

Baron & Budd and Cozen O'Connor Score Assignments in BP Oil Spill Litigation

By Andrew Longstreth

The oil may have stopped flowing—at least temporarily—from the Deepwater Horizon rig, but the litigation surrounding the worst spill in American history is just getting started. And Baron & Budd and Cozen O'Connor have just snagged two plum assignments.

Burton LeBlanc of Baron & Budd announced Friday that Louisiana attorney general James "Buddy" Caldwell has hired him and his firm to advise the state on damages it's owed from the spill. LeBlanc, a former president of the Louisiana Trial Lawyers Association who is based in Baton Rouge, said Baron & Budd has a "tremendous familiarity with the ecology of the Louisiana coast." (The Dallas-based firm apparently gained that tremendous familiarity when it acquired LeBlanc's former firm, LeBlanc & Waddell, in 2008.)

Forbes senior editor Daniel Fisher declared Baron & Budd an unusual choice to represent Louisiana. According to Fisher, hometown plaintiffs firms were steamed that the assignment went to an out-of-state firm. The selection also ties Baron & Budd (which, in founding partner Fred Baron's day, was a stronghold of Democratic fundraising) to Louisiana's Republican governor, Bobby Jindal. Fisher reports that Jindal, who is regarded as a potential 2012 Republican presidential candidate, oversees the Office of Coastal Activities, which had a hand in the contract negotiations that led to Baron & Budd's retention.

Jindal has not always followed Republican orthodoxy when it comes to trial lawyers. According to Fisher, Jindal supported an effort to reverse a Louisiana law limiting state contingency fee deals with outside lawyers. But that doesn't explain the state's hiring of Baron & Budd, which still gives heavily to Democrats. According to the AP, Jindal brushed aside questions about Baron & Budd's hiring.

"I don't care—to me it's not about partisan politics," Jindal said. "I don't care if it's a Democratic firm, Republican firm. The trustee agencies [and] the AG's office looked across the country. They have found experts, they have found advocates that are the nation's best. Certainly it is a positive thing that they've been able to identify some firms that have Louisiana roots, that have Louisiana connections, that know this coast, that know these wetlands. At the end of the day, this is all about being aggressive about defending our coast."

In an interview with us, LeBlanc said that Baron & Budd is already working to assess the damage Louisiana endured as a result of the spill. He said that after the assessment, he will present the state's damages case to BP, specifying claims under federal and state laws. If the parties are unable to come to a resolution, he said, the state could pursue litigation.

LeBlanc also told us the state is paying his firm by the hour. Currently, he said, Louisiana is free to pay its outside attorneys on contingency only if the state legislature passes a law approving the deal. "Currently there is not a specific statute related to the BP oil spill disaster," said LeBlanc. Does that mean the state could reverse itself? "That'll be up to the legislature," LeBlanc said.

In other oil spill litigation news, the BP victims compensation fund has hired Stephen Cozen of Cozen O'Connor. According to the Philadelphia Inquirer, which broke the story, Cozen will draft new rules on how the \$20 billion BP has pledged to the fund will be doled out. Kenneth Feinberg of Feinberg Rozen, who is overseeing the Gulf spill compensation process, told the Inquirer, "There is no one else in the nation who has Steve's grasp of these issues or his experience."