Local Lawmaker Works To Solve Louisiana’s Liability Problems

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BATON ROUGE — A Lafayette Parish lawmaker is working on a bill to save the state from millions of dollars in suits claiming the state is responsible for residents’ injuries.

Rep. Donald Thibodeaux of Crowley, who represents the southwestern part of Lafayette Parish, says the state often has to pay judgment for injury it is not responsible for causing. He is working with the attorney general’s office and the Department of Transportation and Development on ways to avoid some suits.

“We’ve got to do something,” Thibodeaux told The Advertiser.

“We’ve got $1.2 billion in judgments pending now, and last year there were $38 million dollars paid out.”

Most of the cases involved the DOTD, which is responsible for maintaining state highways, but many of them involve the Department of Health and Human Resources, which oversees state hospitals and clinics.

$9 Million The Largest

The largest judgment was paid off by this year’s Legislature. A person injured in a wreck sued the state and won a $9 million judgment. The driver of a car went off the edge of a highway and his car flipped, severely injuring the passenger.

Although it was proven that the driver had been drinking, the court held that since the shoulder of the road was three inches lower than roadway, the state was at fault.

“The state cannot afford to be exposed to that kind of liability,” Thibodeaux said. “The state should have a certain amount of liability but it should have negligence tied to it. The way the law reads now, you don’t have to prove that the state was negligent. If the state knows about a problem and it doesn’t correct it, then it should be held liable.”

Other Cases

The state also has been sued by drivers whose cars slid off roads because of loose gravel and who had damaged their cars because of potholes.

One of the loopholes Thibodeaux is working on cropped up this year. A sheriff’s deputy who was in a neighboring state was involved in a wreck. Because the state pays deputies a $200-a-month supplement, the court held that the deputy was a state employee and the state was held liable for the injuries.

Besides closing loopholes in the law, Thibodeaux also is seeking to step up safety maintenance programs for highways.

Thibodeaux is not the first legislator to try to remove some of the state’s liability. Bills have been introduced in previous years; but because of heavy lobbying by trial lawyers — many of them legislators — the bills have been defeated.

Next year’s session might be different, Thibodeaux said, because of the support by the attorney general’s office and DOTD. Also, state finances are so tight “we can’t afford it,” he said.

Other legislators have suggested hiring a special team of lawyers specializing in liability cases. The attorneys would be able to present a better case for the state and know when to settle out-of-court.

In several cases, the state could have settled for less than the court awarded.

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