

# Public Official Immunity for Defamatory Statements

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In Illinois, when executive officials are acting in their official capacity they benefit from state law which provides absolute civil immunity for claims which arise from the performance of their executive duties. This type of immunity makes them invulnerable to defamation actions even if the official acted with malice. Official immunity was expanded by the Supreme Court of Illinois so that officials would be free to exercise their duties without fear of incurring civil liability.

For example, a Chicago attorney filed multiple lawsuits against Cook County Circuit Court Clerk Dorothy Brown. The attorney and Brown have been engaged in a long history of litigation brought by the attorney alleging misappropriation and misuse of court automation and excessive document storage fees collected by Brown and her office.

In the most recent case, he filed a defamation action against Brown, alleging that Brown sought to damage his reputation in retaliation for his past attempts to expose alleged corruption in Brown's office. He alleged that Brown damaged his reputation by publicizing a complaint she and her office made against him with the Attorney Registration & Disciplinary Commission. The complaint alleged that his legal actions against Brown were part of a campaign to ruin her political career and that he had "wasted taxpayer money" and was "clearly not professional."

Brown unsuccessfully moved for summary judgment on the basis of immunity in District Court. On appeal, the Seventh Circuit held that Brown was immune from the defamation claim because Brown's statements were all reasonably related to her official duties as Cook County Circuit Court Clerk.

## **What does this mean for you?**

As a municipality, all defamation suits against executive officials are likely to be dismissed due to their immunity from civil liability. In cases concerning executive officials, analyzing if the defendant was acting in a way that reasonably relates to the performance of his or her official duties is recommended. Courts are trending towards expanding immunity to executive officials to lessen the fear of incurring civil liability.

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