

Regular Session, 2014

SENATE RESOLUTION NO. 206

BY SENATOR MURRAY

LIABILITY. Requests the public and private entities currently engaged in litigation over coastal oil and gas activities to act reasonably and in furtherance of public policy by engaging in dispute resolution and settlement discussions.

1 A RESOLUTION

2 To urge and request the public and private entities currently engaged in litigation over
3 coastal oil and gas activities to act reasonably and in furtherance of public policy by
4 engaging in dispute resolution and settlement discussions.

5 WHEREAS, in its 2002 document "Ethical Guidelines for Settlement Negotiations"
6 the Section of Litigation of the American Bar Association states that, "Settlement
7 negotiations are an essential part of litigation. In light of the courts' encouragement of
8 alternative dispute resolution and in light of the ever increasing cost of litigation, the
9 majority of cases are resolved *through* settlement." (emphasis added); and

10 WHEREAS, the courts of Louisiana have throughout the years repeatedly
11 emphasized that dispute resolution and settlement discussions by parties in litigation are
12 reasonable, useful, appropriate, and desirable actions, stating that "Strong public policy
13 considerations favor compromise and settlement of lawsuits"; that the "public policy of
14 Louisiana is that the compromise of disputes is highly favored and promotes judicial
15 efficiency"; that it is "well settled that the law favors compromise and voluntary settlement
16 of disputes out of court with the attendant saving of time and expense to both the litigants
17 and the court. These same reasons compel favorable consideration of compromises of
18 pending litigation"; that it is "common knowledge that the institution of law suits frequently

1 leads to compromise of the underlying dispute thus terminating the litigation"; and that "the
2 law favors settlement, particularly in class actions and other complex cases where substantial
3 judicial resources can be conserved by avoiding formal litigation. The parties may also gain
4 significantly from avoiding the costs and risks of a lengthy and complex trial."; and

5 WHEREAS, there are public entities currently engaged in litigation with numerous
6 private entities regarding alleged liability and damages arising from coastal oil and gas
7 exploration, drilling, dredging, and production activities; and

8 WHEREAS, such litigation is complex, expensive, time-consuming, requires
9 substantial judicial resources, has spawned additional litigation and legislation, and has
10 become a major source of ongoing political and legal controversy and issues for both the
11 public at large and the specific public and private entities involved in the litigation; and

12 WHEREAS, for these reasons all of the parties to such litigation should act in a
13 reasonable and responsible manner and in furtherance of public policy by engaging in
14 dispute resolution and settlement discussions concerning the litigation.

15 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
16 does hereby urge and request the public and private entities currently engaged in litigation
17 over coastal oil and gas activities to act reasonably and in furtherance of public policy by
18 engaging in dispute resolution and settlement discussions.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Murray

SR No. 206

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gas activities to act reasonably and in furtherance of public policy by engaging in dispute
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