

ADVERTISING

Chronicle home delivery prepares you for whatever.

Are you ready for today?[Click here to subscribe.](#)HOUSTON
chron.com

chron.com

News, search and shopping from the
HOUSTON CHRONICLE

HOME NEWS SPORTS BUSINESS ENTERTAINMENT LIFE TRAVEL COMICS JOBS REAL ESTATE

SEARCH

IN

Chron.com

Go

for Chronicle Sub
a premium w

HOUSTON CHRONICLE ARCHIVES

Paper: Houston Chronicle**Date:** MON 07/20/1998**Section:** A**Page:** 17**Edition:** 2 STAR**State's role in dean's defense debated**By RON NISSIMOV
Staff

Taxpayers should not have to pay for the legal defense of a local college dean accused of humiliating a secretary during drunken binges, the secretary's lawyers are set to argue in court today.

Dorothy Clark, 59, former executive secretary to R. Palmer Beasley, dean of the School of Public Health at the University of Texas-Houston Health Science Center, sued him in 1993 for allegedly unjustly firing her and allegedly intentionally inflicting emotional distress upon her.

"It's like David and Goliath, I'm going up against this institution that has unlimited funds. It's totally one-way," said Clark about the state attorney general's decision to fund Beasley's legal team.

Attorney General Dan Morales' office declined to comment on the case but has argued in legal documents that he is defending Beasley because Clark's allegations are "either false or frivolous."

Clark's attorney, Jon Haslett, said it is illegal for the state to pay for Beasley's defense because the actions Beasley is accused of had nothing to do with his official duties, and courts have ruled that the state cannot be liable for those actions.

"Dean Beasley has been getting a free ride for too long and it's time for him to pay for his own attorney to defend himself," Haslett said. "If the dean were paying for his attorneys thus far it would in the tens of thousands of dollars, there's no doubt about it. It's a waste of taxpayers' money."

The attorney general's office said in a legal brief that it has the right to defend public servants in lawsuits even if the state is not liable.

High
High

L

State District Judge Dwight Jefferson is scheduled to hear a motion this morning to order the state to stop paying for Beasley's defense.

In a written statement, Beasley said it is proper for the state to pay for his defense because the allegations are false.

"This is the exact type of lawsuit where the state must not abandon the supervisor just because the plaintiff's latest allegations purport to disqualify him of his to right to legal counsel," the statement said. "Otherwise, all state employees performing the functions of their employment would be vulnerable to unwarranted personal attacks through the legal system."

Beasley acknowledged in a deposition from October 1994 that he was away from work for two weeks in 1989 for treatment for a drinking problem, but said his problem did not affect his relationship with employees.

Clark also originally sued the school and M. David Low, president of the University of Texas Science Center at Houston, because he allegedly authorized the decision to fire her in 1991. She claimed she was fired in retaliation for taking 2 1/2 months off from work for a bad back.

The state has denied those allegations.

A visiting judge in Harris County state district court dismissed the entire case in 1995, saying Clark could not sue either the school or the officials because they were protected by governmental immunity.

An appellate court in 1996 upheld the ruling that Clark could not sue the officials or the school based on the claim that she was unjustly fired. Under state law, employees at UT and several other state agencies do not have the same protection from retaliation as in the private sector if they file workers' compensation claims because of governmental immunity.

But the appellate court said Beasley could not claim governmental immunity for his alleged abusive actions toward Clark since those were outside the scope of his duties.

Both sides appealed to the Texas Supreme Court, which refused to hear either argument, and what was left of the case was remanded to Harris County state district court.

In an affidavit from July 1997, Clark said that, "without any warning, he (Beasley) would move quickly to my desk and begin shouting at me in a drunken rage. He would throw papers, books, and other items at me, and I would try to catch them or deflect them so they would not hit me."

She said she worked for Beasley for 3 1/2 years and had worked for the UT system for 11 years.

Haslett and Clark said it is unfair that the UT system does not protect its employees from retaliation if they file workers' compensation claims. Under state law, state agencies or officials can be sued only if the Legislature grants permission for them to be sued.

Helen Bright, attorney for the UT system, said UT and state employees have adequate avenues to address their work grievances. She said they are also protected by laws such as the whistleblower statute that do not apply to the private sector.

Clark, who now works as an executive secretary in Bradenton, Fla., said she sent out 100 letters to various state legislators asking them why UT employees are not protected from retaliation of workers' compensation claims, but she did not receive an adequate answer.

"Any employees, whether they work for the state or not, should be protected when they file a workers' comp claim," Haslett said. "It is ironic that the state Legislature is not willing to afford protection to some state employees that private citizens receive."

Morales' office has once more appealed the case, arguing that any settlement of a portion of a lawsuit involving a state agency allows the state employees to be dismissed from the case. The case has been abated while the appeal is being heard, but some proceedings such as today's motion can proceed.

Copyright notice: All materials in this archive are copyrighted by Houston Chronicle Publishing Company Division, Hearst Newspapers Partnership, L.P., or its news and feature syndicates and wire services. No materials may be directly or indirectly published, posted to Internet and intranet distribution channels, broadcast, rewritten for broadcast or publication or redistributed in any medium. Neither these materials nor any portion thereof may be stored in a computer except for personal and non-commercial use.



[Copyright Notice & Privacy Policy](#) | [Help](#) | [Report a Problem](#) | [Site Map](#) | [Advertise](#) | [Place an ad](#) | [Fra](#)