



Our Asbestos Claims Experience

The Asbestos History

We know there's really only one case you are truly interested in... yours. But please take a moment to read this. It's helpful to know that you are dealing with a team of experienced professionals whose commitment to this work over the years has resulted in an unparalleled record of achievement.

Slater & Gordon achieved the first successful asbestos cancer verdict in 1984. Shortly afterwards, we successfully resolved the first mesothelioma claim against a public electricity utility. Very soon after that, we won successful verdicts for:

- the first asbestos lung cancer case
- the first claim against an occupier of premises
- the first claim against the multi-national Esso

In 1986, we got the call from WA to help the many victims of the CSR blue asbestos mine at Wittenoom. Other plaintiff firms were approached around this time to take on CSR, but everyone shirked it – CSR just seemed too powerful. Everyone, that is, except Slater & Gordon.

Landmark Cases

In a four-year campaign headed by Peter and John Gordon, Slater & Gordon pitted all the firm's financial, intellectual and emotional resources into that fight.

We lost the first case – which nearly broke the bank – as well as our hearts. But, in the second case, we won a record verdict and, for the first time, punitive damages. Several months later, after 128 days of trial in the Heys / Barrow Case v CSR, we established the direct liability of CSR to the Wittenoom workers. It was the firm's finest hour.

In late 1989, we concluded an historic group settlement which meant that virtually all of the 350 injured CSR workers we had taken on in 1986 received fair compensation.

In 1991, we won Australia's first negligence verdict against James Hardie in the Rafferty case.

In the months that followed, we won the nation's first verdicts against railway utilities and against the Commonwealth of Australia over exposure at the Wittenoom Naval Dockyards.

In 1993, we won the first Australian verdict for "third ware exposure" exposure which had taken place in an office environment.

And, with every legal battle on behalf of asbestos victims, we constantly refined our methods to make cases quicker and the process easier for our clients.

We introduced bedside hearings and obtained the first court orders for the pre-trial video-taping of a sick plaintiff's evidence. We made it a standard practice to see claimants at their home rather than our office.

During all this time, the largest group of Australian workers missing out on asbestos compensation were Australia's waterside workers.

In the late 80s, a waterside worker's test case had begun and had then been abandoned by another law firm which, incidentally, these days claims to have a proud history in asbestos litigation. For the best part of 10 years, the claims continued to be turned away until Brian Crimmins, a Melbourne truck driver who had been a wharfie, walked in to Slater & Gordon in 1997.

We won record damages for Brian. The Commonwealth fought his claim relentlessly but in 1998, Slater & Gordon won Brian's case in a landmark High Court judgment. Over the next several years, we obtained compensation for hundreds of long-neglected wharfies and their families, including compensation of over a million dollars to the family of the man abandoned by that other law firm in the 1980s.

In 2000, Slater & Gordon won compensation for a pregnant mother with mesothelioma in an historic "office worker" case against the Commonwealth.

Following this tragic case, lobbying by Slater & Gordon persuaded the Victorian Government to pass laws that preserved the damages rights of victims if they died before the resolution of their case.

Subsequently, Slater & Gordon's asbestos lawyers played important roles in achieving similar reforms in Western Australia, Tasmania and Queensland in cases of mesothelioma.

James Hardie case

In 2004, a Slater & Gordon team headed by Peter Gordon and Ken Fowlie acted pro bono for the ACTU, the union movement and asbestos support groups in the James Hardie Commission of Inquiry. Not all of our submissions were adopted by the Commissioner, but many have since been taken up by ASIC in civil prosecution against Hardie's directors.

Following the inquiry, Slater & Gordon partner Ken Fowlie acted for the ACTU in the negotiation of the historic agreement which compels James Hardie to fund its asbestos victims for the next 50 years.

Mesothelioma cases

In February 2005, Slater & Gordon asbestos expert James Higgins, won compensation for a 48 year old nurse, struck down with mesothelioma. She had been living in Tasmania for many years and had no idea where her fatal contact with asbestos many years before had occurred. Through Slater & Gordon's national resources, we were able to identify her exposure and uncover crucial evidence of a past asbestos hazard at the Royal Brisbane Hospital. It was the first claim of its kind.

On St Patrick's Day, 2005, Slater & Gordon conducted the first successful mesothelioma case in the Supreme Court of South Australia. This was a victory for South Australian mesothelioma victims. The South Australian Chief Justice awarded Mr Bill Ewins \$197,287.85 in damages. Mr Ewins' mesothelioma was caused by his exposure to asbestos whilst employed by BHP between 1949, and 1963, at the Whyalla Shipyards.

Recent Mesothelioma and Lung Cancer Cases

In December 2006 the Slater & Gordon's Tim Hammond, won compensation for the widow of Perth man, who was struck down by lung cancer at age 45. The victim had no pre-existing asbestos related conditions such as asbestosis or pleural plaques when he developed the lung cancer, which had made previous cases like this very hard to win.

The hotly contested four-week trial, saw James Hardie and other defendants, revert to tactics reminiscent of the conduct of CSR in early Wittenoom cases of the 1980s; throwing every conceivable argument at the plaintiff. A previous similar case which ran in New South Wales by another firm a few years ago was unsuccessful. The case was a massive victory for the victim's wife and four children, some four years after his death; providing them with a critical buffer of financial security.

In February 2007, Slater & Gordon's Margaret Kent secured a record payout for a mesothelioma claim. In an out of court settlement, 58 year old Melbourne inventor Tim Lacone was awarded \$2.75 million in damages settlement. Tim was developing a highly innovative swimming pool and industrial water filter when he was diagnosed with mesothelioma in 2006. He was in talks with a major pool filter manufacturer about the mass production of his invention before he was struck down with the disease.

At his post-victory press conference, Tim pledged to devote a significant portion of his compensation to research to help others afflicted by asbestos disease. He also famously likened James Hardie and its now infamous flight to the Netherlands as akin to a hit-run driver leaving the scene of an accident, prompting many of us involved in the 2004 James Hardie Inquiry to wish he'd been our spokesman back then!

Today, as in years past, we act for more asbestos cancer/mesothelioma sufferers than any other firm. We do it with pride, passion and commitment. It's the only way we have ever known. History counts for a lot.