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(front page)

## Clemson legal bill almost \$700,000

### Ex-official's lawyer says he offered to settle for less

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Clemson University has spent almost \$700,000 in legal fees defending against a lawsuit brought by a former board secretary who alleges he lost his job after he spoke out about excessive salary increases given to some administrators.

A spokeswoman for the university told *The Greenville News* that lawyers for the former official, Eugene Troutman, made a \$4 million demand to settle the case during a meeting of lawyers in August 2007.

Joel Collins, Troutman's lawyer, declined to confirm that figure and told *The News*, "the number that I suggested was substantially less than it appears they have already spent in fees."

The lawsuit has yet to go to trial and is awaiting a ruling by U.S. Senior District Judge Matthew Perry on Clemson's motion for dismissal because it is an arm of the state and therefore immune from federal litigation of that type.

In response to a request by *The News*, Cathy Sams, Clemson's chief public affairs officer, said legal fee invoices for the case total \$693,587.65 from July 1, 2007 through May 26.

"It is regrettable that we've had to incur these expenses, especially in our current budget situation," she said. "We made numerous efforts to avoid and to reduce the cost of the litigation. But Clemson did not initiate this. We were sued, and we have an obligation to aggressively defend Clemson University, its board of trustees and its administration."

Sen. John Courson, a Columbia Republican who chairs the Senate Education Committee, said he is concerned about the costs.

"I would have hoped they could have defended their position with in-house

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counsel," he said. "I am surprised, one, that they went to outside counsel and, two, that they spent that much money."

Sen. David Thomas, a Greenville County Republican and a lawyer who is a member of the Senate Finance Committee, said he wasn't surprised by the choice of outside counsel but was "startled" at the numbers, especially since both sides have yet to begin the discovery process that precedes a trial.

"Frankly, it sounds like Clemson should be much more engaged at trying to keep, from a management perspective, the costs under control," he said.

Sams said the legal fees should be put in context.

"First, we tried to avoid litigation through negotiations prior to termination, the university grievance process and mediation," she said. "Second, we have multiple defendants and have been required to address and defend numerous claims that, after appropriate motions, were dismissed or withdrawn."

The university is being represented in the case by Greenville lawyers with the national firm of Ogletree, Deakins, Nash, Smoak & Stewart. Several lawyers with the firm are at each hearing in addition to Clayton Steadman, general counsel for the university.

Thomas Bright, one of the Ogletree lawyers in the case, declined to comment.

No breakdown of the costs was supplied, but Sams said they do not include any internal costs related to the lawsuit.

Collins declined to comment on the invoices or his own costs in the matter.

In a hearing before Perry last month, Collins noted the costs in repeating his argument that he expected Clemson to continue delays in the case to avoid it ever coming to trial.

"These people have spent a fortune in legal fees," he told Perry.

Troutman has alleged in his suit that increases in tuition and fees at Clemson weren't justified by cuts in

state appropriations and that trustees "hoarded" cash from tuition increases to build an unrestricted \$80 million fund.

The trustees and school officials have denied any wrongdoing. They said in court filings that Troutman improperly circumvented the trustees' policy manual by reorganizing the Internal Auditing Division and that he failed to establish and maintain effective working relationships.