

Beasley Allen's Rhon Jones heavily involved in BP Trial

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- Beasley Allen's Rhon Jones

Early testimony paints picture of egregious conduct by defendants

By BILL RICE, JR.

It's a trial that likely will end up in history books and law books, and Montgomery attorney Rhon Jones has - if not a front row seat - one of few available courtroom seats.

Jones, an attorney with Beasley Allen, is one of 17 lawyers who serve on the Plaintiff's Steering Committee in the civil case dealing with the BP Oil spill of 2010. The case began in Federal Court in New Orleans last Monday.

"It's exciting and historic," said Jones, whose firm is representing approximately 5,000 plaintiffs in the complex litigation surrounding the massive oil spill.

Jones, one of the firm's environmental law specialists, has been practically living out of hotel rooms in New Orleans for the past two-plus years. Speaking by phone from New Orleans last Thursday, he said three court rooms are being utilized to accommodate the small army of attorneys involved in different aspects of the case.

Media members - from social media to traditional media - are also present in large numbers, he said.

Jones said his role is to monitor proceedings on behalf of the firm's clients as well as lend whatever support and expertise he can to the other attorneys who make up the Plaintiff's Steering Committee.

It is believed the trial will last "three to four months," said Jones. U.S. Federal District Judge Carl Barbier is hearing testimony without a jury.

In addition to the plaintiffs' lawyers, attorneys for the main defendants (BP, Transocean and Halliburton), the U.S. Department of Justice and the States of Alabama and Louisiana are participating in trial proceedings.

Jones said the plaintiffs, federal government and states have a very strong case against the defendants. Early testimony seemed to confirm this view, he said.

"The evidence thus far paints BP as putting profits over people," he said, mentioning that testimony and evidence has been presented that seem to indicate the oil company was behind

schedule, over budget and “cut some corners” when it came to safety measures.

“I really think the things that happened might have been even more egregious (than had been thought),” he said. “... I think people (if they could view the trial) would be shocked at the the conduct (of the defendants).”

That said, he acknowledged that BP and the other defendants have another point of view.

The trial involves multiple parties, plaintiffs and defendants. Each of the defendants, to some degree, is trying to affix blame on the other defendant(s), said Jones.

On the plaintiff's side, the “interests” of the parties who are arguing they suffered harm are pretty much “aligned” with one another, he said.

Thus, government and private attorneys are presenting cases that essentially overlap; attorneys are taking turns presenting evidence and questioning witnesses and are working well as a team, Jones said.

A major issue to be decided by the judge is determining what defendants were at fault (if at all) and to “what degree” they are culpable for the events that ultimately caused the spill, Jones explained.

If “gross negligence” is ruled to have occurred, the size of any settlement and/or fine will likely be much greater.

“There’s a difference of from 10 to 12 billion dollars” depending on the ultimate ruling of the judge.

The “allocation of fault” rulings in parts of the case dealing with the Clean Waters Act could be significant, Jones said.

Earlier news reports discussed the possibility of a settlement for the Clean Waters Act component of the trial. These stories mentioned that BP might be fined \$6 billion for violating the Act. However, no settlement had been reached as of Monday. Other reports have mentioned possible fines of \$18 billion if “gross negligence” is found to have occurred.

Some have speculated that the ultimate cost to BP (after factoring in what the company has already paid out in settlements, fines and clean-up expenses) might equal or surpass \$40 billion. And that’s just BP’s part. Transocean and Haliburton are also defendants in the case.

As Jones noted, BP has actually reached a settlement agreement with plaintiffs (businesses and individuals who suffered economic hardships due to the spill) and has been paying damages to victims for a while now.

“They’ve paid \$2 billion so far,” Jones said.

The other main defendants did not reach a settlement agreement.

Beasley Allen represents approximately 5,000 plaintiffs from Alabama and other states in the effected areas.

Alabama attorney general Luther Strange has also been in New Orleans representing the State. Beasley Allen is also assisting the governor in monitoring proceedings, Jones said.

It’s possible all parties could reach a settlement and the trial could conclude before expected.

So far the defendants (except for cross-examining witnesses) haven’t had a chance to present their case.

Early testimony - in Jones’ opinion (and the opinion of plenty of other courtroom observers to date) - “paints a picture of (companies) who valued profits more than people,” and a culture of decision making that ultimately resulted in the loss of 11 lives and a legal proceeding that no doubt will go down in the history books, not to mention law books.