



Supreme Court

STATE OF LOUISIANA
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New Orleans
70130-8101

CHIEF JUSTICE
JOHN L. WEIMER

JUDICIAL ADMINISTRATOR
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RE: NOTICE OF LA R.S. 42:354, SEXUAL HARASSMENT POTENTIAL LIABILITY LAW

Dear Judges and Employees of the Judicial Branch of Louisiana:

In accordance with La R.S. 42:354, on behalf of the Chief Justice, this notice is to be disseminated to every judge and employee in the judicial branch. Please be advised of potential liability if you are determined by an agency head or a court of competent jurisdiction to have committed sexual harassment. La R.S. 42:353 (emphasis added) states:

§353. Litigation and settlements

A. Notwithstanding any law to the contrary, including but not limited to R.S. 13:5108.1, when a claim of sexual harassment has been brought and the office of risk management, or the exempted institution of higher education, determines that sexual harassment did occur, **the sexual harasser shall be responsible for the payment of all or a portion of the amount of the settlement or judgment.** In determining the amount that the sexual harasser should contribute to any compromise of the claim, the following factors shall be considered:

(1) Whether the sexual harasser was engaged in the performance of the duties of his office or employment with the state at the time the sexual harassment occurred.

(2) The severity of the sexual harassment.

(3) The stage of litigation.

(4) The ability of the sexual harasser to pay.

B. When a claim is filed against the state due to a claim of sexual harassment which results in a final judgment or settlement against the state, the attorney general, on behalf of the state, may file suit against the sexual harasser to assert and enforce the state's right to reimbursement and indemnity from the sexual harasser. The attorney general is also entitled to recover from the alleged sexual harasser all costs and reasonable attorney fees incurred in asserting that right.

C. The attorney general shall receive as compensation an amount not to exceed twenty-five percent of the total monies recovered from the enforcement of the state's right to reimbursement from the sexual harasser, as set forth in this Chapter, to be deposited into the Department of Justice Debt Collection Fund. The attorney general, the office of risk management or the exempted institution, and the agency shall determine whether the interests of the state are best served by litigation or by the making of an offer or the acceptance of an offer to settle or compromise the claim or litigation.