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Mesothelioma – Suing For Compensation

By Rick Hendershot

Most asbestos lawsuits have been filed by people who have worked in environments where they

have been exposed to asbestos, and who subsequently developed an asbestos-related illness such as asbestosis or mesothelioma. The purpose of asbestos lawsuits is to recover financial damages from the employer responsible for maintaining the safety of the workplace, or from some other company that was negligent in manufacturing or in recommending a hazardous material.

Financial damages usually include the cost of medical bills, other costs associated with the disease, lost wages, and sometimes compensation for loss in quality of living or potential for future earnings. Mesothelioma cases usually receive the highest settlement amounts -- typically being settled out of court for about \$3 million each.

The History of Mesothelioma Lawsuits

The first asbestos products lawsuit took place in Texas in 1966 when Johns-Manville, Fibreboard and Owens-Corning Fiberglas were sued on behalf of Claude Tomplait, an asbestos worker. Tomplait lost this case, but it was quickly followed up by another one in 1969 which was won and upheld in appeals in 1973.

In the late 1970s the legal battles took on a different tone. It was found that asbestos companies were involved in a conspiracy to suppress knowledge about the harmful effects of asbestos. By 1982 punitive damages were being awarded to sufferers of asbestos-related diseases, and many of the major companies responded by seeking Chapter 11 bankruptcy protection.

This complicated the legal situation considerably. Things also changed in the 1980s because successive waves of new workers were coming forward with asbestos-related diseases. These included workers in construction companies, asbestos distributors, and companies involved with asbestos-related products such as brake linings and insulation.

Eventually, many of the major bankrupt asbestos companies set up settlement trusts to handle problem cases separate from the litigation process. Most lawyers will simultaneously proceed with

Mesothelioma – Suing For Compensation

litigation against the companies while negotiating with the settlement trusts. Normally, when a settlement is reached with the trust it will be for much less money, and payments are often spread over many years.

****How do lawyers proceed with mesothelioma cases?***

Most lawyers in this field will do an examination of each claim on an individual basis. Since they often take on such cases on a "contingency" basis, they will usually not take on a case unless they have a reasonable chance of winning. This means that a history of contact with asbestos is usually not sufficient to proceed. A person should have tangible evidence of the presence of mesothelioma before a serious case can be undertaken.

The lawyer will look at all relevant information including medical records, family history, work history, exposure to asbestos. They normally have to be satisfied of two things before beginning — there must

be a diagnosis of mesothelioma, and there must be defendants who can be held responsible. Once they have these two things they are usually prepared to take on the case.

****How are the lawyers paid?***

Most lawyers work on a contingency basis. This means they do not get paid until the case is settled in their client's favor. A standard rate is 30% of the gross settlement. When selecting a lawyer, be careful of how the funds are dispersed. Some will take their 30% and then pay the legal fees out of the client's portion. This means they will actually be getting more than 30% — sometimes closer to 40 or 50%. Look for a firm that pays the fees out of the gross settlement amount. And be sure that there are no circumstances in which you will be billed for costs if your lawyer loses the case.

****Workers' Compensation or 3rd Party Litigation***

Normally when a claim is made against an employer, the case is handled by Workers' Compensation. In most jurisdictions this is a "no fault" insurance system. All employers must have this kind of insurance. So when a claim is made against the system, there is no need to establish that the employer was at fault. All the system has to do is establish that the employee has been injured or disabled because of his or her employment.

A workers' compensation claim can usually be finalized within 6 to 12 months.

When filing a civil lawsuit against a 3rd party such as a product manufacturer, the process is considerably more complicated. In this case, the lawyers representing a mesothelioma victim will usually name several defendants — sometimes as many as 30 or 40 mining companies, manufacturers, distributors, brokers, insulation contractors, general contractors, etc.— to attempt to spread the damages over as many parties as possible and increase the chances of receiving a sizable settlement.

Experienced lawyers will attempt to settle with defendants before actually going to court. If the case does get to court and a verdict is reached it is almost certain to be appealed. In such cases it can take

years to reach a final resolution.

****If you have been exposed to asbestos...****

If you have been exposed to asbestos, the best advice is to have a thorough medical examination to determine if you have any signs of mesothelioma. If you do, then it is best to consult with a lawyer about your situation as soon as possible.

For mesothelioma information and advice see ==>

<http://www.mesotheliomaadvisors.com>

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mesothelioma articles and reports see ==>

<http://www.mesotheliomaadvisors.com/reports.html>

==> Rick Hendershot is a writer and online marketer and publisher. See ==>

<http://www.linknet-promotions.com>

Mesothelioma Victim And Lawsuit For Compensation

By Kirsten Hawkins

Before we understand Mesothelioma Victim Lawsuit compensation, it is important to have a basic understanding of mesothelioma and its possible causes. Mesothelioma is a cancer caused by exposure to and inhaling asbestos particles.

Mesothelioma is serious cancer of the lining of the lungs and abdomen. This is a serious disease and its seriousness is enhanced by the fact that it can remain dormant in the body for more than thirty years. However, when it starts to manifest the medical treatment thereafter is of no avail. The knowledge of being affected by Mesothelioma so late in life comes as a shock. It causes trauma and upheaval in the life of the individual and the family members. It further adds a burden on the meager financial resources of the individual for being treated for Mesothelioma at a time when he/she should have been relaxing and enjoying life with their grandchildren. This is the major reason why many mesothelioma victims are filing lawsuits to seek compensation.

Mesothelioma Victim Lawsuit compensation is a step against organizations that endangered the lives of their employees by deliberately hiding the information related to the health hazards of asbestos exposure.

The life span of a Mesothelioma victim is not more than twelve months after the diagnosis of disease. This adds to their woes in seeking compensation in time. It further shocks the family members and

Mesothelioma – Suing For Compensation

their near and dear one has very little time left. The family members can file Mesothelioma Victim Lawsuit compensation even after person dies. However, they have to file the lawsuits for compensation within a stipulated duration of the death of mesothelioma victim.

Most of the mesothelioma victims and their family members are not sure how to go about the Mesothelioma Victim Lawsuit compensation. Fortunately, there are experts lawyers that specialize in dealing with mesothelioma lawsuits for compensation.

Generally, the mesothelioma attorneys work on a contingent fee plan. This helps the victim to file the lawsuits for mesothelioma compensation without worrying for the legal expenses. These lawyers charge no upfront fee. They charge a percentage of the compensation as their fee and charge no fee if the victim does not get any compensation. The mesothelioma lawyers also help the victim to compile details and gather information related to asbestos exposure thereby get attractive sum as compensation from the mesothelioma lawsuit.

Kirsten Hawkins is a asbestos and mesothelioma specialist from Nashville, TN. Visit

<http://www.asbestosblog.org/>

for information on asbestos reform, mesothelioma lawsuit news, and

more.

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