

Professors at the University of Utah used to assume that the State would defend them if they ran into trouble. Recently, however, the State refused to help a professor who has been sued for defamation. David C. Raskin, a professor of psychology at the University of Utah, is battling a \$1 million lawsuit filed against him after he spoke before a local chapter of the False Memory Syndrome Foundation in June 1992. The group supports people who have been accused of sexual abuse and other crimes by victims who claim to have recovered long repressed memories of the acts. Mr. Raskin is an expert in methods of interviewing witnesses in sexual abuse cases, as well as in polygraph techniques. He has written about the subjects and testified in more than 175 court proceedings for which he has usually been paid \$150 to \$300 an hour. In his speech Dr. Raskin questioned the competence and qualifications of a Salt Lake City psychologist who has become well known in Utah for arguing that repressed memory in cases of grave sexual abuse has occurred. The psychologist sued Professor Raskin for defamation. The State of Utah's Division of Risk Management, which serves as the University's insurance company, denied coverage to Professor Raskin saying that he acted as a private citizen in giving the speech and not as a university employee. The State agency said that the speech was related to Professor Raskin's consulting work. (Chronicle of Higher Education 2117/95)

Should the State of Utah pay Professor Raskin's legal expenses in connection with the lawsuit? If so, why? If not, Why not?

MODERATOR'S ANSWER: The State should assist Professor Raskin in covering his legal costs. Sometimes it is difficult to distinguish between a Professor's academic "job" related work and his outside activities. In the case of a Professor at a major research university, such as the University of Utah, however, the policy should be to define "job" related work in broad rather than narrow terms. To do otherwise would discourage Professors from research and teaching activities with a significant impact beyond the group of academic specialists in their particular disciplines. The State's point that Professor Raskin's speech may have been useful to him in advancing his consulting business is not a decisive reason to regard the speech as unrelated to his academic activities. A better test would be whether the speech addressed a significant matter of public concern in regard to which Professor Raskin could genuinely contribute in light of his academic expertise.

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