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1 because it was such an important part of the
2 union's concerns in the 1960s.

3 The other part was, because I had
4 done work on the Medicare program in 1960s, I
5 had done a fair amount of public opinion
6 studies and primary documents about what
7 Americans thought about health and healthcare
8 and who was worried about what. So it's in
9 all those ways that asbestos came into focus as
10 an example of an area in American life where
11 huge changes in attention to it and
12 availability of information about it was at
13 issue.

14 Q: I'm not trying to argue with you.
15 I'm not sure if you answered my question or
16 not. I asked you about writing.

17 A: I wrote a report in the
18 boilermaker's case in Ohio. I wrote a report
19 in what was called the boilermaker's case.
20 That is the union in Ohio in Akron.

21 Q: Is the Jones Day case and the
22 boilermaker's case the same thing?

23 A: That's right.

24 Q: Let's call it the boilermaker
25 case.

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1 basis of my making statements about what
2 was available publicly to various
3 groups. In the same way that I had done
4 it in tobacco, and the same way that I
5 had done it with national health
6 insurance.

7 Q: Back to my question. You've
8 written twice, once specifically on the topic
9 of asbestos, and once in the boilermaker case
10 on the topic of tobacco and touched on the
11 topic of asbestos when you wrote it?

12 A: Right.

13 Q: Is that correct?

14 A: That's correct.

15 Q: Tell me about your report in the
16 Celotex case.

17 A: The question I was asked to
18 answer in the Celotex case was what problems
19 arise in connection with compensating victims
20 of asbestos exposure when there is such a long
21 latency period, and when there is a trust to
22 distribute those funds.

23 They have to decide between
24 paying present afflicted parties as against the
25 possibility of later parties becoming

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1 A: That was about public knowledge
2 and available -- publicly available information
3 about the dangers of smoking. That was the
4 question that my report addressed.

5 In the course of answering that
6 question, I referred to publicly available
7 literature about the connection between smoking
8 and cancer which implicated asbestos, among
9 other things. And then that's the writing in
10 preparation for this area of dispute.

11 That document is the basis for my
12 judgments here, and I suspect, this may not be
13 your question, but I'm intending to try to put
14 together that into an article about the
15 publicly available information about asbestos,
16 which is the focus of my acquired expertise,
17 not a lifetime of attention to it. That's what
18 I've been trying to focus on.

19 MS. ROSENBERG: When you were
20 referring to the document, you were
21 pointing.

22 THE WITNESS: I'm referring to
23 the exhibits. That's the raw material
24 or the selection of even a wider body of
25 broad material which constitutes the

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1 inflicted.

2 The dispute in the Celotex case
3 was between the plaintiff's attorneys who
4 wanted to take over the company rather than
5 leave the company after a billion dollar trust
6 was set up to pay for victims.

7 The question I was asked had to
8 do with my really political analysis and my
9 analysis of the representation of interest
10 connected with legal topics of representation.
11 It was what was the basis for thinking that
12 running the company was a protection for the
13 yet not ill future beneficiaries as opposed to
14 the present potential beneficiaries who are
15 already afflicted.

16 In the course of writing that
17 report in arguing that administering a trust
18 was a more reliable source of income than
19 administering a company by a law group, I
20 argued that the representation of interest
21 would lead you to believe that they should
22 focus on trying to model the occurrence of
23 future states of illness and save money for
24 that day rather than subject themselves to the
25 ambiguities and vagaries of market performance