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Newsroom: Logan on Volkswagen Emissions

Roger Williams University School of Law

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Newsroom

December 22, 2015

Logan on Volkswagen Emissions

Professor David Logan tells NBC News why Volkswagen chose Kenneth Feinberg to clean up the logistical and legal mess from its diesel-emissions test deceptions.

From NBC News: ["VW Is Latest to Enlist Ken Feinberg, the Go-To Guy for Crisis Settlements"](#) by Martha

C. White



[...] With the announcement that it had retained lawyer Kenneth Feinberg, Volkswagen of America is getting a "Wolf" of its own.

An expert in compensation and mediation who formerly served as Massachusetts Senator Ted Kennedy's chief of staff, Feinberg, 70, has become a legal guru for companies and organizations facing huge settlements — which is what experts say the automaker will need to clean up the logistical and legal mess stemming from its diesel-emissions test deceptions.

"If you want someone who's really good at this, the list is short," **said David Logan, a law professor at Roger Williams University in Bristol, Rhode Island.** "Feinberg's got this experience with rushing to a place and hiring a bunch of people... and starting to write checks."

[...] Feinberg's expertise giving away money is nearly unparalleled, much of it under tragic circumstances: He oversaw \$7 billion in payouts to 9/11 victims and their families, a wrenching process Feinberg described in his 2005 book, "What is Life Worth?: The Unprecedented Effort to Compensate the Victims of 9/11."

[...] The Volkswagen scandal doesn't carry the emotional weight of Feinberg's 9/11 Commission duties, or even of his work on GM's ignition-switch compensation program last year, in which 124 deaths have been linked to the defect.

"If you can handles those, then handling the decreased value of a Volkswagen ... seems like pretty small potatoes in comparison," **Logan said.**

The primary hurdle Feinberg will face in dealing with VW's emissions scandal is that at least some company officials apparently deliberately approved the deception, as opposed to a case like GM, where executives allegedly exhibited poor judgment or bad management, **Logan said.** [...]

Logan, the Rhode Island law professor, said that because Volkswagen executives appear to have had knowledge of the emissions ruse, Feinberg will face be a difficult balancing act.

"Trying to deal with the heightened expectations of plaintiffs might be his biggest challenge here," **he said.**