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ATTORNEYS' COMMUNICATION

GHQ Box 91
August 2, 1968

Herbert Horton Ball

ASBESTOSIS DEFENCE TASK FORCE

You have asked me to elaborate on the constitution and concept of the proposed task force. My present thinking is that we should have the following members:

(1) A highly competent and experienced Federal trial lawyer, preferably with an extensive background in pulmonary disease litigation.

Preliminary inquiry as to the identity and possible availability of such a lawyer should now be initiated. However, until further litigation develops it might be premature to make any definite arrangement. For the time being, with respect to the Templait litigation now pending in Texas, we have prevailed upon Travelers to procure a lawyer to aid Mr. Pate, Mr. John G. Tucker. He is 61 years of age, a graduate of Harvard Law School, and a partner in the largest firm in Beaumont, Orgain, Bell & Tucker. Mr. Tucker is regarded by Travelers as the city's best "brief man" and has available to him the services of junior attorneys to provide the man force requisite to prepare extensive legal briefs. Inasmuch as this particular case will probably have to be won on legal points upon appeal, Mr. Tucker would appear to fulfill our needs.

Travelers has suggested to me the possibility of utilizing Mr. Leroy Vandeveer (who, as you know, is our lawyer in the Bradshaw asbestosis litigation in Michigan) as the overall attorney in the asbestosis cases. While Mr. Vandeveer is indeed an experienced trial lawyer I have serious reservations as to his acting in such a capacity because of his advanced age, among other reasons.

(2) A qualified and recognized medical expert on the disease of asbestosis.

Obviously, the use of Dr. Wright suggests itself. The question is whether he will be sufficiently available. The point is that for the program to be effective all of the members (with one exception discussed below) will have to be available to travel around the country to meet with our various local defense counsel. This will be time-consuming. While initially we may be able to get by by utilizing C. L. Shockler in conjunction with Dr. Wright, I do not think that this will stand up as a feasible working arrangement if any significant number of cases should develop. Accordingly, I suggest that we request Dr. Wright to give us the name of some other qualified physician that we might be able to employ on a consulting contract basis, if the need arises. That is, we should be in a position topre-empt a given number of days of such physician's time per month, if and when necessary.

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LSA 83

(3) A person with extensive knowledge of the environmental control efforts of this company and of the industry generally with respect to this hazard.

At the present time C. L. Shockley would appear to be our overall asbestosis expert. It is imperative that he be available for educational (and possibly testimonial) purposes. If his function in the task force is to be adequately performed his responsibility in that area must be assigned first priority.

(4) A person from our Insulation Division who possesses knowledge of the asbestos insulation industry and of our insulation product lines, including the general chemical make-up of such products.

R. A. Stapleton would be the man here. However, it is contemplated that where sufficiently experienced and knowledgeable local people are available (district managers, contract unit managers, salesmen, etc.) we shall utilize them with respect to any litigation pending in the locality of their responsibilities. It would be Mr. Stapleton's function to secure optimum cooperation from these people. Mr. Stapleton would not travel with the task force except where adequate local personnel were not available, although his services may be required from time to time as a witness. The Division has indicated its willingness to make Mr. Stapleton available in such capacity until such time as this work would interfere too greatly with his other duties, at which time it will be necessary to consider some other arrangement.

(5) A member of the J-M Legal Department to act as liaison and coordinator.

You have indicated that the writer should continue in this responsibility. In that event, inasmuch as most of these cases will probably be tried in the Federal Courts, I recommend that the writer take a course in Federal Court Trial Procedure. Such a two-semester course is presently available at night at New York University Law School, Graduate Division, at a cost of $150 per semester.

A serious effort should be made to coordinate the efforts of our task force with the corresponding activities of other manufacturers in the industry who also are defendants in these cases. It may be that in time a single overall committee will prove desirable.

I think that the task force (with the exception of the outside lawyer described in (1) above) should be formally instituted immediately. The basic concept is that the task force will be available to meet with local attorneys for the purpose of educating and guiding them in those cases. As experience in the defense of these cases is gained, this cumulative knowledge will be made available to our various trial counsel. The task force will gather information generally useful to our defense, including the names of witnesses, expert or otherwise, best suited to testify in our behalf.

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The basic expenses of this program, other than the obvious travel costs, will be the fees of the outside lawyer and medical expert. While such expenses will not be insignificant they would appear hardly substantial in terms of our potential overall exposure.

R. R. Standel, Jr.

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J-M 83

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