Newsroom: Logan on Volkswagen Emissions

Roger Williams University School of Law

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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.