

U, Tubby on the hook for \$1.25 million verdict

The jury awarded \$1.25 million to the former coach; the U of M said it will fight the "unjustified verdict."

By **ROCHELLE OLSON**, Star Tribune

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A 63-year-old former assistant Gophers basketball coach once known as "Jimmy the Jet" for his quickness on the hard court handed coach Tubby Smith and the University of Minnesota a stunning \$1.25 million loss in Hennepin County Court on Wednesday.

After an eight-day trial and several hours of deliberation, the seven-member jury determined Smith wrongfully led then-Oklahoma State assistant coach Jimmy Williams to believe he had the power to hire him for \$200,000 a year during a phone conversation on April 2, 2007. Williams quickly quit his job with the Cowboys. When the Minnesota deal dissipated on April 3 over previous NCAA violations during Williams' previous tenure as an assistant at Minnesota, Williams found himself unemployed and eventually sued.

"This trial was necessary to have my name completely cleared," Williams said quietly. As jurors emerged after the trial, several stopped to shake his hand.

Williams' lawyer, Donald Chance Mark Jr., had asked for \$1.7 million to compensate for lost wages. Williams, 63, hasn't had significant work or health insurance in three years.

University General Counsel Mark Rotenberg said he will seek to remedy the "unjustified verdict" through post-trial motions and the appellate courts. A settlement is possible, but he said, "The university is not in the position to be doling out public funds to people who don't deserve them."

University of Minnesota Athletic Director Joel Maturi and Smith, who testified during the trial but were not in the courtroom when the decision was read, could not be reached for comment.

The case hinged on the April 2 call between Smith and Williams. According to Williams, Smith was very excited and offered him an assistant job at the salary he sought. Williams promptly called his boss at Oklahoma State, his friends, his daughter in Minnesota and his

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real estate agent to get his Oklahoma City house on the market.

Early the next morning, Maturi sent an e-mail telling a university staff member to take steps to hire Williams, Ron Jirsa and Saul Smith, the coach's son. Jirsa and Saul Smith signed contracts on April 5. But Maturi stopped the hiring of Williams because of NCAA violations while he was a young assistant under coaches Bill Musselman and Jim Dutcher. Smith, whose annual base salary is \$1.8 million, testified he agreed with Maturi and didn't want to "get off on the wrong foot."

The jury had to answer the threshold question of whether Smith falsely represented to Williams that he had the final authority to hire assistants. The jury found Smith wholly at fault and set the damages at \$1,247,293.

Juror Margaret Stearns said the panel took into account what a "reasonable person" would do and the "standard practice" among college coaches when hiring assistants.

Juror Tracy Jackson said both Smith and Williams are good men, but after reviewing e-mails and phone records, she said, "We sided with Jimmy."

Williams and lawyer Richard Hunegs said it wasn't just the money. "Jimmy's name, reputation and integrity have been restored," Hunegs said.

The former assistant said he hopes to work in college basketball or the NBA. "I can forgive and move on with my life," he said.

The trial included a parade of basketball notables, including Smith, Williams, Maturi, Dutcher, retired Oklahoma State coach Eddie Sutton, and basketball Hall of Famer and former Gopher Kevin McHale.

Accusations in court

Two crucial moments came Tuesday. One when Smith became angry under cross-examination and pointed at Williams, saying he had a duty to disclose the previous problems at the U.

Williams then said Smith was lying when he denied offering him the job.

"There was a lot of hurt involved in this," Williams said. "It was a tough deal."

Williams testified that he was content in the second year of a three-year contract when Smith called him in the early morning hours

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of March 22, 2007, shortly after the 10-year University of Kentucky coach accepted the Minnesota job.

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Williams testified he believed in Smith. "He's always been honest with me," he said.

Williams' lawyer said Smith was so powerful that when he got the Gophers job, the university president and athletic director flew to Kentucky on a private plane to pick him up. "When Tubby talks, people listen," Mark said.

Williams and Smith shared a mentor in J.D. Barnett, a paid consultant at the university and the former coach at Virginia Commonwealth and the University of Tulsa. Williams said there was no way Smith wouldn't have known about the history of NCAA violations at Minnesota.

University lawyer Brian Slovut called the situation a "misunderstanding" and "a misunderstanding does not create liability."

That isn't what jurors thought.

Smith is indemnified by the university, which Rotenberg said carries insurance for such claims.