

LOBBY WATCH

★ TEXANS FOR PUBLIC JUSTICE 609 W. 18TH ST., SUITE E, AUSTIN, TX 78701 PH: (512)472-9770 FAX: (512)472-9830

Lawsuited & Booted:

OCTOBER 24, 2007

Justices Probe Lord Browne's Bulging Briefs

• BP and Friends Pumped \$2 Million Into Supreme Campaigns

The Texas Supreme Court is weighing a \$2 million aristocratic appeal. British oil giant BP has asked the justices to reverse lower-court orders that direct the company's knighted ex-CEO to tell plaintiffs what he knows about the 2005 explosion of a BP refinery in Texas City, which killed 15 workers and injured scores more.

Addressing the justices last week, a plaintiff attorney said he wanted to depose then-CEO John Browne about draconian budget cuts he ordered that may have undermined safety at the explosive refinery. BP attorneys are seeking to shield Browne by invoking a legal doctrine that prevents plaintiffs from deposing top corporate brass unless they show that the executive has unique knowledge of pertinent facts. This "apex" doctrine bars plaintiffs from harassing top executives unnecessarily.

Complicating this defense is the fact that Browne—who was knighted in 1998 and joined the House of Lords in 2001—no longer heads the company. He resigned in May during a tabloid scandal that climaxed when Lord Brown lied to a British court in a bid to

block a London paper from reporting that he used BP resources to subsidize a boyfriend he met through an escort service called "Suited and Booted." A BP attorney told Texas justices last week that Lord Browne's apex protection should survive his resignation or should have resumed in August when he became a lower-level executive at an investment fund.

While Lord Browne has fallen from the lofty heights at BP's apex, top executives closer to home are urging the Texas justices to shield him from BP's victims. In February some of Texas' most powerful corporate interests submitted a friend-of-the-court brief on the nobleman's behalf, arguing that businesses will be reluctant to invest in Texas if its courts allow plaintiffs to depose corporate executives in cases such as this.

Though just nine pages long, this brief carries unusual heft with the nine justices. Since 2001 they have taken \$1.7 million from the trade groups, affiliated companies and law firm that filed it. When combined with the \$307,612 that the justices have taken from defendants and defense attorneys in the BP case, Lord Browne's briefs come before the court stuffed with \$2 million.

Texas Justices Took More Than \$2 Million From Business Interests and Attorneys Aligned With the Defense in the BP Case

Justice	BP-Linked Amount	BP-Linked Share of Total Raised (2001-2006)	Justices' Latest Elections
Don Willett	\$475,369	27%	2006
Wallace Jefferson	*\$441,811	27%	2002; 2006
Jesse Wainwright	\$349,444	31%	2002
Phil Johnson	\$164,200	33%	2006
Paul Green	\$161,350	16%	2004
Scott Brister	\$156,400	29%	2004
David Medina	\$152,275	33%	2006
Harriet O'Neill	\$64,850	23%	2004
Nathan Hecht	\$59,000	32%	2006
TOTALS	\$2,024,699	27%	

Note: Justice O'Neill has recused herself from the BP case.

*Includes \$350 from the Holman Firm, which represents BP plaintiffs.

Breakdown of the Campaign Funds Shadowing Lord Browne's Case

Connection To BP Case	Affiliated Contributions To Justices (2001 - 2006)
Defendants	\$1,100
Defense Attorneys	\$306,512
Plaintiff Attorneys	\$350
Friend-of-Court Parties ¹	\$1,586,548
Friend-of-Court Attorneys	\$130,189
TOTAL:	\$2,024,699

Source: Texans for Public Justice
from Texas Ethics Commission filings.

The \$2 million tied to the BP case accounts for 27 percent of all the campaign cash that the justices raised in the last six years. Yet Brits would be presumptuous

to assume that Texas justice is one-sided. During the same period, Chief Justice Wallace Jefferson took \$350 from attorneys for the BP plaintiffs. ■

¹ Amicus signatories accounting for this campaign money include: Texas Association of Business, Texas Oil & Gas Association, Texas Chemical Council and ExxonMobil. Trade group figures include contributions affiliated with member companies.