

## **Important Checklist For Public Officials**

There are four primary protections for a public official to avoid litigation even with qualified immunity in place.

### **Educate Yourself**

Know the rules that govern your area of public service, hire consultants who deal in that area of the law, and follow their advice.

### **Do Not Micromanage**

Governing bodies are designed to make policy, not supervise every pipe laid in the ground, every traffic ticket written, or every child disciplined. Plan the menu, but don't cook every meal. That's why you have hired employees, managers and outside consultants.

### **Buy Liability Insurance**

If you are unable to self-insure your position, buy public officials liability insurance in reasonable amounts. Premiums are affordable today compared to just a few years ago, and coverage is available for almost every need.

In addition, unowned automobile insurance is available to protect the public body when officials are involved in accidents while on public business.

### **Inquire About Indemnification**

To the extent insurance does not protect a public official and to the extent the immunities from suit (including the limitation of damages under the Texas Tort Claims Act for certain personal injuries, death or property damage) do not fully protect a public official, the Tort Claims Act specifically allows public entities to indemnify public officials. This protection, of course, does not protect you where any other immunity does not protect you, such as intentional, malicious, grossly negligent or criminal acts or omissions.

Except for limited positions and circumstances, you *do* have qualified immunity. However, that immunity can be lost if you fail to observe both objective and subjective good faith in the discharge of your duties.