

*By Dennis Powell*  
July 15, 2012



## **Start your engines: Let Penn State media legal circus begin**

One can even now imagine the television ads: "Were you abused by Jerry Sandusky? You may be entitled to compensation. Call the Pettifogger and Stickyfingers Law Firm to learn about your rights."

Yes, that roar you hear is investigators employed by trial lawyers, descending on University Park, Pa., in hope of getting rich by parting out Pennsylvania State University. Those investigators are not looking for evidence. They are looking for clients.

It is impossible to be anywhere on Earth or a nearby planet and not have heard the truly terrible tale: a longtime assistant to legendary Penn State football coach Joe Paterno, Jerry Sandusky, sexually assaulted little boys – a lot of them – for decades. The more that was disclosed, the worse it got. It appears now that Sandusky's proclivity was more or less an open secret, at least within the college's nationally ranked football program. Criminal charges were filed late last year. Paterno, age 85, in quick order resigned, got sick, and died. Sandusky was tried, convicted of most of the charges, and could go to jail for up to 442 years, though he will probably be granted a hardship release when he dies.

But surely it won't end there.

Over the coming months we will see but not read long "think pieces" (known in newsrooms as "thumb suckers") about the broader societal meaning of the fact that Jerry Sandusky is a sick, sick man. Curled-pinkie editorial board geniuses will write Sunday op-ed items about the disproportionate weight given to college athletics (never pausing to consider that at many schools athletics bring in far more money than they cost, thereby paying for other, educational things). There will be articles which say that this is what results when winning is everything. Cancer could be cured by the amount of effort that will be applied to find some other coach whose tastes match Sandusky's; in that pursuit editors and the reporters who would please them will search high and low for any other stories that can be stretched to make the case part of a "trend."

There will be "special reports" by television news people, some of them on "magazine shows," that will seek to "reveal" the "hidden details" of "the scandal that rocked college athletics." Most of these will involve a lawyer trotting out his client, who will have been carefully, um, coached to appear particularly pitiful. The "crusading" lawyer will also be featured. That's part of the deal: you would be surprised and probably disgusted by the number of television "investigations" that are presented to the reporters on a platter with a bow around them by lawyers – who are made the hero of the resulting broadcast.

And there will be the lawsuits – many, many lawsuits. Some have already been filed. The legal theories involved will in some cases be stretched. (One of the earliest has been dismissed already; I cannot improve on the description provided by the Associated Press: "U.S. District Judge William Conley said... that the allegations of an assault during a Wisconsin Badgers home football game appear to come from Jonathan Lee Riches, whom the

judge said has 'vexed the court system with thousands of frivolous lawsuits before his recent release from federal prison.'" Poor Riches. He should know that frivolous lawsuits that vex the court are best left to the pros.)

Believe me, the pros are already out in force. They will craft their arguments carefully, to promote the notion that any juror who does not award \$1 billion to the lawyer's client must therefore be in favor of sexual attacks on little boys. (Our politics works a lot like this, too.) The defendant won't be Jerry Sandusky, of course. He has no money, at least not the kind of money we're talking here. **In the words of [Tom Kline](#), a lawyer who says he will be filing a lawsuit in the scandal, "Penn State tragically, sadly, unfortunately, was the enabler." And now it will be the defendant.**

Certainly, some people at Penn State knew what was going on. Those people probably ought to go to jail. They mostly won't, though. Some of us might remember how much trouble Ohio State got into when a few ne'er-do-well athletes traded souvenirs for tattoos and such. By that standard, Penn State would be prohibited from participating in athletic endeavors ever, from now until the end of time.

It's hard to imagine, though, that justice would be served by the wholesale transfer of money to lawyers. These cases will primarily be taken on a "contingency" basis. That is where the client pays nothing up front, with the lawyer to be paid from the proceeds of the suit. Then, at some point, the defendant – Penn State, in this case – will offer a settlement. There will be negotiations. The lawyers will encourage the clients to settle. The lawyers' fees will be deducted from the payout, as will expenses – and these things are expensive – and whatever is left over goes to the actual victim.

Who in any case won't be made whole. There are some offenses that cannot be made all better with money, even were they to get all of it, which they won't.