

# Press Release

Washington Legal Foundation  
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**For Immediate Release**

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## **MICHIGAN SUPREME COURT URGED TO ADOPT ASBESTOS LITIGATION REFORM**

The Washington Legal Foundation (WLF) joined with over a dozen leading industry and trade organizations in urging the Michigan Supreme Court to adopt an administrative procedure to help alleviate the asbestos litigation crisis. The crisis is fueled by thousands of lawsuits filed by plaintiffs' attorneys for individuals who may have been exposed at one time to asbestos but are not sick, forcing companies into bankruptcy while leaving little or no funds to compensate those with significant illnesses.

In its filing, WLF requested that the Michigan Supreme Court grant a petition filed recently by over 60 Michigan asbestos lawsuit defendants that would allow the sickest asbestos claimants to have their cases litigated, and placing most of the other cases where claimants have no illness on an "inactive docket." Those placed on the inactive docket could later reactivate their lawsuits if they develop an asbestos-related disease.

Inactive dockets have been successfully used for case management in a few cities such as Baltimore, Boston, Chicago, and New York, but this is one of the first attempts to have the case management system adopted state-wide. Currently, there are approximately 8,400 asbestos defendants nationwide; most of these are companies which did not produce or manufacture asbestos, but merely sold products years ago that contained asbestos. Nearly 70 companies have declared bankruptcy due to the lawsuits.

WLF teamed up with the National Association of Manufacturers, Michigan Manufacturers Association, Chamber of Commerce of the United States, Michigan Chamber of Commerce, Michigan Lumber and Building Materials Association, National Association of Wholesaler-Distributors, National Federation of Independent Business Legal Foundation, American Tort Reform Association, American Insurance Association, Alliance of American Insurers, National Association of Independent Insurers, Motor & Equipment Manufacturers Association, American Chemistry Council, American Petroleum Institute, and the International Safety Equipment Association. John Stadler of Nixon Peabody in Boston provided *pro bono* assistance to WLF in this joint effort led by Victor Schwartz and Mark Behrens of Shook, Hardy & Bacon in Washington, D.C.

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