

# LETTER OF THE LAW

AUGUST 2005

## Client Profile: Odis and Shirley Howell

Silicosis is a serious lung disease that is caused by exposure to silica, one of the most common minerals on earth. Dust from the crushing or breaking of sand or rocks containing silica is extremely dangerous. That's why sandblasters, miners and foundry workers are particularly at risk for contracting silicosis.

Because employers have known the dangers of breathing silica dust for decades, companies typically strive to protect their workers from exposure by giving them respirators. Unfortunately, many brands of respirators do not provide adequate protection against the development of silicosis. This is the reason why Odis and Shirley Howell came to know WB.

Mr. Howell (known as "Sunny" to his friends) spent 45 years working for Johns-Manville Corp. in Lompoc, California – just outside of Santa Barbara. He was a heavy equipment operator, using a bulldozer to transport raw materials on "the Hill," as the Johns-Manville plant was known.



"Sunny" and Shirley Howell

Because of the way silica breaks into an infinite number of tiny, white particles, Mrs. Howell notes that, from a distance, the Hill "looks like snow." It is these snow-like particles that accumulate in the lungs and eventually cause silicosis. As Mr. Powell points out, though, he was never given any indication that he was at

risk for silicosis during his 45 years of service to Johns-Manville because he was wearing a respirator.

In 1994, Mr. Howell was diagnosed with silicosis. But it wasn't until 2000 that he met attorneys from WB. Mr. Howell was invited to attend a

silicosis screening that was sponsored by the firm. Associates John Fabry and Robert Shuttlesworth uncovered a provision in California law that allowed Mr. Howell to bring suit against the manufacturer of his respirator. Because neither Mr. Howell nor Johns-Manville was ever made aware of the fact that his respirator was defective, WB was able to file a claim.

After two years of wrangling with defense

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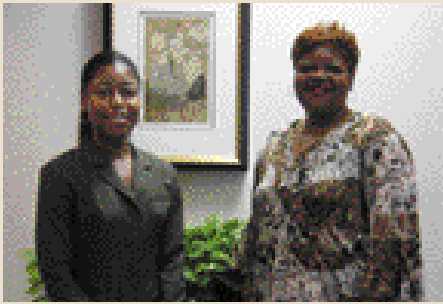
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## Staff Spotlight

### Angela Kinney and Gracie Tatum

It can be said for many of us at WB that our positions are “behind the scenes.” But few could be considered more so than the ones held by Angela Kinney and Gracie Tatum. They have sole responsibility for maintaining all of the firm’s client files – dating back over 20 years.



Whereas nearly all WB attorneys and staff are visible to one degree or another, Angela and Gracie are entirely sealed off from everyone in the Centralized Filing Room. (For security reasons, access is restricted at all times.) Located on the first floor, the Filing Room covers over 5,000 square feet – nearly all of it utilized by massive, sliding shelves that contain client files.

When Angela joined WB in 1988, the firm had merely 600 clients. At that time, the size of the Filing Room was roughly 1,200 square feet. Today, with over 30,000 clients, the room has expanded to cover both sides of the first floor. Each of the other floors at WB has several hundred feet dedicated to file storage as well, including three 3,000-sq. ft. off-site warehouses.

A typical day usually involves sorting through documents and routing them to their appropriate locations, as well as responding to email and phone requests for files and documents.

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## Correcting an Injustice

by Steven J. Kherkher

As everyone knows, WB has a long history of fighting for those less fortunate. That fight continues today as we have recently uncovered some disturbing evidence of a scandal that victimized untold numbers of African Americans.



We are investigating the sale of “industrial,” or “burial,” insurance policies from the 1900s to the 1970s. The circumstances surrounding the sale of these policies may have been racially discriminatory to African Americans.

These policies were touted by insurance agents as providing the funds necessary to give the policyholder a decent burial and, thus, avoid a great financial burden for the surviving

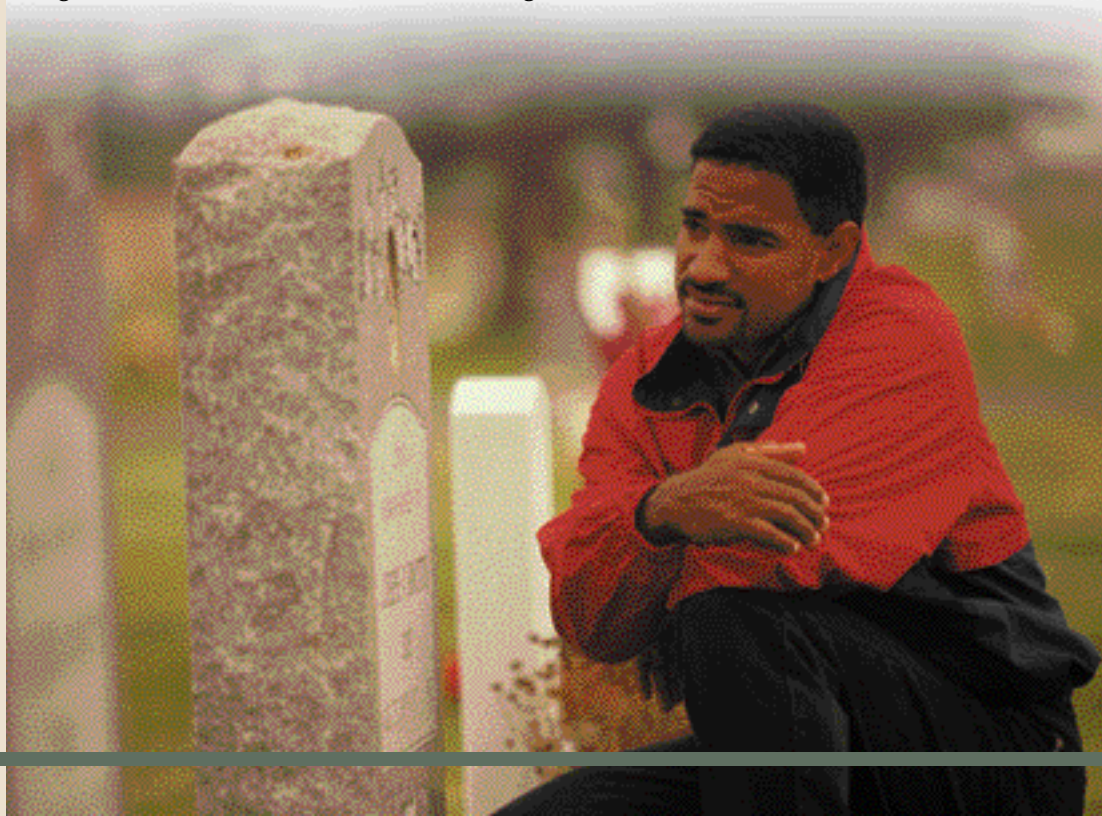
family members. These policies usually required a small deposit. The premiums were then collected by debit agents who came to the policyholders’ doors to collect premiums either monthly or weekly.

Our investigation has revealed that African Americans were charged higher premiums for these burial policies than their white counterparts. In fact, some insurance companies created a two-tiered pricing system whereby African Americans were specifically targeted for higher premiums – even though those policies actually provided sub-standard coverage.

*African Americans  
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burial policies than their  
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If you or a family member purchased one of these policies, then please call us to learn how WB can help you file a claim. You can contact me or my assistant,

Bonnie Strickland, at 713-230-2314 or 1-800-220-9341, ext. 314.



# The Art of Arbitration

Jim Hart heads up the Labor & Employment section at WB. Assisted by two attorneys and four staff members, Jim spends almost all of his time helping clients who have been unfairly treated by their employers. One of the ways he does this is through the legal forum known as arbitration.



*Jim Hart*

Whenever disagreements arise between unions and employers, the contract between them requires a third party to intervene and settle the matter in a daylong hearing. Appointed by the Federal Mediation and Conciliation Service, the arbitrator listens to testimony and evidence presented by both sides before handing down a decision. Arbitration is considered a cheaper and more efficient way of handling a dispute than filing a lawsuit.

Because WB represents so many unions (who, in turn, have thousands of members), Jim and his team are kept busy with arbitration work. “We do between 25-30 a year,” notes Jim. “Issues range from discipline and discharge of union members to breaches of the contract,” according to Jim. Each case typically takes three to four weeks of preparation.

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A recent case provides a good example of a typical arbitration. The Machinists and Aerospace Workers Union in Houston (IAMAW Local 1786) had an exclusive agreement with United Space Alliance, U.S.A., to operate high-speed printers. U.S.A. is a prime contractor at NASA.

Without warning, U.S.A. took jobs away from members of the Machinists and Aerospace Workers Union and gave them to contract workers for less pay and no benefits. Byron Buchanan, an associate at WB and one of the attorneys in Labor & Employment, was immediately contacted by the union about the incident. “It’s unfortunate, but we see cases like this all the time,” says Byron.



*Byron Buchanan*

After hearing both sides of the story, the arbitrator ruled in favor of the union members – noting an “overwhelming weight of the evidence” that U.S.A. was in the wrong. The result was that the work was reinstated to the machinists. “I’m proud to say that we’ve had a great record of success” with arbitrations, says Byron.

For more information about arbitration services, please contact Jim Hart at (713) 230-2312 or [jhart@williamsbailey.com](mailto:jhart@williamsbailey.com).

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attorneys, John and Robert were able to win a generous settlement for the Howells. Mrs. Howell calls her experience of working with WB “wonderful” and is committed to working with us again, “if I ever need a law firm for anything else.”

WB continues to pursue silicosis cases all over the U.S. John and his team have won dozens of verdicts and settlements in this area, especially when it comes to going after manufacturers of defective respirators (as in the case of Mr. Howell). For more information, please call (713) 230-2284.

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“Last but certainly not least,” cautions Angela, “there’s the urgent daily copying of the fen-phen echocardiograms.”

From time to time, Angela, who is the supervisor, is also asked to help other departments with special projects. She credits her faith and her daily five-mile runs for helping her get through the “hectic days” that are the norm in her job.



In the fall of 1994, Gracie Tatum left her position as an office assistant clerk at the law firm of Looper, Reed & McGraw to join the WB family. “At the time,” recalls Gracie, “my job duties were interviewing clients and requesting all original documents needed to maintain their files.”

Eventually, she became Angela’s assistant. She and Angela “have developed a great working relationship as well as become very good friends.” Gracie also assists the fen-phen team with their filing needs, especially concerning client medical records.

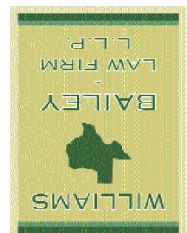
Gracie has two sons, Patrick and Shayne, three grandchildren, Shaylyn, Bryanna and PJ and one goddaughter, Chelsea Kinney – all of whom live in the Houston area. In her free time, she enjoys exercising and bowling.

Thanks for your contributions, Angela and Gracie!



*If you or a loved one suffered from a stroke, a heart attack, or Stevens-Johnson Syndrome while taking **Bextra**, call WB right away: **1(800) 220-9341.***

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