October 9, 2012

MUSC is a state agency and lacks legal authority to waive any of our State’s sovereign rights. Our liability is limited by the South Carolina Tort Claims Act and our Attorney General expressly prohibits us to waive our protections or agree to a phrase that says, “to the extent permitted by law, school will indemnify...” We just cannot agree or appear to agree to “indemnify or hold harmless”. MUSC is also prohibited from agreeing in writing that we will submit our state agency to the jurisdiction and laws of another state. We would suggest that we leave the term silent.

Thank you for your consideration.

Joseph C. Good, Jr.
Of Counsel