

LETTER OF THE LAW

SEPTEMBER 2004

Client Profile: Bob and Doris Funk

When Bob Funk decided to move from Boston to Houston for his retirement in the early 1980s, he and Doris hadn't even met. In an unusual twist of fate, it was asbestos that eventually brought them together. Shortly after arriving in Houston, Bob began having breathing problems. So he decided to check himself into Memorial Hermann Memorial City for some tests.

Doris' sister, Sandy, was a nurse there; she decided to play matchmaker for Bob and Doris. They hit it off immediately and soon were married. Everything seemed wonderful.

Unfortunately, Bob and Doris' new life together was quickly jolted when Bob was diagnosed with pulmonary asbestosis. Virtually all of the jobs Bob held for more than 30 years – boiler-maker, engineer, glasscutter – involved working directly with asbestos. "He was never told anything was wrong with that," says Doris. What's worse is that none of the physicians in the different parts of the country where Bob had lived

had ever detected the plaque that was building up in his lungs.

This diagnosis led to an introduction to a new law firm that had recently formed in downtown Houston. One of the partners was John Eddie Williams. "He and Bob just really hit it off," Doris remembers. "You just felt like [John Eddie] was there for you."



Doris and Bob, Aug. 93

"...We were extremely satisfied.... John Eddie made us feel like family."

It would be several years before Bob's case finally went to trial. In the end, the defendant settled the claim, allowing the Funks to make some substantial improvements to their home. "Every penny Bob got [from the settlement] went into the house," said Doris. This also enabled Bob to invest more resources into his passion: gardening.

While the backyard of the Funk house continues to boast spectacular plants and flowers, Doris and her sister now tend to the garden. Bob passed away in 1999. "That's something I'm sorry he wasn't able to continue doing," says Doris. "He was truly a master gardener."

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In addition to spending time outside of her house on Bob's garden, Doris now spends a great deal of her time inside as a full-time caregiver to her mother. Through it all, her attitude has remained positive: "Having almost no experience with legal matters, we were extremely satisfied with the attention and patience we were given. John Eddie made us feel like family."

Staff Spotlight

Tracy Carter

Williams Bailey's asbestos docket is not only the oldest at the firm, but it continues to be one of the busiest. And one of its hardest working staff members is Tracy Carter. Brought on board in 2002 because of her litigation expertise as a paralegal, Tracy has made a significant impact on the thousands of asbestos cases the firm handles at any given time.



In particular, Tracy proved to be a great asset when it came time for trial preparation for the high profile Dow Chemical case last year.

*"We couldn't have had the success we did without her hard work and attention to detail," said attorney
~ Camp Bailey*

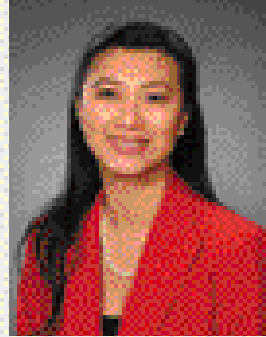
Tracy has been a paralegal for 16 years, including a 7-year tenure at Enron before coming to WB. "I was responsible for assisting numerous Enron entities with all phases of the ongoing management and defense of domestic and international claims and litigation," said Tracy. These included "crisis team participation, investigations, subrogation litigation, toxic tort and general civil litigation."

The past year has been a hectic one for Tracy and her colleagues: "With the tort reform changes last year and the resulting mass filings that took place, the position has become quite a

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What You Need to Know Before Vaccinating Your Child *by Thao Ho*

Vaccinating children against infectious diseases has been one of the most effective public policy initiatives ever undertaken in the United States. Diseases that once terrorized us and claimed millions of lives have been all but forgotten because of childhood vaccinations. **In fact, vaccinations have reduced vaccine-preventable disease by over 95 percent** – which is one of the reasons most parents view vaccinations as yet another rite of passage for their children.



But there is another side to this story that is rarely told. Unfortunately, vaccination programs can carry a human cost as well. The U. S. government acknowledges, "[a] vaccine can have severe side effects, including death or disabling conditions requiring lifetime medical care." These reactions can be "devastating" to affected families. Conditions that may be associated with vaccines include autism, neurological injuries, seizures and a number of autoimmune disorders.

Parents should not vaccinate their child if he/she is sick or still recovering from an illness. Vaccines are designed to create an immune response in the child. The body's response to the vaccine is what makes the child eventually become immune from the disease.

When a person is sick, however, his or her immune system is already working overtime to help the body heal. Therefore, if you vaccinate when your child is sick, there is a chance your child's immune system will not be able to handle the load. It is always better to be safe and **wait to vaccinate your child until after he or she has fully recuperated.**

For decades, vaccine manufacturers added a mercury-containing preservative called Thimerosal to vaccines routinely administered to children. Thimerosal was used to prevent bacterial contamination. In recent years, however, concerns regarding Thimerosal and various neurological disorders, including autism, have been raised. As a result, the presence of Thimerosal has been removed from nearly all vaccines.

Still, it is recommended that you make sure your child receives mercury-free vaccines. Speak to your doctor about your concerns before you vaccinate your child. Your doctor should understand that you are concerned for your child's welfare and are looking for answers to your questions.

In 1986, Congress enacted The National Childhood Vaccine Injury Act and created the National Vaccine Injury Compensation Program for persons injured by routine vaccinations. Any claim for compensation relating to a vaccine covered by the Act must initially be filed in this program.

Unfortunately, many people are not aware of the National Vaccine Injury Compensation Program. Nor are they
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Trial News

First Welding Rods Trial

After two years and literally thousands of screenings, the first welding rods case is finally going to trial this month. Mr. Ronald Presler of Santa Fe, Texas, is suing three welding rod manufacturers for failing to warn him about the health hazards of welding fumes.

Mr. Presler has been suffering from Parkinsonism since 1993. The medical community now recognizes that the manganese fumes from welding rods are a cause of Parkinsonism, and the disease is also known as manganese poisoning (or, manganism). Symptoms are virtually identical to Parkinson's



disease, including tremors, rigidity, difficulty walking, slurred speech and facial masking.

Although the welding industry has been aware of the toxicity of their products as far back as the 1930s, welders to this day remain uninformed about the health risks of their profession. Currently, there are more than half a million welders in the U.S.

Williams Bailey is part of a consortium of law firms that is trying cases like Mr. Presler's all across the country.

Benzene Cases

At low levels of exposure, the chemical benzene will cause dizziness, rapid heart rate, headaches, shaking, confusion and fainting. With higher levels of exposure, benzene can cause anemia and a kind of leukemia called Acute Myelogenous Leukemia (AML), in which your body does not produce enough healthy blood cells.

If you or a loved one is suffering from a disease you believe may be related to benzene exposure, please call Cyndi Whitley at 713-230-2206. Additional diseases include:

- Myelodysplastic syndrome/Myelodysplasia
- Non-Hodgkin's Lymphoma
- Aplastic Anemia

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aware that **all program claims must be filed within 3 years** of the date of the first symptoms of an adverse reaction, regardless of when you first suspected the vaccine as a cause.

If your child develops a severe, adverse reaction to the vaccine, you need to know your rights. Williams Bailey can help. We are committed to helping

families obtain compensation for the potentially devastating effects of vaccine-related injuries under the National Vaccine Injury Compensation Program, and, in some cases, via traditional litigation against the vaccine manufacturers.

For more information, please visit our website at www.williamsbailey.com/vaccines.

REMINDER:

FREE
Probate
and
Estate
Seminar

V

Wednesday,
October 6th
10:00 a.m. – Noon

Call 713.230.2244
for reservations

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juggling act – between keeping hundreds and hundreds of premises claims moving along as well as managing a very active trial docket.”

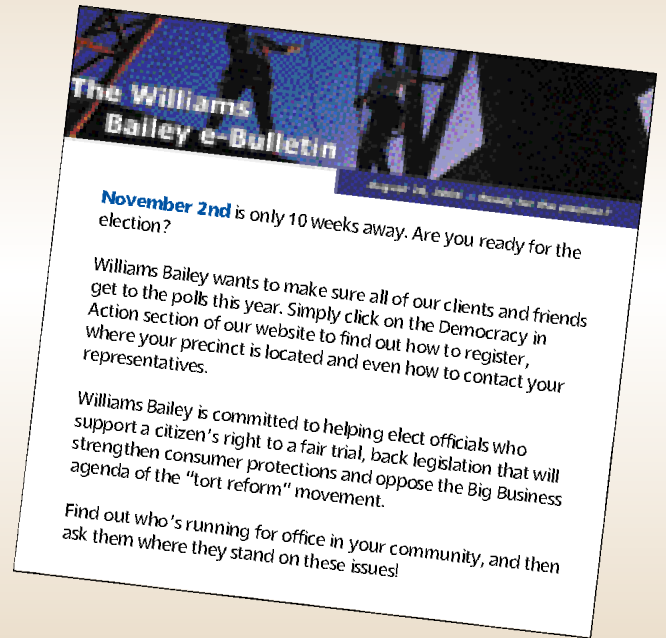
A native Houstonian, Tracy earned a BS in American Jurisprudence from the University of Houston-Clear Lake. She and her high school sweetheart-turned-husband, Tim, have a very active 12-year-old son, Tyler. When she's not spending her days (and occasional nights) at WB, Tracy and her husband devote most of their time to making sure Tyler makes it to drum lessons, basketball and soccer games, and the golf course.

Thanks for all your contributions, Tracy!

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info@williamsbailey.com



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