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ABA DAY IN WASHINGTON  
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lbellowspc@bellows.com

GOVERNMENTAL AFFAIRS OFFICE

DIRECTOR

Thomas M. Susman  
(202) 662-1765  
susmant@staff.abanet.org

DEPUTY DIRECTOR

Denise A. Cardman  
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL

R. Larson Frisby  
frisbyr@staff.abanet.orgLillian B. Gaskin  
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL

Ann Carmichael  
carmicha@staff.abanet.orgKristi Gaines  
gainesk@staff.abanet.orgKirra L. Jarratt  
jarrattk@staff.abanet.orgE. Bruce Nicholson  
nicholsonb@staff.abanet.orgLEGISLATIVE COUNSEL/DIRECTOR  
GRASSROOTS OPERATIONSJulie M. Strandie  
jstrandie@staff.abanet.orgLEGISLATIVE COUNSEL/  
DIRECTOR OF STATE LEGISLATIONKenneth J. Goldsmith  
goldsmithk@staff.abanet.orgINTELLECTUAL PROPERTY  
LAW CONSULTANTHayden Gregory  
gregoryh@staff.abanet.org

LEGISLATIVE COORDINATOR

Jared D. Hess  
hessj@staff.abanet.org

August 13, 2010

Kenneth R. Feinberg  
Feinberg Rozen, LLP  
1455 Pennsylvania Avenue, NW  
Suite 390  
Washington, DC 20004-1008

Dear Ken:

Once again, thank you for reaching out to the American Bar Association and providing us with the opportunity to offer some informal comments to your Gulf Coast Claims Facility Draft Protocol (which you shared with us in mid July) and, more recently, your draft Gulf Coast Claims Facility Protocol for Emergency Advance Payments ("EAP Protocol"). The ABA is honored to be included in this important project, and we are very pleased to provide this feedback.

After receiving your draft EAP Protocol earlier this week, we shared it with key volunteer leaders within several ABA entities housing the most expertise on the issues involved, including the ABA Sections of Administrative Law & Regulatory Practice, Dispute Resolution, Litigation, and Tort Trial and Insurance Practice, as well as the ABA Special Committee on Disaster Response and Preparedness. Due to the time limitations for responding to your request and the fact that most of our leaders had been attending the ABA Annual Meeting in San Francisco last week and early this week, we have not attempted to develop new ABA policy on the issues involved. Instead, we asked our volunteer leaders to immediately review the draft EAP Protocol in their capacities as expert attorney practitioners and then provide us with any suggested changes to that document, as well as with any conceptual comments or questions that they may have.

These comments, of necessity, are offered informally for your consideration as you finalize your draft EAP Protocol. We specifically are not advocating any policy positions and caution that these submissions have not been approved by the ABA House of Delegates or Board of Governors, or by any ABA Section or other entity. Thus the submissions reflect the reactions and views of individual ABA volunteer leaders only, and they do not purport to represent the official positions or policies of the ABA or any entity of the Association.

Attached as "Appendix A" is a document that contains suggested redlined edits to the draft EAP Protocol prepared by several volunteer leaders of the ABA entities noted above who were able to respond in the short time allowed. Also attached, as "Appendix B," are the conceptual comments and other more substantive

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suggestions prepared by these and other ABA members for you to consider. Please review both "Appendix A" and "Appendix B," as several of our attorneys only provided comments while others only provided suggested redline edits.

Various ABA entities and leaders are continuing to work toward assisting the Facility, local bars and legal services providers, and state and local governments in assembling and delivering pro bono legal services to those adversely affected by the oil discharge. A group of us has met with Nancy McCullough and expect to work closely with her in this endeavor.

Thanks again for including us in this important process. We look forward to working with you on the original Protocol that you provided to us, the more recent EAP Protocol that the attached materials address, and other means of assisting the victims of the Gulf oil discharge in the coming weeks.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman

Attachments

cc: Stephen N. Zack, President, American Bar Association  
Wm. T. (Bill) Robinson III, President-Elect, American Bar Association

## APPENDIX A

### PROPOSED EDITS PREPARED BY INDIVIDUAL ATTORNEYS FROM THE ABA SECTION OF ADMINISTRATIVE LAW & REGULATORY PRACTICE

(8/13/10)

**(NOTE: THESE EDITS HAVE NOT BEEN APPROVED BY THE ABA HOUSE OF DELEGATES, ABA BOARD OF GOVERNORS, OR ANY ABA SECTION COUNCIL, AND ACCORDINGLY, SHOULD NOT BE CONSTRUED AS REPRESENTING THE POSITION OF THE ASSOCIATION OR ANY ABA ENTITY)**

WORKING DRAFT  
AUGUST 7, 2010

### **Gulf Coast Claims Facility Protocol for Emergency Advance Payments**

#### **I. PURPOSE**

This Protocol sets forth the procedure for the submission and resolution by the Gulf Coast Claims Facility (“GCCF”) of claims for Emergency Advance Payments by Individuals and Businesses for costs and damages incurred as a result of the oil discharges due to the Deepwater Horizon incident on April 20, 2010 (“the Spill”).

##### **A. Role**

The United States Coast Guard (“USCG”) has designated BP Exploration & Production, Inc. (“BP”), as a Responsible Party under the Oil Pollution Act of 1990 (“OPA”) for oil discharges from the Deepwater Horizon facility. Under OPA, Responsible Parties must establish a claims process to receive certain claims by eligible claimants. USCG, without in any way relieving other Responsible Parties of liability, directed BP to maintain a single claims facility for all Responsible Parties to avoid confusion among potential claimants.

The GCCF is intended to replace BP’s claims facility for individuals and businesses. The GCCF (and the protocols under which it operates) are structured to be compliant with OPA. Proper presentation of a final claim to the GCCF satisfies a claimant’s obligation to present a claim to a Responsible Party under OPA. However, submission of a claim for an Emergency Advance Payment does not constitute presentation under OPA. All open Individual and Business claims that have been filed with the BP Claims Process will be transferred to the GCCF. BP has also authorized the GCCF to process certain non-OPA claims involving personal injury. Submission of such claims shall be wholly voluntary and participation in the GCCF shall not affect any right that the claimant would have had absent such participation unless final resolution and settlement of the claim is achieved.

##### **B. Approach**

The following non-exclusive principles apply to the operation of the GCCF:

- The GCCF will evaluate all claims in a prompt and fair manner guided by applicable law.
- The establishment of the GCCF does not diminish any right of any individual or business that existed prior to the creation of the GCCF; claimants have all of the same rights with respect to their various claims that they had prior to the creation of the GCCF and shall not be forced to relinquish any rights for the opportunity to seek compensation through the GCCF.
- The GCCF claims process is structured to comply with OPA and apply the standards of OPA.

The GCCF is administered by Kenneth R. Feinberg (“the Claims Administrator”), a neutral fund administrator responsible for all decisions relating to the administration and processing of claims by the GCCF. This Protocol addresses only claims for Emergency Advance Payments; a subsequent Protocol will deal with all Final Claims.

## II. ELIGIBILITY

Claimants who are experiencing hardship resulting from damages set forth below incurred due to the Spill may apply for an Emergency Advance Payment.

### A. Removal and Clean Up Costs

#### 1. Who may make a claim?

Any Individual or Business that incurred costs, as a result of the Spill for the removal of oil or to prevent, minimize, or mitigate oil pollution.

#### 2. Required Proof

- The costs are for removal of oil discharged due to the Spill or that are to prevent, minimize or mitigate oil pollution from the Spill;
- The costs are reasonable and necessary; and  
The actions taken to remove, prevent, minimize, or mitigate oil pollution were approved by the Federal On-Scene Coordinator or are otherwise proven to be consistent with the National Contingency Plan.

#### 3. What information should the claimant submit?

- A brief description of the nature of the hardship that warrants emergency assistance.
- Information or documentation (e.g., bills) showing the costs incurred after the Spill for removal of oil discharged as a result of the Spill or incurred to prevent, minimize, or mitigate oil pollution from the Spill.
- Information or documentation explaining how the actions taken were necessary to prevent, minimize, or mitigate the effects of the Spill.

- Information or documentation showing that the actions taken were approved by the Federal On-Scene Coordinator or were consistent with the National Contingency Plan.
- Information or documentation explaining why the costs were reasonable.

## B. Real or Personal Property

### 1. Who may make a claim?

Any Individual or Business that owns or leases real or personal property physically damaged or destroyed as a result of the Spill.

In order to avoid duplication of claims, an owner or lessee of the property must provide notice to all others with an ownership or lease interest in the property of the intent to file a claim. If duplicate claims are received, the GCCF will determine the appropriate claimant.

### 2. What information should the claimant submit?

- A brief description of the nature of the hardship that warrants emergency assistance.
- Information or documentation showing an ownership or leasehold interest in the property.
- Information or documentation showing the property was physically damaged or destroyed.
- Information or documentation showing the damages claimed were incurred as the result of the physical damage to or destruction of the property.
- Information or documentation showing the cost of repair or replacement of the property, or economic losses resulting from destruction of the property.
- Information or documentation showing the value of the property both before and after damage.

## C. Lost Profits and Lost Earning Capacity

### 1. Who may make a claim?

An Individual or Business that incurred a loss in profits or earning capacity due to the injury, destruction, or loss of real property, personal property or natural resources as a result of the Spill. The Individual or Business need not be the owner of the injured property or resources to recover for lost profits or income.

### 2. What information should the claimant submit?

- A brief description of the nature of the hardship that warrants emergency assistance.
- Identification of injury, destruction, or loss to a specific property or natural resource.

- Information concerning Claimant’s lost earnings or profits that were caused by the injury, destruction, or loss of specific property or natural resource as a result of the Spill (such as lost income by a fisherman whose fishing grounds have been closed or a hotel or rental property that has had decreased profits because beaches, swimming, or fishing areas have been affected by the oil from the Spill).
- Reduction of earnings or profits, or increase in expenses resulting from such damage.
- Amount of profits and earnings or expenses in comparable time periods.
- Income received from alternative employment or business during the period when the loss was suffered.
- Savings to overhead and other normal expenses not incurred as a result of the Spill.

D. Subsistence Use of Natural Resources

1. Who may make a claim?

Any Individual who uses the natural resources that have been injured, destroyed or lost as a result of the Spill to obtain food, shelter, clothing, medicine, or other subsistence uses.

2. What will be compensated?

Damages will be for loss of the natural resources used, for example, loss of fish or other wildlife used for food.

3. What information should be submitted?

- A brief description of the nature of the hardship that warrants emergency assistance.

- Identification of the specific natural resources that have been injured, destroyed or lost as a result of the Spill for which compensation for loss of subsistence use is being claimed. The Claimant need not own the affected natural resource.
- Description of the actual subsistence use made of each specific natural resource.
- Description of how and to what extent the subsistence use was affected by the injury to or loss of each specific natural resource as a result of the Spill.
- Description of expenditures made to replace or substitute for the subsistence use.

E. Personal Injury

1. Who may make a claim?

Any Individual or representative of a deceased Individual may make a claim for a physical injury or death proximately caused by the Spill or the explosion and fire associated with the Deepwater Horizon incident, or by the clean-up of the Spill.

2. What information should be submitted?

- A brief description of the nature of the hardship that warrants emergency assistance.
- Medical records or death certificate demonstrating injury or death.
- Medical records reflecting diagnosis by a medical practitioner.
- Information concerning the cause of injury.
- Information concerning the circumstances of the injury and the location where injury occurred.
- Information concerning any total or partial disability of the Claimant.
- Records showing expenditures for medical care not otherwise compensated.
- Proof of lost income, if the Claimant seeks compensation for such lost income.

F. Causation

The GCCF will only pay for harm or damage that is proximately caused by the Spill. The GCCF's causation determinations of OPA claims will be guided by OPA and federal law interpreting OPA and the proximate cause doctrine. Determinations of non-OPA claims will be guided by applicable law. The GCCF will take into account, among other things, geographic proximity, nature of industry, and dependence upon injured natural resources.

**III. FILING FOR AN EMERGENCY ADVANCE PAYMENT**

A. Equal Access and Fair Adjudications in the Claims Process

All potential claimants will be treated with respect, dignity, and fairness, without regard to race, color, sexual orientation, national origin, religion, gender, or disability. The GCCF shall strive to ensure that all claimants can equally access the GCCF process, and that claims will be adjudicated fairly. All forms shall be in clear, plain language, and to the extent possible be understandable to individuals with limited literacy. The GCCF will provide assistance so that individuals with disabilities can will be able to effectively communicate their claims and problems to the GCCF. Individuals with language barriers will have meaningful access to the process and to the GCCF. Individuals with ~~limited~~<sup>low</sup> literacy will have documents and forms explained to them plainly and in a simple manner they understand.

B. Claim Form

1. The Claimant will indicate on the Claim Form if the Claimant is applying for an Emergency Advance Payment.<sup>1</sup> Claimants will complete a Claim Form for an Individual or Business.
2. Claimants shall submit the documentation requested on the Claim Form for an Emergency Advance Payment or other similar information as is sufficient to substantiate the claim and for the GCCF to review and process the Claim.

C. Process for Filing a Claim for an Emergency Advance Payment

A Claim Form may be obtained and submitted in any one of the following ways:

1. Via the Internet – Claimants may submit a claim online by visiting the GCCF website: [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com). Claimants will be instructed to follow simple steps for completing a claim. Once completed, the claim will be automatically submitted to the GCCF Database, a printable confirmation notification will be generated and displayed immediately confirming submission and providing the Claim Number and a confirmation email will be sent to those Claimants who have provided email addresses. The Claim Number will be the claim identifier throughout the process. The Claim Form and Instructions will be available in English, [French](#), Spanish, Vietnamese and Khmer.
2. By Visiting a GCCF Claims Site Office – Claimants may visit one of the 36 Claims Site Offices established to assist Claimants with the claims submission process to (1) seek information about filing a claim or to (2) submit a claim in person. Claimants may either walk in to one of the Claims Site Offices or may make an appointment by calling the toll-free telephone line. The locations of the Claims Site Offices are posted on the GCCF website, [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com). If a visitor requires an interpreter and an interpreter is not available on site, the Claims Evaluator will make arrangements to provide these services either via conference call or a scheduled return trip to the Claims Site Office. A Claims Evaluator will assist the Claimant in completing the Claim Form. The Claims Evaluator will print a copy of the Claim Form, the claimant will sign the Claim Form and the claim will be automatically submitted to the GCCF Database. A confirmation of the claim submission and Claim Identification Number will be provided by the Claims Evaluator. The Claim Form must be signed by the Claimant.
3. Via U.S. Postal Service – Claimants may call the toll free, dedicated telephone line to request that a Claim Form be mailed via U.S. Postal Service. The Claims Operator will ask the caller to provide basic information which the Claims Operator will enter into the on-line system. The system will automatically generate a unique, pre-populated and bar-coded Claim Form which will include the identifying information provided by the caller. The Claim Form will contain a Claim Identification Number which will be the Claim identifier through the course of the process. The coded Claim Form will be mailed via U.S. Postal Service to the Claimant. The Claim Form must be signed by the Claimant. The Claimant may return the completed form via:
  - U.S. Postal Service:  
Gulf Coast Claims Facility  
P. O. Box XXX  
Dublin, OH 43017-4958

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<sup>1</sup> An Emergency Advance Payment is an “interim” payment under OPA.

- Overnight, Certified or Registered Mail:  
Gulf Coast Claims Facility  
5151 Blazer Parkway, Suite A  
Dublin, OH 43017-4958
- Fax:  
1 866 682-1772
- Email:  
[info@gccf-claims.com](mailto:info@gccf-claims.com).
- The toll-free telephone lines are as follows:
  - Toll Free Number: 1-800 916-4893
  - Multilingual Telephone Line: 1-800 916-4893
  - TTY Telephone Line: 1-866 682-1758

All submitted Claim Forms, regardless of the method of submission, will be automatically forwarded to the Central Processing Database and integrated into a comprehensive GCCF Database.

#### D. Appointment with a Claims Evaluator

The Claimant may request an appointment with a Claims Evaluator ~~at the nearest Claims Site Office~~ to answer or clarify issues regarding a claim for an Emergency Advance Payment. Ordinarily the GCCF will try to schedule such a conference at the Claims Site Office nearest the Claimant's home or place of business, if that is the Claimant's preference. The Claims Evaluator will review the claim for completeness and eligibility and may contact the Claimant to request additional supporting documentation if necessary or if the Claims Evaluator has any questions about the information submitted with the Claim Form. Examples of information and documentation that support a claim are attached as Exhibit A.

#### E. Evaluation of Application for Emergency Advance Payment

1. Evaluation of an Emergency Advance Payment application will apply a less rigorous standard for required corroboration than evaluation of a claim for Final Payment. Documentation required to address the claim will be described in the Claim Form.
2. Each Emergency Advance Payment application will be evaluated preliminarily within 24 hours of receipt of the completed form and supporting documentation to determine whether an Emergency Advance Payment is appropriate based on the information submitted by the Claimant. Complex business claims submitted for an Emergency Advance Payment will be evaluated preliminarily within 7 days of receipt of the completed form and supporting documentation to determine whether an Emergency Advance Payment is appropriate based on the information submitted by the Claimant.

3. Upon a determination that the Claimant is eligible for an Emergency Advance Payment, a payment will be authorized within 24 hours.

F. Period for Application for Emergency Advance Payment

1. Emergency Advance Payment applications may be submitted on a monthly basis. Emergency Advance Payment applications for Lost Profits and Lost Earning Capacity, Loss of Subsistence Use of Natural Resources, or loss of income due to physical injury or death may be submitted either on a monthly basis or for six months of losses, at the option of the Claimant. Claimants seeking an Emergency Advance Payment on a six month basis must establish that they will incur loss for the six month period. To the extent possible, six month payments will be based on the seasonally adjusted lost income or lost profits, as applicable.
2. Emergency Advance Payment applications may be submitted during the period August 23 - November 23, 2010. After that date, applications for Emergency Advance Payments will no longer be accepted. Applications for Final Claims will continue to be accepted pursuant to the Protocol for Final Claims.

G. Request or Receipt of Emergency Advance Payment Does Not Waive Any Rights

Claimants requesting an Emergency Advance Payment or receiving an Emergency Advance Payment will not be asked or required to sign a release or waive any rights to assert additional claims, to file an individual legal action, or to participate in other legal actions associated with the Spill.

H. Credit Against Final Payment

Any Emergency Advance Payment made to a Claimant will be deducted from any Final Payment of a Final Claim.

#### **IV. REPORTING**

The GCCF shall provide reports of non-personally identifiable information to state, local, and federal government officials and to BP to permit an evaluation of the claims process. The GCCF shall submit to interested parties, including BP, periodic reports regarding claims made and claims determinations.

#### **V. PRIVACY**

Information submitted by a Claimant to the GCCF will be used and disclosed as necessary for purposes of: (i) processing the Claimant's claim for compensation and any award resulting from that claim; (ii) legitimate business purposes associated with administering the GCCF, including the prevention of fraud and the determination of collateral source payments; and/or (iii) as otherwise required by law, regulation or judicial process. The GCCF will not seek to preclude government authorities from making the non-personally identifiable information submitted by Claimants to the GCCF publicly available, either pursuant to open government laws or otherwise.

#### **VI. QUALITY CONTROL AND PROCEDURES TO PREVENT AND DETECT FRAUD**

A. Review of claims

For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of accurate and appropriate payments to Claimants, the GCCF shall implement procedures to:

1. Verify and authenticate claims.
2. Analyze claim submissions to detect inconsistencies, irregularities, and duplication.
3. Ensure the quality control of claims review procedures.

B. Quality Control

1. The GCCF shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments.
2. The GCCF shall engage an independent outside accounting firm to perform an independent test of claims to ensure that the claims have been accurately processed. The audits performed by the independent outside accounting firm shall be provided to federal, state, and local agencies.

C. False or Fraudulent Claims

Each Claimant will sign a form at the time of application, stating that he or she certifies that the information provided in the Claim Form is true and accurate to the best of his or her knowledge, and that he or she understands that false statements or claims made in connection with that application may result in fines, imprisonment, and/or any other remedy available by law, and that suspicious claims will be forwarded to federal, state, and local law enforcement agencies for possible investigation and prosecution. The GCCF shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

## **APPENDIX B**

### **COMMENTS PREPARED BY INDIVIDUAL ATTORNEYS FROM THE ABA SECTIONS OF ADMINISTRATIVE LAW & REGULATORY PRACTICE AND DISPUTE RESOLUTION AND THE ABA SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS**

(8/13/10)

**(NOTE: THESE COMMENTS HAVE NOT BEEN APPROVED BY THE ABA HOUSE OF DELEGATES, ABA BOARD OF GOVERNORS, OR ANY ABA SECTION COUNCIL, AND ACCORDINGLY, SHOULD NOT BE CONSTRUED AS REPRESENTING THE POSITION OF THE ASSOCIATION OR ANY ABA ENTITY)**

#### **COMMENT I**

Most of the concerns I mentioned with respect to the Draft Claims Protocol circulated for review on July 13 have been adequately addressed in the Draft Advance Payment Protocol. However, there doesn't seem to be a provision for the claimant to designate a representative and for the Claims Administrator to communicate concerning the claim with the designated representative. Again, in the case of many potential claimants who are elderly, disabled and/or of limited English proficiency, this would seem to be fundamental for fairness and due process.

#### **COMMENT II**

1. On page 2, II. Eligibility, A. Removal and C. Eligibility, A. Removal and Clean Up Costs, 2. Required Proof:

The second bullet ends with the clause: "... or are otherwise proven to be consistent with the National Contingency Plan."

How are Pierre or Marie going to know this? If the Coast Guard person, a/k/a Federal On-Scene Coordinator, did not approve the clean up, because as we saw on some news clips, the BP person said to wait for the BP temp employee in the HazMat suit, and the claimant did not want to wait, how is the claimant to know, as s/he sits at her/his terminal inputting the claim online that the clean up can "be proven to be consistent with the National Contingency Plan"?

2. Again, on the same page 2, in II., A., 3. What information should the claimant submit?, the third bullet paragraph ends with a similar clause: "... or were consistent with the National Contingency Plan." If Pierre or Marie did not wait for the Federal On-Scene Coordinator, how will they know if their clean up was "consistent with the National Contingency Plan"?

If the claimant is going to file online, then a link to this information should be provided with some required box to be checked that the claimant has reviewed the material on the link. However, if the claimant is putting his/her claim in by hard-copy paperwork, which one would expect to happen in a sizable number of cases, how will the claimant get the information on the National Contingency Plan?

#### **COMMENT III**

I have reviewed the above-referenced draft protocol and have the following comments.

1. With regard to IIA3, IIB2, IIC2, IID3, and IIE2, the provisions should ask the claimant to state the nature of the hardship that warrants emergency assistance. Since the initial eligibility specifies that the claimants should be “experiencing hardship,” GCCF should ask claimants to provide such information
2. Section IIIA seems to be awkwardly phrased in a passive voice that fails to indicate that making the process accessible is the GCCF’s obligation. I would add after the second sentence that “All forms shall be in clear, plain language, and to the extent possible be understandable to individuals with limited literacy.” In the next sentence I would state that “GCCF will provide assistance so that individuals with disabilities can effectively communicate, etc.” And instead of using the term “low literacy,” which is a poor choice of words, I would use the phrase “limited literacy.”
3. GCCF should consider making the forms available in French. At least in Louisiana, it appears that more individuals may speak some form of French than Spanish, Vietnamese or Khmer. See <http://www.city-data.com/states/Louisiana-Languages.html> .
4. In III.D., I would omit “at the nearest Claims Site Office.” That suggests that the appointment must be at the nearest office even if that is not the claimant’s preference. Perhaps the protocol should say after the revised first sentence: “Ordinarily the GCCF will try to schedule such a conference at the Claims Site Office nearest Claimant’s home or place of business, if that is the Claimant’s preference.”
5. With regard to section V, we should urge GCCF not to seek to preclude government agencies from making public the reports GCCF provides to them. To that end, you might suggest adding after the first sentence: “The GCCF will not seek to preclude government authorities from making the non-personally identifiable information submitted by Claimants to the GCCF publicly available, either pursuant to open government laws or otherwise.”
6. VI.B.2. After the first sentence, you might consider adding “The audits performed by the independent outside accounting firm shall be provided to federal, state, and local agencies.”

#### **COMMENT IV**

I think the draft protocol really reads well. It is simple and clear. I did note, however that it does not provide for a process to dispute any evaluation by the claims evaluator. We continue to recommend that there be a provision for a mediator to facilitate resolution regarding any dispute on evaluation. This type of process worked well in the Katrina cases and would work well here. Maybe that’s a discussion for another time but I would be remiss if I didn’t raise it here.

#### **COMMENT V**

1. It appears that the August 7 draft reflects much of the clean up the group previously proposed— with regard to privacy, language and disability accessibility, causation, eligibility, and owner/lessee duplication of claims. It defers some of the knottier issues (e.g., releases) to the final payment guidelines to be issued next month. See 2715(b)(2).
2. I infer from the III.E.3, providing payment within 24 hours, that there is no longer an internal appeal by BP. It is unclear whether the protocol allows for an appeal by claimants.
3. III.B.1 provides that the claimant must indicate IF he/she is submitting an emergency claim, suggesting that the claim form also permits a claimant to file a claim for final payment. Presumably, a claim for final payment would start the clock for interest on any final payment in excess of the emergency payment. See Section 2705(b). If this is the case, claimants should be

expressly permitted to withdraw a final payment claim (and pursue any alternative remedies) if they are dissatisfied with the not-yet-released guidelines.

4. I would continue to suggest that the standard form needs to implement these principles in a way that can be easily understood and completed by claimants. GFFC should permit group legal representation and encourage video appointments with examiners.