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Newsroom: Logan on BP Legal Strategies

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Newsroom

Logan on BP Legal Strategies

Dean David Logan explains to London's Financial Times why plaintiffs' lawyers allege BP is using pollution legislation to "confuse, delay and frustrate claimants".

*Plaintiffs' lawyers allege that the UK-based energy group is using pollution legislation to "confuse, delay and frustrate claimants". The **Financial Times** of London quotes RWU Law **Dean David A. Logan** in an article, "[Opposition grows to BP's legal strategy](#)" by Michael Peel.*



Sept. 15, 2010: BP contends ahead of the first big court hearing on Thursday that some of the hundreds of lawsuits involving alleged economic losses by gulf fishermen, hotels, seafood processors, restaurants and others have been filed prematurely, in breach of the 1990 Oil Pollution Act.

The company says all claims should first be sent to the special BP-financed fund managed by Kenneth Feinberg, after which at least 90 days would have to elapse before a court claim could be lodged.

Plaintiffs who have failed to do this "have no right to be in court at all", BP has said, nor to make "sweeping" demands for the company to disclose documents.

The strategy is one of a number of key tests of oil pollution law facing the judge in New Orleans tasked with managing what could be years of litigation involving claims totalling billions of dollars from people ranging from oil workers injured by the explosion on the Deepwater Horizon oil rig to local businesses hit by its aftermath.

Doug Kysar, professor at Yale Law School, said that BP was “perfectly sensible” and “within its rights” to use a debatable point of law to try to reroute some of the claimants, although it ran the risk of generating further bad publicity in the process.

“What this really reflects are the culture and instincts of the civil defence bar,” he said. “They tend to protract cases, as long as possible and by any means possible, even when it risks a PR flap for their client.”

Rhon Jones, head of the toxic torts section of Alabama-based Beasley, Allen, Crow, Methvin, Portis & Miles, is representing more than 1,000 claimants – not all of whom have yet filed a lawsuit.

Mr Jones said: “Any claimant should be allowed to go to court now. BP is using the statutory requirement to set up a fund as a way to confuse, delay and frustrate claimants.”



David Logan, professor of law at Roger Williams University,

said: “It is a bit unseemly that BP . . . would use a compensation system set up to make things easier on the thousands of people and businesses they injured as a tool to actually delay the resolution of claims.”

BP declined to comment.

For full story, click [here](http://www.ft.com/intl/cms/s/c1945fcc-c0f4-11df-99c4-00144feab49a,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2Fc1945fcc-c0f4-11df-99c4-00144feab49a.html%3Fsiteedition%3Dintl&siteedition=intl&_i_referer=http%3A%2F%2Flaw.rwu.edu%2Fsitory%2Flogan-bp-legal-strategies#axzz2mLOH3VTI). [http://www.ft.com/intl/cms/s/c1945fcc-c0f4-11df-99c4-00144feab49a,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2Fc1945fcc-c0f4-11df-99c4-00144feab49a.html%3Fsiteedition%3Dintl&siteedition=intl&_i_referer=http%3A%2F%2Flaw.rwu.edu%2Fsitory%2Flogan-bp-legal-strategies#axzz2mLOH3VTI]