General Headquarters
February 28, 1935

Mr. E. M. Voorhees,
Vice-President.

Re: Illinois Dust Situation

As a supplement to the memorandum I prepared under date of February 14th relating to some legislative and legal aspects of the Illinois dust situation, I wish to call your attention to the following quotations from some remarks recently made by Mr. O. E. Mount, Vice-President of the Illinois Manufacturers Association and Chairman of its Occupational Diseases Committee:

"There were only a limited number of damage suits filed up to about four years ago, when a large number of silicosis and other lung disease cases were filed, chiefly in Belleville, Ottawa and Chicago.

In many instances this unexpected and unprecedented epidemic of suits caught the defendants wholly unprepared to defend successfully. Some settlements were made and some judgments rendered and the gold rush was on. Ambulance chasers, sensing the possibilities of the situation recruited help and worked overtime. In institutions caring for lung cases few beds were left uncanvassed. In some instances employes working in dusty industries were subsidized to watch for cases among their fellow employes. 'Help wanted' advertisements were placed in the newspapers specifying occupations entailing dust disease hazards, and unemployed applicants for the jobs thus advertised were interviewed by ambulance chasers and encouraged to bring suits against previous employers.

Today the number of damage suits on file against employers in this State runs into the thousands and the aggregate of the amounts sued for runs into millions.

Employers have been and, as long as present chaotic conditions exist, will continue to be milked of thousands of unjust dollars, from 33⅓1/3% to 75% of which go to unethical attorneys and quack doctors, and the remainder probably to the plaintiff employe. A survey made by your committee several months ago indicated that the amounts received by employes in these cases averaged from 20% to 25% of the amount paid by the employer. That certain of the employes bringing suits have regretted their action in so doing is evidenced by a letter received by one of the


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important member companies of the Illinois Manufacturers' Association from an employe who had sued that company claiming total disability from silicosis, in which case a judgment of $6,000 was obtained and of which amount the employe reports receiving only $1,500, or 25%.

The letter with names and places deleted, reads:

'My dear Mr. Blank:

'Would you please be so kind as to forgive me of my great fault against your company. I am out of work and my house unoccupied. I would at any time return to blank if you would be so kind as to give me a job. I would even return in the middle of the night if I were called by your company. If perchance, you would need my assistance in some of your other cases, I would be one of the most happiest of all men to help. Etc.'

This case is typical, and I believe emphasizes clearly the fact that the only persons profiting from these racketeering suits are the unethical lawyers and doctors. I do not mean to infer that all suits brought are unworthy or that all lawyers or doctors representing plaintiff employes in such cases are unethical, but so many of the suits brought are undoubtedly without any justifiable basis that many lawyers hesitate to hazard their reputations by accepting them.

The bulk of these damage suits are based on lung diseases, but some are based on other diseases. The prospect is that if the present 'racket' is allowed to continue the field will be broadened to include more and more occupations. Few industries will be immune, and whoever thinks that because he has not yet been sued he will not be, is lulling himself into a false sense of security*****.

The situation is chaotic in every sense of that word. Lawyers who specialize in such matters and judges who have given the situation profound study hopelessly disagree as to the status of occupational disease cases in this State, and they even hopelessly disagree on what are occupational disease cases and what are not. No employer can go to his lawyer, however learned the latter may be, and obtain a satisfactory and reliable answer to the two questions: 'What diseases, if any, am I liable for?' and 'What is my liability with respect to those diseases?'.

That the present chaotic situation is intolerable and that it should be remedied is hardly open for argument.

The sole and only intelligent solution and remedy is an adequate and comprehensive Occupational Diseases Act definitely determining the field of liability and similar in nature and operation to the present Workmen's Compensation Act, but which takes into account the fundamental differences between the subject matter of occupational diseases and that of accidental injury."

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VB:T

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