

Federal Court Grants Life University Injunctive Relief

Restores Accreditation to Pre-June status

On Monday, February 10th, in Atlanta, Ga., Senior U.S. Federal District Judge Charles A. Moye, Jr. issued an order restoring Life University's accreditation by granting the school's request for emergency injunctive relief. This action by the federal court restores Life's accreditation until the lawsuit by Life against the Council on Chiropractic Education (CCE) is resolved.

The reinstatement is retroactive to June 2002 when the college was stripped of its accreditation. *The Marietta Journal*, that has been covering Life's problems with CCE since it began, wrote, "As students, faculty and staff celebrated a judge's decision... Life's critics were conspicuously silent..."

The order establishing the injunction against CCE was issued following a five-hour hearing. As the basis for his landmark ruling, Judge Moye cited four areas of concern:

1. There was a substantial chance a jury would be compelled to find in favor of the plaintiff if the same evidence were presented.
2. There would be irreparable harm/damage to the plaintiff should the injunction be denied.
3. There was not a balance of equity when the accrediting agency

removed accreditation from the plaintiff.

4. There would be no harm to the general public should the injunctive relief be granted.

Life University filed its lawsuit on January 3, 2003, after it became clear that CCE had no intention of working toward a fair resolution of Life's concerns, and after all appeal processes with the CCE itself had been exhausted. The Life lawsuit is seeking damages as well as reinstatement of its accreditation. In its lawsuit Life contends the CCE's actions conflicted with their own articles of incorporation, their standards favored schools that taught the more liberal branch of chiropractic, they violated the law by denying Life due process, and they refused to reconsider Life's application for reaccreditation in a timely manner.

In a statement issued immediately following the ruling granting Life injunctive relief, Life President Dr. Ben DeSpain said this long-awaited decision was the end result of much hard work by Life's Board of Trustees, the interim administration headed by Dr. Michael J. Schmidt, and dozens of faculty and staff members. "I am truly thankful," he said, "for their hard work and dedication to Life University. Without their

efforts, we would not have survived this crisis."

Announcing the good news at a special Monday evening assembly before several hundred jubilant students, faculty and staff on campus, DeSpain urged all members of the Life family to take a moment and reflect on the sacrifices of so many in the profession of chiropractic. "One only needs to spend a few moments at the bell tower," he said, "to realize that, while painful, the loss of and efforts to re-establish our accreditation are minor contributions to further the cause we believe in so strongly. Let us also remember how alienated and ostracized we felt during this process and commit ourselves to rising above retaliatory actions or hatred thoughts. For when this process is complete, we must continue to share a small world with many others who are not like-minded."



Ben DeSpain, Ph.D.

The loss of accreditation has affected the college, students, as well as the economy of the county in Marietta in which the 125-acre campus is located. The loss of tuition revenue compelled the college to cut more than \$10 million from its \$38 million budget. More than 100 employees lost their jobs, and some of the university's programs, including its acclaimed athletics program had been eliminated.

"We fully expect that CCE will file an appeal and quite possibly ask for a stay of this decision," was Dr. DeSpain's comment. "Life is prepared

to continue the legal debate and we are very comfortable we will find similar success in future rulings. I'm looking forward to the point when Life University is vibrant, and this is just a memory in our past."

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