

Hood's outside counsel choices in BP case will draw some fire

Written by Sid Salter
May. 01

clarionledger.com

The decision by Mississippi Attorney General Jim Hood to appoint his predecessor Mike Moore and Ridgeland attorney Billy Quin as outside counsels to handle the state's litigation against BP over the 2010 Gulf of Mexico oil spill will draw some familiar political fire.

Hood announced last week that the state had filed lawsuits Thursday in federal and state court. The move comes one day before the three-year statute of limitations expires for claims related to the April 20, 2010, explosion of the Deepwater Horizon rig that killed 11 and the oil spill that followed. The lawsuits also name rig owner Transocean Ltd., cement contractor Halliburton and lease minority owner Anadarko Petroleum Corp. as defendants.

Hood's decision to put Moore and Quin in position to lead the BP litigation is controversial only from a political standpoint, not a legal one. Both Moore and Quin have impressive resumes in complex, high profile litigation. Moore worked with now defrocked uber lawyer Dickie Scruggs to win the state's historic tobacco litigation, and Quin is a former associate of similarly defrocked lawyer Joey Langston when they settled the state's case against MCI.

The BP outside counsel selection is Hood's first major outside counsel decision since the state Republican leadership passed "sunshine law" legislation putting restrictions and oversight of the outside counsel hiring process in place.

The state Legislature fast-tracked the legislation during the 2012 regular session and the measure got universal support from the new GOP leadership with Gov. Phil Bryant, Lt. Gov. Tate Reeves and House Speaker Philip Gunn singing from the same political hymnal on its passage. Bryant signed it into law — and shortly thereafter the state Supreme Court removed any doubt as to where the majority stood on the question.

In a ruling on an ancillary case, the state's high court ruled against Hood in separate outside counsel fees cases involving MCI and Microsoft. In both cases, the court found that state law requires that any outside counsel Hood hires must be paid from funds the Legislature appropriates to his office.

The court ruled that the contingent fees are public funds and that outside counsel lawyers cannot be paid from fees awarded until the state first receives the funds, and then the Legislature appropriates the legal fees. Two key points:

What is different this time around is Bryant, through spokesman Mick Bullock, told the Associated Press that he supported the litigation.

Neither Moore nor Quin was ever accused of any of the wrongdoing that sunk the legal careers of Scruggs and Langston. On the contrary, **Quin is respected as one of the nation's most capable attorneys**, and Moore is respected as an attorney who took on Big Tobacco and won.

Mississippi's litigation against BP dovetails with that of other Gulf Coast states. While the "guilt by association" with Scruggs and Langston cries will be heard, **Moore and Quin are among the most capable attorneys in Mississippi to handle litigation of this complexity.**

The question now becomes whether the outside counsel "sunshine law" legislation works as the GOP majority intended. Bryant's support for the BP lawsuit suggests that Republicans believe the process has been sufficiently balanced to make it both effective and accountable.

Sid Salter is a syndicated columnist. Contact him at (601) 507-8004 or sidsalter@sidsalter.com.