

Regional Managing Partner Discusses Litigation Risks That Come With Employee Layoffs

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In a *Law360* article about the issues employers need to consider when laying off employees, Ed Harold, New Orleans Regional Managing Partner, stresses that the more subjective the reasons are for the reduction in force the harder a charge of discrimination is to defend in court. Specifically, he says, "Subjective reasoning is not per se bad, but subjective reasoning is easier to attack in a lawsuit."

According to Harold, businesses that wind up in court in the wake of a massive layoff must defend the rationale for laying off a particular employee, rather than the business drivers behind the overall reduction. He advises that businesses should consider trying to obtain voluntary early retirements or incentivized resignations before launching straight into involuntary layoffs. Some employees might be ready to leave.

To read the full article, visit [Law360](#). (subscription required)

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