

## **Trial attorneys back asbestos bill**

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The Defense Trial Counsel of West Virginia, a group of 400 trial attorneys who defend civil cases in West Virginia, has endorsed federal legislation to curb asbestos-related lawsuits and ensure anyone with legitimate claims is compensated. The burden of asbestos litigation is weighing heavily on our state, our civil justice system and all of us as taxpayers.

The best solution for solving the asbestos litigation problem is SB 1125, the Fairness in Asbestos Injury Resolution Act of 2003. The FAIR Act of 2003, which will be considered by the U.S. Senate soon, will create a national trust fund out of which plaintiffs diagnosed with asbestos diseases will be compensated pursuant to an established schedule.

Since the first civil asbestos case was filed in the United States during the mid-1960s, 600,000 plaintiffs have filed cases and the number of defendants has increased from 300 in 1982 to 3,000 in 2003. By 2040, another 550,000 plaintiffs are likely to file claims. Out of 83 different types of industries in the United States, 75 have been targeted, with costs related to the litigation reaching staggering levels.

Payment on past claims has exceeded \$54 billion and estimates of future costs for 2002 and beyond range from \$145 billion-\$210 billion. Because of this litigation, more than 60 companies have declared bankruptcy, 25 of which occurred between January 2000 and the present. There may be no end to the asbestos litigation, until all potential defendants are forced to declare bankruptcy. This end result will leave future citizens who contract an asbestos disease without any legal recourse or remedy.

West Virginia has had, and continues to have, more than its share of asbestos litigation, because it is perceived as a venue favorable to plaintiffs. To date, more than 37,000 plaintiffs have filed claims in West Virginia, many of whom never lived, worked or were exposed to asbestos within the state.

Future West Virginia citizens who contract serious asbestos-related diseases will be left without any legal recourse or remedy, and more companies will be bankrupted and industries decimated, if past asbestos litigation practices and procedures are allowed to continue.

The FAIR Act of 2003 schedule provides the highest payments to the plaintiffs with the most serious types of disease. Defendants and their insurers will be required to fund the trust by payments during the next 25 years.

These payments will be pursuant to a schedule and should reduce further bankruptcies and insurance company insolvencies.

The Defense Trial Counsel of West Virginia endorses this legislation. We believe the FAIR Act of 2003 will streamline the process and allocate the remaining asbestos funds to those claimants with the most serious types of disease. It is important enough that all of us should contact Sens. Byrd and Rockefeller and urge them to support the FAIR Act of 2003.

William E. Galeota is president of the Defense Trial Counsel of West Virginia. This commentary should be considered another point of view and not necessarily the opinion or editorial policy of *The Dominion Post*.