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## **Via Federal Express**

Elias A. Zerhouni, M.D.  
Director, National Institutes of Health  
9000 Rockville Pike  
Bethesda, Maryland 20892

Re: **Potential Conflict of Interest:**

Jack W. Snyder, Associate Director, Special Information Services for the  
National Library of Medicine.

Gentlemen;

Please find enclosed the deposition transcript of Jack W. Snyder, Associate Director, Special Information Services for the National Library of Medicine. Dr. Snyder has been retained by a consortium of corporate defendants in asbestos litigation to opine on a number of matters, including the hazards of exposure to chrysotile asbestos.

The purpose of this letter is to inquire whether such retention violates existing policies of the National Institutes of Health (“NIH”), particularly given that Dr. Snyder is testifying to matters in direct conflict with the official positions of a number of government agencies.

The following is a summary of Dr. Snyder’s involvement in private litigation and the positions he is taking in civil lawsuits outside of his work for the National Institutes of Health.

### **A. Dr. Snyder’s Position with the NIH.**

Dr. Snyder is Associate Director, Special Information Services for the National Library of Medicine.<sup>1</sup> He assumed his position with the NIH in 2002.<sup>2</sup> While under oath Dr. Snyder claimed that he was a “contractor” for the NIH, he clearly receives a W-2 tax form indicating his status may be as an employee, rather than as a contractor.<sup>3</sup>

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1 See Transcript at pg. 24, line 19-22.

2 See Transcript at pg. 30, Line 17 - pg. 31, line 15.

3 See Transcript at pg. 23, line 1-6.

Dr. Snyder stated that his position with the NIH requires him to work 30-40 hours per week, for which he is paid a salary by the taxpayers of \$175,000.00 annually.<sup>4</sup> According to his testimony, his immediate supervisor is Donald Lindberg.<sup>5</sup>

Dr. Snyder indicated that he was “in charge of toxicology, pharmacology, public health information services for the NIH.”<sup>6</sup> Additionally, according to Dr. Snyder, the NIH occasionally asks him to see patients or review medical records for purposes of consultation.<sup>7</sup>

## **B. Dr. Snyder’s Litigation Consultation Practice**

Since 2002, when Dr. Snyder joined the NIH, he has been retained in a variety of private litigation matters, including criminal defense matters, pharmaceutical product liability matters, and asbestos litigation, to name a few.<sup>8</sup> The enclosed transcript represents a matter in which he was retained by the Lincoln Electric Company in late 2005 or early 2006.<sup>9</sup> The case involves the death of a welder whose family alleges that the use of Lincoln Electric Company’s asbestos-containing welding rods contributed to his death from malignant mesothelioma.

Dr. Snyder sees patients as a litigation consultant approximately 1-3 days per month.<sup>10</sup> Interestingly, Dr. Snyder does not maintain a medical office, staff, nurse, or other health care professional – he sees patients in his home.

Dr. Snyder charges \$425 per hour for his private litigation consultation.<sup>11</sup> For days when he is away from the office, he charges \$3800.00 per day.<sup>12</sup> Dr. Snyder claimed that his work for the NIH usually brings him to his government office five days a week, yet none of the money Dr. Snyder charges for “being away from the office,” or for work in private litigation, is reimbursed to the government – he keeps it all.<sup>13</sup> In the calendar year 2006 Dr. Snyder claimed to have made approximately \$125,000 in litigation consulting.<sup>14</sup>

While Dr. Snyder claimed that his work in private litigation has been approved by the NIH<sup>15</sup> he has not specifically requested authorization to testify in asbestos litigation.<sup>16</sup>

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<sup>4</sup> See Transcript at pg. 23. Line 7-11 and pg. 68, line 1-9.

<sup>5</sup> See Transcript at pg. 68, line 18-22.

<sup>6</sup> See Transcript at pg. 24, line 23 to pg. 25, line 2.

<sup>7</sup> See Transcript at pg. 25, line 20 – pg. 26, line 7.

<sup>8</sup> See Transcript at pg. 9, Line 16-19; pg. 32, line 22 – pg. 33. line 5; and pg. 33, line 20 – pg. 37, line 12; and pg. 6, Lines 7-22

<sup>9</sup> See Transcript at pg. 36, lines 12-14

<sup>10</sup> See transcript at pg. 19, lines 1-3; and pg. 28, lines 16-18..

<sup>11</sup> See Transcript at pg. 64, lines 23 – 24; and pg. 65, line 23 – pg. 66, Line 4..

<sup>12</sup> See Transcript at pg. 66, lines 5 pg. 67, line 21.

<sup>13</sup> See Transcript at pg. 67, lines 7– 20; and pg.69, lines 17-19; pg. 190, lines 17-22.

<sup>14</sup> See Transcript at pg. 238, line 21 – 238, line 2.

<sup>15</sup> See transcript at pg. 69, lines 12-16.

<sup>16</sup> See pg. 190, line 12 – p. 192, line 17.

**C. Dr. Snyder's Opinions on Asbestos Hazards. Snyder vs. the U.S. Government**

Dr. Snyder's sworn testimony in private litigation is in direct conflict with the official position of a number of government agencies. Dr. Snyder testified to the following in a matter wherein he is being paid \$425 per hour by a defendant in asbestos litigation:

1. Chrysotile asbestos does not cause malignant mesothelioma;<sup>17</sup>
2. No U.S. government agency, including OSHA, takes an official position on the carcinogenicity of the specific types of asbestos;<sup>18</sup>
3. Chrysotile asbestos does not cause any form of cancer;<sup>19</sup>
4. Even in the most extreme cases of exposure to asbestos, Dr. Snyder testified that the available medical and scientific literature would not support a causal connection to cancer.

For example, Dr. Snyder swore that even in the case of a person who works in an asbestos product manufacturing facility that emptied bags of chrysotile asbestos every day for 40 years and was exposed to millions of asbestos fibers per cubic centimeter, even in such an individual, Dr. Snyder claimed that the medical literature does not enable a reasonable medical probability opinion concerning causation.<sup>20</sup>

Not a single government agency has taken the positions that Dr. Snyder, while on the U.S. government payroll, has taken in private litigation. Enclosed is a position presented by OSHA which has been unchanged for over twenty years. Also enclosed, is a document of the U.S.E.P.A. that fails to support Dr. Snyder's sworn assertions.

Please consider this my request for the National Institutes of Health to investigate the potential conflicts of interest presented by Dr. Jack W. Snyder's testimony in asbestos litigation. Please also consider this my request for any documentation that has been submitted by Dr. Snyder requesting or authorizing his work in asbestos litigation.

Thank you for your attention to this very important matter. If you have any questions, please feel free to contact me.

Sincerely,

Troy D. Chandler

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<sup>17</sup> See Transcript at pg. 113, lines 19-22; pg. 130, lines 7-24; pg.

<sup>18</sup> See Transcript at pg. 114, line 10- pg. 115, lines 6.

<sup>19</sup> See Transcript at pg. 130, lines 19-24

<sup>20</sup> See Transcript at pg. 151, line 7 – 152, line 1.