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501 Woodlane, Suite 600 | Little Rock, AR 72201 | o: 501-660-1000 | f: 501-660-1010

September 2, 2020

To Whom It May Concern,

Please consider this letter an official response to your request for a certificate of sovereign immunity from the Arkansas State University System.

Arkansas State University is an agency of the State of Arkansas. The Arkansas Constitution grants sovereign immunity to the State and its agencies. See Ark. Const. Art. 5 § 20. The University does not have liability insurance because it acts as a waiver of the sovereign immunity to the extent it is covered. The immunity of political subdivisions is also addressed at Section 21-9-301 of the Arkansas Code, which provides as follows:

- (a) It is declared to be the public policy of the State of Arkansas that all counties, municipal corporations, school districts, public charter schools, special improvement districts, and all other political subdivisions of the state and any of their boards, commissions, agencies, authorities, or other governing bodies shall be immune from liability and from suit for damages except to the extent that they may be covered by liability insurance.
- (b) No tort action shall lie against any such political subdivision because of the acts of its agents and employees.

Any claims with respect to loss, expense, damage, liability, or demands for actual or alleged injuries to persons or property arising out of any negligent act or omission by the University and its employees or agents should be presented to the Claims Commission of the State of Arkansas. See Ark. Code Ann. § 21-9-201, et. seq. However, the University reserves its right to assert in good faith all claims and defenses available to it in any proceedings in said Claims Commission or other forum.

Please feel free to contact me with any questions you may have or if I may be of further assistance. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Phelps', written over a thin horizontal line.

Brad Phelps  
General Counsel  
Arkansas State University System