



June 23, 2010

CBS News Radio Los Angeles

Interview by: Tom Reopelle

TOM: Personal injury lawyers are circling the wagons, beginning to make plans for lawsuits against BP over the oil spill in the Gulf of Mexico. Baton Rouge attorney, Richard Arsenault, is a chair of a conference in New Orleans today that would bring together a number of lawyers, just like he did for the lawsuits against Toyota. Mr. Arsenault is on the KNX newslines with us now.

Mr. Arsenault, to begin with, you sorta got this unprecedented 20 billion dollars that BP says it's going to have out there, and I don't think there is a cap on that, so, to pay for some of these claims. So, what is the point of a whole bunch of lawyers getting involved in something that looks like the money pile is already been put together?

RICHARD: Well, I'll tell you what, there is a cap on the 20 billion, and that's voluntary claim that's going to be paid. But right now, there are exponentially more questions than answers with regard to that particular claim, and what law is going to guide that. We understand right now that Ken Feinberg is going to appoint three judges to determine the appeals of whatever claims he makes, but there are many, many questions, and whether this satisfies claims that you might have to make under the Oil Pollution Act, its interrelation with the general maritime law, the Outercontinental Shelf Lands Act, state law. There's unquestionably many, many more questions than answers at this point.

TOM: Well, the skeptic might suggest that's there's a whole big pile of money out there, and lawyers want to get as much of it as they can.

RICHARD: Well, I mean, I guess everybody can be cynical, but at the end of the day, these are complex claims, especially the economic claims, for example, large businesses who have to go back and try to extrapolate and project losses. The accounting is complicated, the interrelation of the many different laws that apply here are extraordinarily complicated, and I don't think it's fair to say the lawyers are just trying to get fees here. There are a lot of people who in desperate situations that need help and need legal counsel. And at the end of the day, Ken Feinberg can decide whatever he thinks is fair to pay the lawyers. I don't see the lawyers clamoring to get big fees.

TOM: A lot of these cases, I think, in terms of the Exxon Valdez, the Standard Oil thing over on Brittany, that thing, there, the spill. It took years to resolved all of this. Is this going to take years?

RICHARD: Yea. Well, one of the reasons we are doing the symposium today in New Orleans, is to try to get lawyers on both sides – the defense side and the plaintiffs' side, to get their arms around this. We are hoping this is not going to be 20 year sojourn through a variety of federal courts, state courts and the Supreme Court. For people to only get justice after two decades, as many of them did in Exxon Valdez, that's, that's not justice. And we're hoping we can build a much better legal system here, and be creative and innovative and efficient. And I think that Ken Feinberg and this 20 billion dollar fund is certainly going to help move that in the appropriate direction. So, that people are compensated quickly and fairly, and all sides are treated fairly.

TOM: Mr. Arsenault, appreciate your time again. Baton Rouge attorney Richard Arsenault who's heavily involved in, now, the issues involving BP and the claimants.