

Litigation Policy

Policy Statement

Act 65 of the First Extraordinary Session of 2000 specifies that the State will indemnify and defend a covered individual against any claim, demand, suit, complaint or petition provided the cause of action occurred while the individual was engaged in the performance of his/her duties as a State employee or official and the individual was free of criminal conduct. Further, the Act changes the process by which the State's Attorney General is to be notified.

Purpose of Policy

This policy describes the procedures for notifying the State Attorney General and the University of Louisiana System in the event that the University, an University department, and/ or an University employee is served with a summons, complaint, process, notice, demand or pleading.

Applicability

This policy applies to all State of Louisiana employees.

Policy Procedure

The employee or official must, within ten (10) days of being served with any summons, complaint, process, notice, demand or pleading, deliver a copy of the original document to The Office of the State Attorney General, Risk Litigation, Post Office Box 94095, Baton Rouge, LA 70804-9095 and request that the State provide him/her with a defense and indemnification. A referral letter must be filled out and signed by the employee and sent to the Attorney General's office. A copy must also be forwarded to the System office. See University of Louisiana Policies and Procedures Memorandum for a copy of the Litigation Referral Form, located at:

<http://www.ulsystem.net/assets/docs/searchable/boards/B-I.F-1%20Litigation%20and%20related%20forms%20December%202014.pdf>.

Timely delivery of the summons or claim is a prerequisite for defense and indemnification. The notice or documents delivered to the Attorney General's office should also indicate the date and type of service (served by mail or the Sheriff) and the date received. Failure to follow this procedure may result in the State's refusal to accept responsibility for the defense or consequences of the lawsuit. This process must be followed separately for each employee who is served with a claim or lawsuit.

Anytime a lawsuit, legal document, or other official notice is served on a University of Louisiana System department or employee, the document must be *immediately* forwarded to the attention of the System employee designated to act as the agent for service of process at the System office, officially domiciled at 150 Third Street, Third Floor, Baton Rouge, Louisiana 70801. This designee will be responsible for the appropriate routing of the document. See University of Louisiana Policy Number B.I.F.-1 located at: <http://www.ulsystem.net/assets/docs/searchable/boards/B-I.F-1%20Litigation%20and%20related%20forms%20December%202014.pdf> for more information.

[End of Policy]