

06/29/01

SUPREME COURT OF LOUISIANA

No. 01-C-0198

JONATHAN LANGLEY

v.

PETRO STAR CORP. OF LOUISIANA

KNOLL, J., Concurring.

I agree that the penalty nature of the award of attorney's fees is the imposition of attorney's fees, and that it is not proper to include the punitive factor in assessing the amount of attorney's fees. I concur because I disagree with the majority's reliance on McCarroll v. Airport Shuttle, Inc., 00-1123 (La. 11/28/00), 773 So. 2d 694. In my view, as expressed in my dissent in McCarroll, the attorney's fees award under LA. REV. STAT. § 23:1201(F) complements the low contingency fee rate dictated by the statute, and is not subject to reduction by the amount of contractual attorney's fees. The intended "benefit" to the employee that the majority relies upon is in the award of the penalty granted the claimant rather than the attorney's fees awarded. This interpretation is in accord with the low amount of attorney's fees statutorily required which the majority recognizes in the present case.