

# Press Release

**Washington Legal Foundation**  
**Advocate for freedom and justice®**  
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**FOR IMMEDIATE RELEASE**

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## **FORMER U.S. ATTORNEY GENERAL CALLS FOR ACTION ON WLF ASBESTOS PETITIONS**

Former Attorney General of the United States Griffin Bell has called for the Illinois State Bar to grant the Washington Legal Foundation's request for an investigation of fraudulent evidence in asbestos cases. WLF petitioned the state's bar disciplinary authorities on March 9, 2004, to investigate non-malignant asbestos claims that have been based on the results of attorney-sponsored screening programs.

Mr. Bell expressed his support for WLF's petition during an April 14, 2004, speech delivered at the Washington University in St. Louis School of Law concerning the pro-plaintiff courts of Madison County, Illinois. Mr. Bell, a partner with the Atlanta-based national law firm King & Spalding, concurred with WLF's argument that attorney misconduct 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.

In its petition, WLF noted that the crisis has been fueled in large measure by improper recruitment of claimants through mass X-ray screenings organized by plaintiffs' attorneys. Mr. Bell seconded this view. "Most of these mass litigation X-ray screenings take place with no prescriptions from, or supervision by, medical doctors," Mr. Bell observed. "This makes a mockery of the judicial system."

The WLF petition detailed 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 requested that the bar initiate an investigation into the practice of mass asbestos screenings and bring disciplinary proceedings where warranted. Illinois bar authorities stated on April 5, 2004, that they would not take action on the petition.

"In my view, the Bar should promptly take action on the WLF petition," Mr. Bell

stated in his speech. “I recognize this is not an easy issue for the Bar, because some lawyers who sponsor X-ray screenings are prominent lawyers. At some point, though, the leaders of the Illinois Bar will have to address this activity, and the WLF petition is a good starting point. The Bar should announce it is investigating the WLF petition and should proceed to take appropriate action.”

Two days after his speech, Mr. Bell’s law firm was barred from appearing in Madison County, Illinois courtrooms by Madison County Circuit Judge Nicholas G. Byron, according to a news report in the *St. Louis Post-Dispatch*. Judge Byron handles the county’s asbestos docket.

WLF has also filed petitions on mass asbestos screenings with bar authorities in Mississippi, Missouri, Washington State, West Virginia, and Texas.

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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