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Edwardsville Bulletin

To the Faculty and Staff of Southern Illinois University at Edwardsville

Vol. 10, No. 32
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MEMO TO: The University Community

FROM: Larry L. French
General Counsel

SUBJECT: House Bill No. 2479, i.e., An Act to Provide for Representation and Indemnification in Certain Civil Lawsuits as to State Employees

House Bill No. 2479 of the 80th General Assembly was approved and passed into law December 3, 1977, and generally provides that a State employee who is charged with violating the civil or constitutional rights of another may claim representation and/or indemnification from State funds.

Three conditions, however, are required: (1) the suit must allege deprivation of a civil or constitutional right; (2) the suit must arise out of an act within the scope of official duties; (3) the act complained of must not have been intentional or willful, or constitute willful or wanton misconduct.

The benefit of the act is claimed by written notice to the Attorney General within 15 days of the receipt of summons, who thereafter controls the case against the particular State employee. The Attorney General has the option of representation, or the designation of representation.

This law only applies to individual State employees active within the scope of their employment, and specifically excepts personal injury actions relating to automobile accidents.

State employees are advised that upon receipt of summons, they should contact their respective legal representative for guidance in regard to the requirements of this particular law.