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Roger Williams University School of Law

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# Newsroom

## BBC Radio: Logan on BP Litigation

Dean David A. Logan was featured on BBC Radio's "Up All Night" program, speaking about the legal legacy of the Gulf oil spill.



*Roger Williams University School of Law's **Dean David A. Logan** was featured on [BBC Radio's "Up All Night"](#) on Friday, April 22, 2011. Dean Logan provided expert commentary on the legal legacy of the BP oil spill. The segment began at the 1:09:10 mark and lasted over 5 minutes. Dean Logan was introduced at the 1:09:43 mark. The transcript follows:*

**Host:** The American Justice Department says BP has agreed to provide one billion dollars to fund projects in coastal areas damaged by last year's oil spill in the Gulf of Mexico. The money will be used to help rebuild marshes, restore beaches and fund wildlife conservation. Meanwhile BP is suing Transocean, which is the owner of the oil rig which caused more than 40 billion dollars in damages. **Let's talk to David Logan, he's the dean of Roger Williams University's School of Law in Rhode Island** and an expert on legal cases of this kind. And I do imagine that when you sue somebody for this amount of money its very different from any other lawsuit?

**Logan:** Well, this case is different in so many ways, and not just the amount of money sought, because you can put any bottom line on it you want. But this case has complexities quite apart from the size. The number of plaintiffs, the different theories involved, the possibility of federal criminal charges also -- all of this makes it really a case of certainly the decade if not the early part of the century.

**H:** So the kind of lawsuit that you wouldn't entrust to the good men of your equals amongst the citizens? You need experts on this case won't you?

**L:** Absolutely. There's a lot of complexity that will go into preparing the case on all sides, both on the question of scientific causation but also on the questions of damages. This is not a simple case, although here in the U.S. we do entrust pretty complex matters to juries on a regular basis.

**H:** What is BP trying to achieve though attempts to sue Transocean, do you think?

**L:** Well, they're trying to achieve, for sure, getting all possible claims and counter claims in before the deadline, which is what we call the statute of limitations. And now we sort of know who the players are, and we'll start sorting out who on the defendant's side of the line is going to have what share of the total responsibility.

**H:** What will BP have to prove to win the case?

**L:** Well I don't think too many people are saying BP's going to win the case, but I think that what BP is going to try to do is show that the cascade of events that led to the blowout had multiple causes, not just BP's conduct -- and, to the extent that they can, deflect some responsibility to Transocean or Enron or Halliburton, or other possible defendants. They can reduce but they won't, I doubt, eliminate all their possible damage exposure. And these claims don't really say anything at all about what might be the criminal prosecutions by the federal government; that's a separate track entirely.

**H:** Indeed, how long will this case take though?

**L:** Well, I can tell you that the closest case in U.S. history that involved the Exxon-Valdez oil spill in Alaska, and it took almost two decades to sort through it. And that case was not as complicated as this one.

**H:** This has been a disaster for just about everyone involved. Do you think there is eventually going to be any winners from this?

**L:** Well, that's an interesting question. Hopefully the winners will be heightened attention to safety in deep-water drilling. And so that would mean all of us, particularly those who live in the areas around the Gulf of Mexico and off Alaska will not have to face this kind of problem again. I don't think there are any winners in terms of the businesses that are trying to survive and hope to get back compensation for their losses, and certainly not the families of the men who died in the explosion. No amount of money can replace that. I think the largest change, hopefully, is going to be a deterrent effect; a wake-up call to the industry that these are very, very complex situations, and that a series of relatively small miscalculations and

misjudgments can end up causing a massive disaster, and you've got to be attentive to the little things along the way as well as the big things.

**H:** You mentioned the criminal case. That's one thing, but quite apart from that -- do you think the government will play any role in this little scene at all?

**L:** Well the federal government has a right to claim fines as well as a possible criminal sanction, so absolutely. And, as your newscaster said just a few moments ago, the department of justice is negotiating actively on behalf of the federal government on a range of fronts with BP and the other folks involved in the oil blowout. So they are the 600-pound gorilla in the room and the potential power of a grand jury and criminal prosecution and civil fines. They can't be very far from the center of vision for BP and the other companies.

**H:** Sir, I appreciate you talking to us. Thank you very much.

**L:** My pleasure, goodnight.

**H:** Goodnight. **David Logan there, Dean of the Roger Williams University School of Law in Rhode Island.**

*For full story, click [here](#).*