FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE #4, PARAMUS, N.J. 07652

B U L L E T I N

N O. 5 8 7

January 4, 1977

PRODUCT LIABILITY LITIGATION--ASBESTOS EXPOSURE

Over the past months, the Institute Office has received correspondence relating to asbestos. Most of this correspondence was referred to our Asbestos Study Committee. The Acting Chairman of the Committee felt it would be worthwhile to distribute the attached to the membership.

The Automotive Service Industry Association (ASIA) forwarded the attached copy of a letter sent by a Philadelphia Law firm. In this letter, the firm indicates a willingness to accept work in product liability litigation, and in the last paragraph specifically mentions cases involving exposure to asbestos.

The significance is that while workmen's compensation may cover a manufacturer for his own employees, litigation may be initiated by third parties. It is for this reason among others that OSHA warning labels and other means of alerting brake/clutch service personnel are recommended wherever the possibility of subsequent exposure to asbestos dust exists.

E. W. Drislane
Executive Director

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To my Colleagues in Law:

I have two questions for your consideration.

First, why does a lawyer usually sue the doctor and very seldom the drug company where there is a drug related injury?

Second, why does a lawyer usually collect only workmen's compensation where there may be a valid third party claim for personal injuries against a manufacturer or designer of a product?

It has been our experience that many suits against physicians should in reality be actions against drug companies and that many workmen's compensation cases should proceed into third party claims against the manufacturer, designer or distributor of a product.

If you find a result which is not reasonably related to an initial injury or an initial condition, ask yourself if a drug reaction may not have taken place.

In a workmen's compensation case, ask yourself if an action does not lie against a third party for a design defect or failure to produce a safe product.

Naturally, this does not mean that every drug reaction or that every injury resulting from a product is compensable. It does mean that these matters should be investigated thoroughly.

This office will accept the forwarding of work in drug litigation and in product manufacture and design litigation. In addition, this office would be willing to accept cases involving injury or death from exposure to asbestos particularly where such exposure has been to an employee at the Philadelphia Naval Shipyard and other places of employment. This office represents approximately 7 litigants in asbestos actions resulting in injury or death.

Sincerely,

SHEIN & BROOKMAN, P.A.

By
Joseph D. Shein

JDS/as

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