

THURSDAY, FEBRUARY 27, 2014

## Fired CSU administrator gets job back, plus \$2.5M

BY MARC KARLINSKY  
*Law Bulletin staff writer*

A Cook County jury has awarded a former Chicago State University lawyer and administrator \$2.48 million after it found the university fired him in retaliation for complying with a Freedom of Information Act request and speaking with investigators.

In a trial before Circuit Judge James P. McCarthy on a statute that has been subjected to little, if any, case law, jurors determined CSU did not have just cause to terminate former vice president and general counsel James C. Crowley in February 2010, and that it did not follow university procedures for dismissing employees.

Crowley's \$120,000 salary position was reinstated, and a court hearing in early March could raise his back pay another \$480,000 beyond the current award.

The university named Crowley vice president of auxiliary operations in 2008. In July 2009, he was given additional duties as senior legal counsel, including reviewing contracts and responding to FOIA requests.

When CSU hired President Wayne Watson that same month, the university received several requests for information on the new president's contract from faculty members, the media and the State

University Retirement System.

SURS requires a 90-day gap between jobs to receive a retirement benefit. Watson retired from a job with Chicago City Colleges June 30, 2009, but was set to start at CSU on July 1, 2009.

CSU then amended his contract to begin Oct. 1, 2009. But during that period, Watson started moving into the CSU presidential residence and holding meetings.

SURS launched an investigation to see whether Watson had violated the 90-day rule.

In late August, Crowley was called to a meeting with the president's office to discuss what information should be tendered in response to the various FOIA requests.

At the meeting, Crowley alleged, Watson grabbed his wrist and threatened him if he released his whole collection of files. Crowley sent all the documents.

Crowley also raised concerns about university contracts. In September 2009, he met with members of the Illinois attorney general's office and provided copies of FOIA requests and contracts.

Soon after, Crowley was stripped of his auxiliary operations duties.

In January 2010, a university manager told Crowley that contracts he approved were being altered with "scrub sheets" that changed terms.

UNIVERSITY, Page 22

## University

Crowley raised his concerns to Patrick B. Cage, CSU general counsel for labor and legal affairs, and told him he would notify the attorney general if the scrub sheets continued to be used.

On Feb. 1, 2010, days after SURS sent Cage follow-up FOIA requests regarding Watson, Crowley was escorted from campus and placed on leave. Later that month, he received a termination letter.

Crowley filed suit in Cook County Circuit Court in November 2010, alleging the termination violated CSU's published regulations on the termination process. He also alleged that CSU violated the Illinois State Official and Employees Act

because his firing was in retaliation for his disclosing information to the attorney general and SURS investigators.

Under provisions in that law, Crowley requested the court reinstate his job, benefits and seniority rights as well as award him double the amount of back pay plus interest.

He was represented by Anthony Pinelli, owner of the Law Office of Anthony Pinelli, and Susan M. Pavlow, owner of the Law Office of Susan M. Pavlow.

At the trial last week, the jury found in favor of Crowley. It awarded \$2 million in punitive damages and calculated \$480,000 in back

pay — four years of a \$120,000 salary.

The parties will go back before the judge on March 11 to determine whether Crowley will be awarded double that back pay amount as the statute provides, Pinelli said.

Crowley has not yet returned to work, Pinelli said. Following the reinstatement, CSU would need to offer severance pay to Crowley if it decided to terminate him without cause.

Pinelli said there had not been much previous trial or appellate guidance regarding the State Officials and Employees Ethics Act.

"I think my client is pleased with the outcome," he said. "I think we

asked the jury to do something significant."

If the case is appealed, it would likely be the first one before the appellate court under the statute, Pinelli said.

CSU was represented by Preston L. Pugh and Christopher M. Cascino of Pugh, Jones & Johnson P.C., and Langdon D. Neal, principal at Neal & Lefoy LLC.

Pugh deferred questions to the university. CSU spokesman Tom Wogan said the university plans to appeal.

The case is *James Crowley v. Chicago State University, et al.*, No. 10 L 012657.

mkarlinsky@lbpc.com