty's background presented too much of a risk to justify

admission. However, the final decision belonged to the committee as a whole. In light of the unusual character of this application, I believed it necessary to schedule a special meeting to review it. I also believed that the committee would benefit if each member received a copy of the relevant portions of application file for review beforehand. Therefore, I drafted a memorandum to the committee members scheduling the meeting and attached copies of the essay and letters of recommendation.

When the committee met, the atmosphere quickly became tempestuous. I began by voicing the concerns that I had in light of the disclosures contained in Dougherty's file. I repeated my position that the application should be denied. Dean Bohr asked to see the complete file and, after reviewing it for about two minutes, accused me of deliberately attempting to prejudice the committee by choosing to circulate the letters and essay out of the context of the entire application. S/He noted first that both Dougherty's grades and SAT test scores placed him within the range of the average Priestley student. Next, s/he reminded the committee that the College had a long-standing policy prohibiting questions on the admissions application that required disclosure of mental health or criminal record information. Finally, s/he said that the fact that two professionals with intimate knowledge of Dougherty's background agreed to write letters of recommendation should be counted as indications that they believed he posed no threat to the public at large. I restated my concern that it was impossible to guarantee a permanent cure and that it would be wrong to make Priestley the test case. It was at this point that Dean Bohr accused me of bias against the handicapped. I vehemently denied the charge and stated my concern stemmed from the combination of a criminal record attached to the psychological disability. In the end, the committee voted to admit, but I still had reservations.

Everything remained quiet until the 1993-94 academic year. There was a lot of trouble with vandalism and rowdy behavior in one of the dorms that year. It was even reported in the local press. In it, the reporter quoted David Dougherty, who was one of the Resident Assistants. He was quoted as saying that he was really upset about the damage that was occurring on his floor. I must admit that I was surprised to find out that Dougherty was employed by the college in a responsible position. I made a note to discuss the situation with Dean Bohr, but I never followed up.

I was quite busy that year. We were developing an in-service training program in explosives identification for the police departments in the area. Part of the work involved creating a web site which would explain the process of bomb-making and the materials used. Some of the faculty were concerned and wanted to limit access to the information. On the advice of Dean Bohr, I spoke to Sgt. Hall of campus security about it. I explained the bomb recipes and identification information were not from confidential sources. Sgt. Hall told me that I needn't be concerned as long as I complied with any copyright restrictions and refrained from using classified government sources. S/He even joked that bomb recipes were among the top ten items on the Internet.

In April of 1994, I noticed an article by Dr. Planck in one of the academic journals. It detailed some preliminary findings of research which I knew was conducted in conjunction with another faculty member, Dr. Mendoza. The article made no mention of Dr. Mendoza's contribution. I saw a possibility that Dr. Planck had plagiarized some of Mendoza's work. I spoke to both professors and went to Dean Bohr.

Around this time as well, I was informed by Dr. Mendoza and others that someone was breaking into the lab and stealing chemicals. I asked if security had been notified and was informed they had. I asked to be kept informed about any further incidents and any results from the investigation. My answer came when Frank Marshall died. I believe all of this could have been avoided if the college had heeded my initial warnings.

In late May, after the fire Dougherty set killed Frank Marshall, I was asked by the Dean to chair a committee to investigate the controversy concerning Planck's article. As part of an agreement negotiated by Dr. Planck's attorney and counsel for the college, the results of the committee's investigation are sealed.

Robert(a) Boyle

PLAINTIFFS' WITNESS: Jaye Jordan

My name is Jaye Jordan. I live at 1313 Mockingbird Lane in Water Street, Pennsylvania. I am 24 years old. I graduated from Priestley College in 1994. Since graduation, I have worked as a research chemist for Allegheny Chemical. Most people have happy memories of graduation. When I think about graduating from College, I think about how one of my best friends died.

Frank Marshall and I had known each other since we were freshmen. We had a number of classes together and found we had many similar interests. We spent a lot of time talking about what we wanted to do after graduation and what ethical choices we would face in our careers. Frank was always concerned by the impact of industrial chemical processes on communities and the natural habitat and opened my eyes to the complexity of environmental issues, including the issue of environmental racism.

In my senior year, I was a resident in Lavoisier Hall. I lived down the hall from Frank Marshall. Our rooms were on the third floor. Dave Dougherty was the Resident Assistant on the floor below us. We didn't know him that well but we felt sorry for him. He had a tough time that year. There was a group of three or four students who were always making trouble. They were underclassmen. They'd sneak beer, whiskey and vodka into the dorm and party to all hours. They also trashed one of the showers and wrote graffiti on the walls. Dave had his hands full. I'm sure both he and the Administration knew who the people were but could never catch them. They seemed to take particular pleasure in finding new ways to get under Dave's skin. Right before midterms, they set off a smoke bomb in front of Dave's room. That seemed to be the final straw. I ran into Dave a few days later and he looked really worn out. He was quiet and jumpy. He said that those guys were destroying him. He knew his grades were down. He said he couldn't sleep. He said he wished he could chuck the job but he needed the money to pay his tuition. I felt bad for him. I asked him if he had gotten any help from the Administration. He told me that he had met several times with Dean Bohr. He said the only thing the Dean told him was that Dave was in charge of the floor and that the Dean would back up any action he took. Frank said that he asked the Dean if that included beating up the perpetrators if he found them. He said the Dean just laughed and said that was funny. Not long after that, Dave started patrolling the hall at night with a baseball bat.

I remember one incident that occurred at the start of Spring Break. I was packing in my room when I heard a loud commotion coming from the stairs. I heard someone shout, "Where do you think you're going?" Because of the problems in the dorm, I ran out to see what was happening. On the second floor landing I saw Dave blocking a girl's path. He looked really menacing and a baseball bat was leaning against the wall within his reach. Just as I was about to ask him what was going on when Frank came down the steps and said, "It's okay, Dave. That's my sister." Dave said "Okay" and backed off. Someone must have called the campus police, because Sgt. Hall came over to find out

what was happening. Frank told me later that his sister, Caitlin, who was fifteen at the time, had come into the dorm to tell him his family had arrived to pick him up.

The funny thing is that after that things got quiet at the dorm. I guess the guys who were on Dave got scared when they saw how he was affected. Nothing happened after that. But Dave just got worse. He started talking about showing those guys that they weren't the only jokers in the building. He said he was going to get them back in a big way. He was still walking around the building at night, but now he was talking to himself. A group of us were worried about him, so we went to the Counseling Center to see if they could help him. They told us they couldn't do anything unless he went to see them himself. We decided that someone should go to see Dean Bohr. I was elected.

I made an appointment with the Dean's secretary and went to see the Dean on May 3, 1994. Dean Bohr listened to my concerns but seemed more upset about the juvenile behavior of young adults in Lavoisier Hall than in hearing about Dave's problem. S/He said that Dave would be all right now that the foolishness had stopped at the dorm. S/He said a lot of people walked around at night when they couldn't sleep and that I was probably exaggerating the talking to himself and baseball bat part. That was the end of the meeting.

S/He even implied that I was one of the people causing problems. I may have helped in a few of the pranks, but I wasn't one of the ringleaders. I told him that I was upset that he would accuse me of such things. I certainly wasn't going to admit my involvement to him. He would have suspended me right there.

On the evening of May 11th, 1994, I had just finished dinner with my parents at The Bell Jar when I saw Frank and his parents at another table. I went over to congratulate him on his acceptance to Cal Tech and his parents invited us over to share a toast. We did and then we left the restaurant. We all got on the College shuttle and Frank and I got off at the dorm. It was around 11:45 at night. We met one of the other Seniors in the lobby. He had a six-pack of beer and offered us each a bottle to celebrate graduation. We joined him for a quick one and then went to our rooms. It must have been around midnight.

I woke up around 1:15 a.m. I heard noises coming from the room below me. It sounded like someone was banging on something. I'm a light sleeper and I knew that if it continued I wouldn't be able to sleep. I went down to tell whoever it was to stop. When I got there, I heard an explosion. The door flew open and out came Dave Dougherty and billows of smoke. He was covered with soot and was bleeding from a cut on his forehead. I looked in the room and saw that his desk and bed were on fire. There was also a lot of smoke. I pulled Dave out of the building. He said, "I was just trying to make a smoke bomb to get back at those guys. I got the formula off the college's Internet site."

Everything after that is pretty much a blur. The Fire Department got there within five minutes and worked to put out the fire. The second floor was engulfed in flames and

there was a lot of heavy smoke. Everybody was outside looking back at the fire. Then I saw one of the firefighters bringing someone out of the building. It was Frank. Frank was always a heavy sleeper, so I guess he didn't hear the alarm. The paramedics ran over, put him on a stretcher and started working on him. They put him in the ambulance and the next thing I knew, they told me he was dead.

Jaye Jordan

DEFENDANT'S WITNESS: Terry Mendoza

My name is Terry Mendoza. I am currently an associate professor of chemistry at Priestley College. I am also a graduate of Priestley College, having attended on a Wilson endowment. My family and I left Cuba during the Mariel boatlift in 1980 when I was sixteen. We had nothing when we came to America. My father was a pharmacist, but when we arrived he had to work at a number of odd jobs, even as a taxi driver. Eventually, with the help of the refugee community in Miami where we lived, he was able to open a small drug store. Yet, there wasn't a lot of money. I have two brothers and three sisters. My parents encouraged me to study hard. My grades in high school were very good and I became fascinated by chemistry. My chemistry teacher, Ms. Curie, was a graduate of Priestley and she and my guidance counselor helped me prepare my application. As I said, I was accepted as a Wilson Scholar.

When I arrived on the Priestley campus in the fall of 1982, my Wilson program advisor was Dr. Bohr. Even though my interest was chemistry rather than physics, Dr. Bohr was a great mentor for me. S/He felt I had a natural gift as a teacher and encouraged me to consider it as a career.

I attended the University of Pittsburgh for my graduate work and, during that time, I corresponded regularly with Dr. Bohr. In fact, s/he informed me of the opening in the Chemistry Department at Priestley and encouraged me to apply for it. I was hired and joined the Priestley faculty in the Fall of 1992.

Priestley has a reputation as an institution which encourages its faculty to engage in cutting-edge research. I was delighted to be paired with Dr. Planck in work that was designed to create new and stronger plastics with less likelihood of damaging the environment in the process. Unfortunately, the result of the collaboration wrecked Dr. Planck's career.

In April of 1994, an article detailing some of the preliminary findings of our research was published by Dr. Planck. The article made no mention of me, but I wasn't bothered by that. After all, the article only concerned preliminary results. The Chairman of the Chemistry Department, Dr. Boyle, saw the article. He was aware of my role in the research and felt that Dr. Planck had stolen my work. He asked me about the article and indicated that he would also be speaking to Dr. Planck. In late May, a faculty committee was appointed to investigate the controversy.

The 1993-94 academic year was a difficult one for the College. There were ongoing reports of vandalism on campus, especially in Lavoisier Hall. I don't know any specifics, but everyone on campus knew about them and was talking about the expensive damage and the lack of clues regarding the perpetrators. At the end of the Spring Semester, there were some incidents in the Chemistry building.

In the Spring semester of 1994, one of the Resident Assistants from Lavoisier Hall, David Dougherty, was a student in one of my classes. Dave was initially a good student, but as the semester progressed, it seemed that the problems at the dorm were really getting to him. He talked to me about what to do about it a few times. I became concerned that his academic work was suffering when I saw his mid-term exam. He had failed. He set up an appointment to see me. During our meeting we discussed his options. He was determined to bring up his grade and explained that the events at the dorm had been adversely affecting his studies. We planned to schedule additional appointments, but other commitments kept intervening. The final two weeks of the semester, Dave came to me to ask if he could do his lab work outside of class time. He explained that he needed to schedule blocks of time to catch up on his studies. I realized the request was somewhat unusual, but it seemed reasonable. I told him to schedule lab time with the technician for himself during free periods. I set up deadlines for Dave's reports to be turned in and he complied with every one. I also spoke with the technician on duty who said that David was a diligent worker. Immediately after the last class of the semester, I was scheduled to attend a seminar in Hawaii. I saw Dave briefly before I left. He had just completed the final exam for my class and he seemed anxious about his final grade. Around the same time, faculty members were noticing that someone was using the Chemistry lab after the building closed for the night. On several occasions, my lab assistants and I would find glassware lying around that we knew had been put away the previous day. I contacted Campus security and I decided that I should also talk to Dr. Bohr about all of this as soon as I returned.

I got back to campus on May 10, 1994. I went to my office and then headed for the chemistry lab. When I got there, I found that someone had broken into the storage closets and that a number of extremely volatile chemicals were missing. I immediately called campus security. Sgt. Hall arrived promptly and, after making my report, I left, intending to see Dr. Bohr. I met him/her crossing the campus. I told him/her about the lab incidents and the missing chemicals and also discussed my concerns regarding Dave Dougherty. I said Dave was under a lot of pressure both in and out of class but seemed to be holding up well. The Dean said that the security matters were being addressed and suggested that Dave be allowed to make up the work. S/He told me that s/he would talk to Dave about it. S/He also told me that as a result of Dr. Boyle's inquiry, an investigation of Dr. Planck's article would be conducted. Dr. Bohr said that if it turned out that plagiarism had occurred, Dr. Planck would never teach at Priestley again. There was another break in the next day and that night, Lavoisier Hall went up in flames.

Terry Mendoza

DEFENDANT'S WITNESS: Dean Nils (Nelly) Bohr

My name is Nils (Nelly) Bohr. I am the Academic Dean of Priestley College, a position I have held since 1986. Because we are a small school, I am also Director of Housing. My roots at Priestley are very deep. I first arrived on the Priestley campus as a freshman in the Fall of 1962. Like many of the students who come here, my education was made possible by a Wilson endowment, which is awarded to cover tuition and housing for needy students. I was an excellent student in high school but there was no money for me to go on to college. My father was a coal miner and I was one of ten children.

In many ways my story is typical of Priestley students. The college was founded in 1810 by Jonathan Wilson as a means of providing children from poor families with an education in the physical sciences. The college has produced four Noble Laureates and is nationally known for its chemistry and physics programs. It was named in honor of Joseph Priestley, who discovered oxygen. He was forced to leave England in 1794 because of his sympathy for the French Revolution and settled in Northumberland, Pennsylvania. Jonathan Wilson came to know Priestley as the result of a letter of introduction from Thomas Jefferson. Wilson was a cousin of Judge James Wilson of Pennsylvania, a Signer of the Declaration of Independence and later an Associate Justice of the United States Supreme Court. Wilson worked as Priestley's secretary up until Priestley's death in 1804. He shared Priestley's dreams of social equality and Priestley College stands as a monument to that vision. I am one of a long line of men and women who have been nurtured by it.

I graduated from Priestley in 1966, and returned in 1970 when I was hired immediately after obtaining my Ph.D. in Physics from Penn State. A number of our graduates have returned to teach here, including Dr. Mendoza, whom I mentored when s/he was here as a student. The shared background tends to create a tightly-knit academic community, but the faculty also welcomes the diversity that non-graduates bring to the Priestley community. Unfortunately, Dr. Planck never seemed to fit in. S/He always seemed to be a loner and the unfortunate circumstances surrounding his/her departure just provided the capstone to an extremely distressing year.

I am distressed by Dr. Boyle's participation in this litigation. Dr. Boyle has served Priestley well for over thirty years and is a respected member of the faculty. I believe his/her reasons for taking the position s/he does stems from a desire to vindicate the bias against people with psychological problems s/he showed during the review of David Dougherty's admissions application. His/her position also benefits from the clarity of hindsight. I wish s/he would consider the larger picture and recognize the damage s/he is doing to the college's reputation.

The 1993-94 academic year seemed filled with mishaps and the tragic death of Frank Marshall was certainly the most serious. Frank was a student we expected to hear great things about in the future. The fact that his death occurred as the result of the

actions of another student and an employee of Priestley College compounds the tragedy. I felt it was my duty as a member of the Priestley community to personally tell Frank's parents about his death and to make the college's resources available to them in their time of need. However, that in no way means that Priestley bears any responsibility for the actions that resulted in Frank's death.

I was also acquainted with David Dougherty. As Dean, I am an ex officio member of the Admissions Committee and reviewed Dave's application to attend Priestley. The first knowledge I had of David's existence came when I received a memorandum from Dr. Boyle to the committee members scheduling a special meeting and containing copies of David's essay and letters of recommendation. I reviewed the documents Dr. Boyle had sent.

In his essay, Dougherty admitted having a juvenile record and had been adjudicated delinquent on three charges of arson, one of which had caused considerable damage. While these revelations concerned me, Dougherty's explanation that this record was the result of a psychological problem brought about by his parents' separation and subsequent divorce went a long way to allay my fears. The essay went on to explain that he had overcome this serious psychological hardship and graduated high school. The letters of recommendation were positive and, considering the sources, impressed me. I couldn't see what the urgency was. It seemed that Dougherty had overcome the problems he had faced in his life. The only question that remained for me was whether his grades and his SAT scores met Priestley's criteria.

When the committee met, Dr. Boyle laid out his/her position. Dr. Planck also expressed misgivings. I asked to see the complete file and noticed that both Dougherty's grades and SAT test scores placed him within the range of the average Priestley student. This information strengthened my resolve that Dougherty should be admitted. In my view, his struggle and victory over his hardships exemplified the spirit underpinning the College's purpose. Dr. Boyle remained strongly opposed. I reminded the committee that the College had a long-standing policy prohibiting questions on the admissions application that required disclosure of mental health or criminal record information. I said that, for all we knew, a number of students could have worse problems. I believed Dougherty should not be penalized for his candor. Finally, I argued that two professionals with intimate knowledge of Dougherty's background had written letters of recommendation and that these should be counted as indications that they believed he posed no threat to the public at large. I remember that Dr. Boyle continued his/her opposition. I considered this irrational and said that an enlightened society had to be willing to take some risks. In the end the letters of recommendation provided by his psychologist and juvenile counselor from Family Court, both professionals with much more experience in these matters than any of us had, swayed opinion sufficiently to make Dr. Boyle the only panel member to oppose admission when the vote was taken.

The college faced a number of challenges in 1993-94. We were confronted for the first time in our history with a serious allegation of faculty plagiarism. In addition, a

series of incidents of vandalism and proscribed behavior occurring at Lavoisier Hall challenged all the Resident Assistants assigned there, especially Dave Dougherty, whose floor seemed to be center of activity.

I met with Dave Dougherty several times to help develop strategies to curb the problem. Dave seemed frustrated by his lack of progress in regaining control of the floor, but things really seemed to improve around the middle of February. The number of incidents reported dropped to zero. It was a relief for me because the time I had devoted to Lavoisier Hall caused me to get backed up in my other work. I no longer needed to meet with Dave on a regular basis. I saw him a few times around campus on the way to class and he always gave me a big hello and seemed fine. I asked him once how things were going at the dorm. He said everything was fine but that if he caught anyone defacing school property he would personally see to it that they never did it again. When Jaye Jordan met with me on May 3, 1994, representing the students of Lavoisier Hall protesting Dave's actions as Resident Assistant, I was livid. I told him her in no uncertain terms that the administration fully backed Dave's decisions in maintaining order in the dorm and that I was shocked that a group of young adults could act in such an irresponsible manner. I also said that if the school ever found out who the vandals were, they would be prosecuted. Jaye mentioned something about Dave alternating between being very quiet and spending a lot of time in his room and "patrolling" the hall with a club. I reminded him/her that all the students should be following Dave's example in preparing for finals. I also said I couldn't believe that any student would come to me with such a preposterous story. My time was very short that day because I had a lot of meetings concerning graduation and the class reunions, so I ushered Jaye out.

During this time, I received a request from Security to require all holders of College master keys to meet in order to discuss unauthorized use of the Chemistry Lab. This would include all faculty, administration and the Resident Assistants. Because of all the preparations concerning graduation, I decided to begin the inquiry after things settled down.

I also received disturbing news from Dr. Boyle's report concerning an allegation of plagiarism by Dr. Planck. Dr. Planck had published an article reporting a new method for developing plastic without crediting Dr. Mendoza, who had been involved in a significant amount of the work. I was outraged both because of the lack of integrity that I perceived and because of the stain it would put on Priestley's reputation. I considered it my duty to confront Planck as soon as possible but my time was incredibly limited. By a stroke of good fortune, I received a memorandum from Dr. Planck requesting a meeting for May 9, 1994, to discuss important matters concerning the school. I assumed this meant s/he probably wanted to discuss the allegations.

When the meeting occurred, Dr. Planck did not deny anything. In fact, s/he didn't seem to understand the gravity of the allegations. S/he said something about wanting to discuss the situation at Lavoisier Hall and Dave Dougherty. I said I knew all about the Lavoisier Hall situation and that it would be better if s/he attended to the allegations of

plagiarism. I also said Dr. Planck should consider psychiatric help instead of trying to psychoanalyze students. S/He became very angry and the meeting deteriorated into a shouting match. I finally asked him/her to leave. S/he complied.

By coincidence, I met Dr. Mendoza on the afternoon of May 10, 1994. S/he said s/he was concerned about Dave Dougherty's class attendance and grades for the Spring semester. Dave seemed to have fallen seriously behind at mid-term. S/he was concerned that Dave may have failed the final exam despite a diligent effort to catch up. I said if that turned out to be the case, I would recommend that Dave be allowed to do some remedial work and take a make-up final exam. I said I would communicate that information to Dave. In the course of the conversation, Dr. Mendoza also mentioned that some chemicals were missing from the chemistry lab and that it appeared that some person had been using the lab after hours without authorization. I asked if security had been notified and Dr. Mendoza replied that they had. I may have mentioned Dr. Boyle's allegations concerning Dr. Planck, but I don't recall exactly what I said.

Later that day, I saw Dave and told him about my conversation with Dr. Mendoza. He thanked me and said that he wished the dorm problem could have been fixed as easily. He said that he had an idea to ensure that no future problems occurred in the dorm. He also asked if it would be all right for him to begin working to catch up on Dr. Mendoza's class by doing some experiments in the lab. I was heartened by this show of enthusiasm, and granted my permission. Later, I was shocked to learn that the material Dave used to make the firebomb were the ones stolen from the lab.

N. Bohr

DEFENDANT'S WITNESS: Hal(ie) Hall

My name is Hal(ie) Hall. I am a sergeant with the Priestley College Department of Campus Security. I have been a member of the force since 1991. My law enforcement career began in 1966, when I served as a military police officer in the Army. After my discharge in 1970, I joined the Temple County, Pennsylvania Sheriff's Department. Over the years I often had occasion to work with the Priestley security people and after I retired in 1990, I was hired to fill a vacancy on the force. A number of the Priestley officers have law enforcement backgrounds.

The 1993-94 school year was the worst Priestley experienced since the Vietnam War era. A group of students seemed bent on undoing all the renovation work the College had done on Lavoisier Hall. The Security Department worked closely with the Resident Assistant on the floor where most of the incidents were happening. His name was Dave Dougherty. One of my jobs is to act as a liaison with the resident assistants. When Dave was hired, Dean Bohr wrote me a memo asking that I especially help him become acclimated to his duties. He impressed me with his knowledge and interest in forensic chemistry. I was really surprised when he later set the fire that killed Frank Marshall. Dave was a dedicated individual who wanted to do a perfect job. When the vandalism began, Dave seemed to take the damage personally. I got the impression that the students on the floor considered him a real pain, but that was only because they were a particularly immature group that year. He always had to remind them to behave like adults, even for little things, like not littering the hallways. A few times I heard students call Dave "Mom" because they claimed he was such a nit-picker. They even called him it to his face. When I confronted some of them about it they said they thought that maybe a little teasing would loosen him up. Not long after that, I was called to investigate serious vandalism in a bathroom. The screws anchoring the partitions had been removed and about half of the partitions were missing. We never determined who was involved, but Dave vowed to catch them. The increased scrutiny apparently frightened the perpetrators because the incidents came to an abrupt halt.

One incident that occurred during Spring break involved Marshall, Dougherty and Jordan. One of the security measures we instituted forbade people who were not associated with the college, that is, faculty, staff or students from entering dormitories or classroom buildings unless they either were signed in by a student who accepted responsibility for them or had obtained a guest pass from the security office. On the day the dorms were emptying for the break, I received a call from Dave that an unauthorized person was in Lavoisier Hall. When I arrived I found a juvenile female being detained by Dave. She did not have a pass. I brought her down to the lobby and determined that she had not been signed in. She told me that she was Frank Marshall's sister. I was able to confirm this with Frank when he came downstairs. Technically, I could have had her charged with criminal trespass, but under the circumstances, I thought it best to merely reiterate the college's policy on visitors. I remember seeing a baseball bat propped up in the corner of the stairwell, but it only caught my attention because I thought it was a little

early in the season for anyone to play. I assumed that it was Frank Marshall's since he was going out of town for Spring Break.

The Spring Semester of 1994 was a busy one for me. I was asked by Dr. Boyle whether measures should be taken to secure an Internet site run by the college to provide local police chemists with information concerning the construction and identification of bombs and bomb material as part of a training course. I assured Dr. Boyle that as long as the material came from public sources like journals and textbooks there was no need for heightened security. I did joke with him/her by saying that I didn't want to have to arrest the Chemistry Department for copyright violations. Dr. Boyle didn't laugh at that. I guess s/he doesn't have a sense of humor.

I'll never forget what happened the night of the fire. Most of the Security Department was on duty that night because of the graduation and the various class reunions. It's usually mostly routine work, like giving directions to relatives of graduates and controlling parking, but occasionally an alumni member will have a little too much to drink. That day was different. Even before the fire it had been really busy. Earlier, I had been called to investigate a reported theft of chemicals from the Chemistry Department. This was the third report of an unusual occurrence there. Previously there had been two unauthorized entries but nothing had been taken. As the evening progressed, things got worse. A group of the graduating seniors were caught at a keg party in violation of the college's strict no-alcohol policy. I guess they thought that the school wouldn't hear about it until after they were gone. There was beer in cans and bottles too. We confiscated everything but let them off with a warning rather than cite them. I knew there would be no way for them to replenish their supply that night and they'd be gone immediately after graduation. I went back to headquarters to write up my report. I was still there when the alarm from Lavoisier Hall came in. I rushed over, but the fire department and the security units on the scene had everything under control. They had Dougherty in custody and the EMTs were working on Marshall. Once the fire was declared out, I entered the building with the fire marshal. He found the residue of the materials that caused the fire.

H. Hall

COURT OF COMMON PLEAS
GREAT VALLEY COUNTY
FAMILY COURT DIVISION
OFFICE OF COUNSELLING AND SUPERVISION

August 15, 1990

Office of Admissions
Priestley College
P. O. Box 1789
Temple, PA

Dear Admissions Officer:

It gives me great pleasure to write a letter of recommendation on behalf of David Dougherty. I have supervised David for the past year and a half and can say without reservation that he is a mature, serious individual. He has consistently made his monthly appointments with me punctually. He recognizes the consequences of his actions in the fires he set and has shown no propensity to repeat this behavior. As part of my job, I have reviewed his school work and report cards. His work is neat and correct. He is progressing well in his studies and has had no problems in relating with others. I believe that his presence would be an asset to any college he would attend.

On a personal level, I find David to be a person of high moral character who deserves to be allowed to pursue the goals he has set for himself. I make my recommendation without any reservations.

Sincerely,

E. Durkheim
Juvenile Counselor

Exhibit #1

D.R. Lang, M.D.
Suite 123
Freud Medical Building
Lincolnsburg, PA

20 August 1990

Office of Admissions
Priestley College
P. O. Box 1789
Temple, PA

Dear Admissions Officer:

I am writing this letter of recommendation on behalf of David Dougherty. In order to provide a complete picture of his strengths and weaknesses, David has given me permission to discuss his psychiatric history.

David was referred to me by the juvenile authorities after his arrest and adjudication for a series of fires he set. The most serious of these resulted in the deaths of three horses in a barn. I have been treating him for the past three years. At first, I was confronted with a child who had a great deal of repressed anger directed at his parents because of their divorce. Over time, David accepted responsibility not only for his actions, but also for the direction of his life. He made a concerted effort to make the most of his talents and abilities and has for the most part succeeded. He is still working to learn to control his anxiety when confronted with unusually stressful situations, but I believe his prognosis for becoming a valued member of society is excellent.

Finally, it is my opinion that David would benefit greatly from the opportunity to attend a college of Priestley's reputation.

Sincerely,

D.R. Lang, M.D.

Exhibit # 2

Response to Application question #9

I seek to attend Priestley College because of my long-standing interest in the field of chemistry. I am aware of Priestley's reputation as an institution known for the contributions of its faculty in the area of basic research. It would be an honor for me to be able to study with such people.

I believe that my life experience has made me a person who could uniquely benefit from the education and environment which Priestley offers. As a young teenager, I reacted badly to my parents' divorce. I began setting fires which destroyed property. Initially, I set fires in open fields. Later, I began burning buildings. The last fire I set destroyed a barn and killed three horses. I was so horrified by the loss of life I had caused that I immediately confessed to my mother and asked that she call the police. The event changed my life. Thanks to the support of my parents, my juvenile counselor, Ms. Durkheim, and my therapist, Dr. Lang, I have confronted my problems and believe I have become a better, more mature person. I hope that I can atone for my prior behavior by dedicating my life to developing better means to chemically prevent, control and protect people from the ravages of fire.

Sincerely,

David Dougherty

Exhibit # 3

Priestley College
Temple, PA

Office of the Academic Dean

To: Sgt. Hall

From: N. Bohr

Date: 4 September 1992

I am writing to advise you of the appointment of a new Resident Assistant. David Dougherty will be assigned to Lavoisier Hall beginning on Monday September 7, 1992.

I have interviewed David and believe he will be an excellent Resident Assistant. He is a mature, serious young man. My only concern is that he may be somewhat high-strung. Please be sure to give him special attention particularly during his probationary period.

As always, I know I can count on your diligence and professionalism.

Exhibit # 4

PRIESTLEY COLLEGE DEPARTMENT OF CAMPUS SECURITY

INCIDENT REPORT # 94-961 DATE 29 April 1994

DESCRIPTION OF INCIDENT: Responded to report of unauthorized entry to Chemistry Building. Met with Department Chair, Dr. Boyle. Scientific glassware discovered on drainboard of sink. Chemicals to be inventoried for shortages. No individuals authorized to conduct experiments after hours. Sign in log checked. No discrepancies. Night guard instructed to be sure all entrances secure, patrol building periodically during shift.

ASSIGNED OFFICER: Jefferson
FORWARDED TO ADMINISTRATION

REVIEWING OFFICER: Hall

RECEIVED BY: /s/ N. Bohr 3 May 1994

Exhibit # 5

PRIESTLEY COLLEGE DEPARTMENT OF CAMPUS SECURITY

INCIDENT REPORT # 94-966 DATE 30 April 1994

DESCRIPTION OF INCIDENT: Responded to report by Dr. Boyle of unauthorized entry to Chemistry Building. Second occurrence in two days. Glassware again left on drainboard. Department unable to ascertain if shortage of chemicals exists. All entrances determined secure. Overnight guard reports no contacts overnight. Recommend increase to hourly guard rounds. Request that all College personnel possessing master keys be questioned.

ASSIGNED OFFICER: Jefferson REVIEWING OFFICER: Hall

FORWARDED TO ADMINISTRATION

RECEIVED BY: /s/ N. Bohr 3 May 1994

Exhibit # 6

PRIESTLEY COLLEGE DEPARTMENT OF CAMPUS SECURITY

INCIDENT REPORT # 94-999

DATE 10 May 1994

DESCRIPTION OF INCIDENT: Responded to report of theft from Chemistry Lab. Met with Dr. Mendoza who reports loss of a number of volatile chemicals. Complete descriptive inventory to follow. Method of entry determined to be master key.

Recommend Temple County Sheriff's Department assistance.

ASSIGNED OFFICER: Hall REVIEWING OFFICER: Hall

FORWARDED TO ADMINISTRATION

RECEIVED BY: /s/ N. Bohr 11 May 1994

Exhibit # 7

Priestley College
Temple, PA

Chemistry Department

To: N. Bohr, Academic Dean

From: M. Planck

Date: 3 May 1994

I am making an urgent request to meet with you to discuss important matters connected with the events that have plagued the College community this past academic year. Because of the sensitive nature of the matters to be discussed, I cannot be more specific.

Exhibit # 8

Priestley College
Temple, PA

Office of Resident life

DORMITORY RULES

The following rules and regulations govern all conduct in the dormitory facilities of Priestley College. They were created by the rules subcommittee of the Student-Faculty Senate and were formally adopted on May 25, 1975.

College policy forbids the possession and/or use of alcoholic beverages on campus. This ban extends to the dormitory facilities as well. Any possession and/or use of alcoholic beverages on the campus or in any building of Priestley College is a violation of the Student Code of Conduct and will result in disciplinary action.

Smoking is prohibited in the dormitory buildings. Students may smoke in the designated outdoor smoking areas.

Intentionally damaging Priestley College property is a violation of the Student Code of Conduct and will result in disciplinary action.

In order to provide an atmosphere conducive to academic study, the following rules apply concerning social activities:

Quiet time extends from 11 p.m. to 7 a.m. on weeknights and from midnight to 7 a.m. on Friday and Saturday nights. Students are to refrain from activities such as the playing of audio or video equipment or of musical instruments at levels which would disturb other residents of the dormitory.

Dormitory parties are permitted on Friday and Saturday evenings only. Parties must end by midnight.

Permission for parties must be obtained from the resident assistant(s) on whose floor(s) the party will be held.

Residents may not entertain visitors of the opposite sex in their rooms after 11 p.m. on weeknights or after midnight on weekends.

Exhibit # 9