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Media Contact: Richard Samp | 202-588-0302

WLF Asks Appeals Court to Remove *Deepwater Horizon* Claims Administrator

(In re: Deepwater Horizon)

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—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—The Washington Legal Foundation this past week asked the U.S. Court of Appeals for the Fifth Circuit to remove the court-appointed Claims Administrator who for the past 2 1/2 years has been evaluating all claims filed by those seeking to recover economic losses suffered as a result of the 2010 explosion of the oil rig *Deepwater Horizon* in the Gulf of Mexico, and the related oil spill. In a brief filed in support of BP Exploration & Production, Inc. and other BP-related entities (the companies that agreed to compensate losses), WLF argued that federal law requires disqualification of a judicial officer “in any proceeding in which his impartiality might reasonably be questioned.”

In March 2012, BP agreed to settle a class-action lawsuit filed in federal court in Louisiana on behalf of all individuals alleged to have suffered economic loss as a result of the oil spill. The district court appointed Patrick Juneau, a Louisiana attorney, as Claims Administrator for the settlement; it charged him with evaluating each of the tens of thousands of claims and determining which merited compensation. To date, Mr. Juneau has approved claims totaling many billions of dollars, but the majority of claims has not yet been evaluated.

WLF’s brief charges that Mr. Juneau failed to disclose that, prior to his appointment, he undertook extensive legal work on behalf of the State of Louisiana in connection with oil-spill-related litigation, and that the work was directly adverse to BP’s interests. WLF argued that Mr. Juneau’s prior work (the extent and details of which were only recently uncovered) creates an appearance of partiality that requires his removal as Claims Administrator. WLF asserts that removal is further warranted because Mr. Juneau’s recent statements suggest an effort to hide the nature of his prior work. After its filing, WLF issued the following statement by Chief Counsel Richard Samp:

“Patrick Juneau, the court-appointed administrator who is deciding claims asserted pursuant to the class-wide settlement of lawsuits arising from the 2010 Gulf of Mexico oil spill, failed to disclose legal work he performed on behalf of those suing BP before his appointment. That prior work creates an appearance of partiality and requires Mr. Juneau’s removal. A basic tenet of the American legal system is that all judicial officers must be impartial and maintain the appearance of impartiality.”

WLF is a national public interest law firm and policy center that regularly litigates in support of the rule of law and the ethical administration of justice.