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Talent and Tenacity Help BP Oil Spill Commission Chief Counsel Shine in the Spotlight

Case Background

On April 20, 2010, BP’s Macondo well “blew out,” triggering an unprecedented explosion on Transocean’s Deepwater Horizon drilling rig. The accident killed 11 men, injured 17 others and ultimately spilled more than 4 million barrels of crude oil into the Gulf of Mexico. President Obama appointed the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling to conduct a full inquiry.

The commission hired Georgetown law professor Richard Lazarus to serve as its executive director. Lazarus and the commission determined that they needed to create an investigation team that would uncover and explain the events that led to the tragedy and recommend ways to prevent similar accidents in the future. Lazarus engaged Sambhav Sankar, an attorney in the Environmental and Natural Resources Division of the U.S. Department of Justice, to begin creating such a team. Sankar contacted Sean Grimsley, a partner at Bartlit Beck Herman Palenchar & Scott LLP in Denver, Colorado, with whom he had clerked for Supreme Court Justice Sandra Day O’Connor in 2003-2004, about a potential chief counsel recommendation. Sankar noted that the commission wanted to engage an experienced and highly regarded figure who would be recognized as politically independent.

Grimsley suggested that the commission approach his firm’s founding partner, Fred H. Bartlit Jr., who had coincidentally investigated a similar disaster off the coast of Scotland in the 1980s. Bartlit’s experience and a reputation for integrity led the commission to select him as chief counsel. Grimsley joined Sankar as deputy chief counsel early in July 2010.

Simplifying Complexity

The chief counsel’s team immediately began working around the clock. The commission’s executive order required it to report its findings within six months. “The initial process was fast,” recalled Grimsley. “It was like drinking from a fire hose,” he added. In addition to interviewing witnesses nationwide, the team visited a similar drilling rig and attended a variety of hearings for a related Coast Guard investigation.

One of the challenges for the legal team was to synthesize hundreds of hours of interviews and years of collective industry knowledge into a presentation that would clearly explain the root causes of an event that had gained international interest. They sought to leverage the power of graphics to set a foundation of knowledge for the audience to understand not only the basics of deepwater drilling but also crucial drilling procedures like the negative pressure test.

Bartlit emphasized to Grimsley and Sankar the need to explain each highly technical subject in a way that members of the general public would understand. Following a nationwide search that according to Grimsley included major motion picture animation studios, the team selected TrialGraphix.

Megan O'Leary served as lead consultant and received support from William Lane as lead graphic designer, Devin Price as lead 3-D animator, Corinne Bilyeu as lead copy editor and a number of other colleagues. They prepared the hundreds of slides and animations that the chief counsel's team used during its live November 2010 presentation of findings. That presentation was heavily attended by other investigative bodies, oil industry representatives, the press and was covered in its entirety by C-SPAN, which relied substantially on a direct feed from the TrialGraphix team's presentation computers.

TrialGraphix also designed the graphics and layout for the 371-page Chief Counsel's Report released on February 17, 2011, which features more than 150 images and 15 animations explaining a range of concepts. "The responsiveness and technical expertise of the TrialGraphix team was, in my long experience as a trial lawyer, second to none," said Bartlit. "The people we worked with were spectacular," echoed Grimsley.

The Pressure of Describing Pressure

Because of the intense time pressures and ever-evolving understanding of the blowout, the chief counsel's team was developing theories even as TrialGraphix was producing demonstratives to convey those theories. Given the group's mission of producing an accurate depiction of what caused the blowout, it was imperative that the graphics and animations reflected each new piece of evidence. This dynamic form of simultaneous information gathering is atypical as traditional litigation often provides for a manageable period of discovery and document analysis. In addition to an initial information-gathering meeting, TrialGraphix hosted weekly or biweekly live discussions to ensure consistency in the evaluation and description of the findings.

The biggest challenge was describing the negative pressure test, which the Deepwater Horizon crew conducted immediately prior to the explosion. Using a combination of 3-D and 2-D graphics, as well as animated scenes, the team explained a variety of complex concepts including the need to maintain balance in the pressure as drilling depth increases and the industry-specific mechanisms for controlling it.

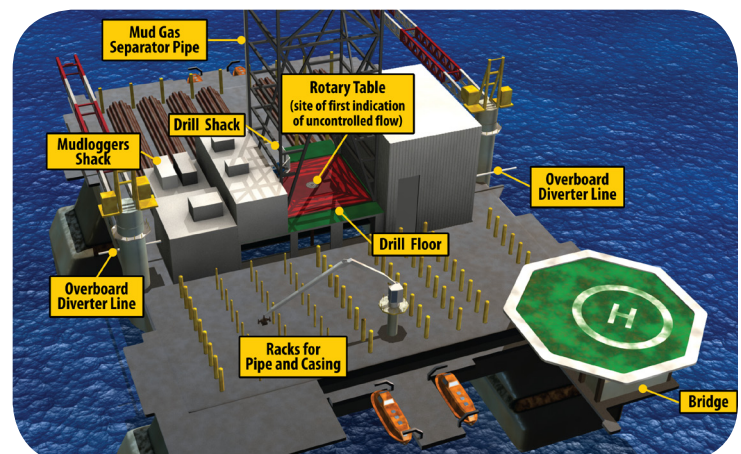
Explaining the use of mud to stabilize drilling pressures and the delicate equilibrium between the two was time-consuming and difficult. "Not only did we need the graphics skills that TrialGraphix brought to animate these technical concepts, but also the experience and understanding to present things in the simplest way possible," recalled Grimsley. "I cannot say enough about how committed they were to the project and how committed they were to getting it right," added Sankar.

Resolution

By illustrating these concepts in graphic form while displaying a customized animation simultaneously, the TrialGraphix team was able to incorporate movement into static pieces of data. "They didn't just draw what we asked. They figured out what we actually needed to explain and then worked outside the box to do it in a creative way," said Sankar.

To craft a visually compelling and accurate impression of never-before-depicted scenes on the seafloor while educating a general public that likely had no real-life exposure to the drilling industry, TrialGraphix produced a series of narrated videos that give the viewer a tour of the equipment and its surroundings. They artfully juxtaposed actual photographs with graphically enhanced animation to take viewers on a journey from the drilling rig to the bottom of the well miles below sea level.

In doing so, TrialGraphix leveraged its talent and vision to help the chief counsel's team achieve its goal of making the answers to a perplexing array of questions both vivid and accessible.



*3D modeled still image of some components of the Deepwater Horizon's main deck.