

Press Release

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FOR IMMEDIATE RELEASE

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WLF BRINGS CAMPAIGN AGAINST ASBESTOS CLAIMS FRAUD TO WEST VIRGINIA

The Washington Legal Foundation (WLF) today filed a petition with the Office of Disciplinary Counsel of the West Virginia State Bar, requesting an investigation of fraudulent evidence in asbestos cases. In the fourth of a series of filings in jurisdictions across the country, WLF petitioned the Office of Disciplinary Counsel to investigate non-malignant asbestos claims that have been based on the results of attorney-sponsored screening programs.

This project is intended to address the attorney misconduct that has contributed significantly to one of the principal crises facing the U.S. civil justice system – the proliferation of asbestos suits on behalf of claimants who are not even impaired. Thirty corporations have filed for bankruptcy since 1990 as the result of asbestos litigation - twenty-two of them since January 1, 2000. The result of these bankruptcies is that the companies' stockholders (including 401(k) participants) lose their investment, the companies' retirees may lose their health benefits, and payrolls are cut back. Victims of serious asbestos-related diseases – legitimate claimants – see their compensation cut off during the bankruptcy period. Moreover, as the asbestos bar seeks new defendants to take the place of bankrupted ones, an ever-greater number of companies are in the path of asbestos litigation.

In its petition, WLF argued that while attempts have been made to address the asbestos litigation crisis through procedural devices such as mass class action settlements, it has become clear that the crisis in its current form has been fueled in large measure by improper recruitment of claimants. These claims frequently originate with mass X-ray screenings organized by plaintiffs' attorneys. The attorneys contract with screening companies that set up a trailer near a place of industrial employment or a union hall. There, workers are offered a free chest X-ray if they sign a contract agreeing to a contingency fee should the attorneys obtain an asbestos recovery.

The petition details that unscrupulous plaintiffs' attorneys frequently retain compliant experts who will find evidence of asbestosis or other asbestos-related conditions whether it is there or not. The petition accordingly requests that West Virginia bar authorities to initiate an investigation into the practice of mass asbestos screenings and bring disciplinary proceedings where warranted.

WLF previously filed petitions on this subject with the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court and State Bars in Mississippi and Washington.

WLF is a non-profit public interest law and policy center with supporters nationwide. Since its founding in 1977, WLF has engaged in litigation and advocacy to defend and promote individual rights and a reasonable and balanced civil justice system. In the area of asbestos litigation, WLF has frequently participated as an *amicus curiae* in pending lawsuits to present a public interest perspective on the present crisis. Most recently, on February 6, 2004, WLF filed a brief in the Mississippi Supreme Court in *3M Company v. Johnson*, urging it to overturn a record \$150 million asbestos product liability judgment awarded to six men, none of whom was injured. In addition, WLF's Legal Studies Division has published numerous papers from leading practitioners detailing the current crisis in asbestos litigation.

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