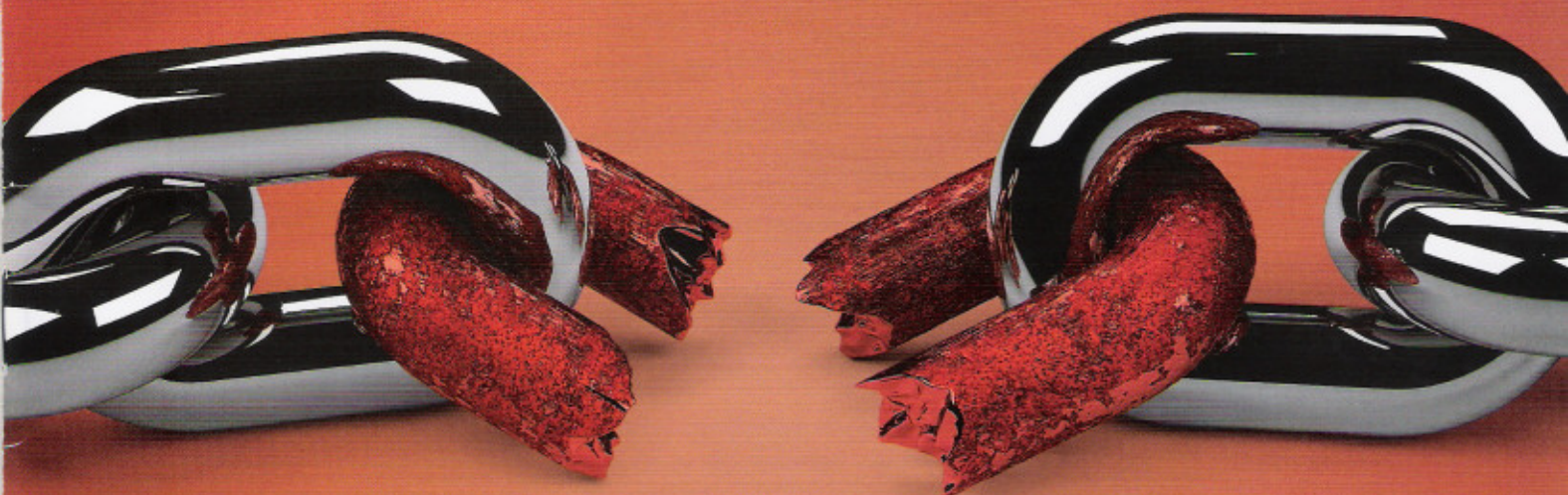


**American
Association
for Justice**
www.justice.org

Trial

November 2011



Products Liability

Go Global for Stronger Safety Claims
Products and Preemption
Focus on Quality Management Procedures



Justice in Motion

MEMBERS IN MOTION

Lawyer opens his home to foster children

A few years ago, lawyer John Cord and his wife, Kelly, who live in Baltimore, decided to take the city's foster parent training course and sign up to be parents. Months later, the couple got a call asking if they would take in a six-week-old boy who needed emergency placement because of possible abuse. He had a dislocated arm and fractured leg, and radiology indicated older healed fractures that had never been medically treated. They agreed to be his foster parents and kept him for six months, until one of his relatives took him in.

Losing him was difficult, Cord said, but he's glad he could help him. Children who end up in the foster care system need people to step in and help. Totally dependent on other people, they are in difficult circumstances "just because they are born to a family that is not ideal at the time," he said.

The Cords have opened their home to four foster children so far. One is a two-year-old girl who lives with them and whom they may eventually be able to adopt. "As much as we love her, there are competing concerns," Cord said, because the system is "designed to put foster children back in the hands of family members."

"Every case in the foster care system is a tragic story," he said. The system aims to "put these children in a safe place while their parents get their lives straightened out."

Foster parents know they may not keep their foster children forever. Still, Cord said, "you fall in love with them."

"People always say they couldn't do it, but everyone can do this," he said. "It's hard, but every city has kids who need help."

He noted that Baltimore City does a great job of training and providing support, and other resources are available, including groups of foster care parents.

"Like anything in life, there are a lot of reasons not to do something, but there are also a lot of reasons to do it," he said.

When Cord and his wife had to let their first foster child go, he said he realized he wanted to have children of his own. They had a baby who is now nine months old. Before participating in foster care, he said, "I wasn't sure I wanted kids. Now, I cannot imagine my life without children in it."

Cord and his wife plan to stay on the list to serve as foster parents to other children. "There are still kids out there who need help, and we want to keep doing this as long as we can."

1 Are you or another AAJ member you know doing work for your community that you'd like to share with Trial readers? Send your story for consideration to trial@justice.org with the subject heading "Members in Motion."

Payer issues, and injuries from drugs and medical devices, for example.

2 AAJ members who can share clients' stories with the media should contact AAJ Communications at (202) 965-3500, ext. 8369, or e-mail media.replies@justice.org.

CAPITAL REPORT

Plaintiffs Defend Civil Justice System at Asbestos Hearing

PLAINTIFFS MADE A strong case for the civil justice system at a recent congressional hearing on alleged fraud and abuse in asbestos litigation and the asbestos bankruptcy trusts. A key witness countered testimony that plaintiff lawyers and their doctors should be investigated for supporting fraudulent claims, the bankruptcy trust system allows claimants to

"double dip" by recovering damages in tort suits and also filing claims with the trust, and asbestos litigation targets companies that should not be held responsible for exposing people to asbestos because they did not manufacture the substance but only distributed it.

Plaintiff lawyer Charles Siegel of Dallas told members of the U.S. House Judiciary Committee's Subcommittee on the Constitution that state law remedies should be protected and that there is no double dipping because the trust and state tort systems work together to ensure that victims of asbestos exposure are compensated fairly.

Republican members used the hearing to perpetuate the view that plaintiff lawyers, doctors, and asbestos victims are committing significant fraud to get money from corporations whose only fault was selling goods that they knew contained asbestos. Committee chairman Rep. Trent Franks (R-Ariz.) asked why the bankruptcy trusts are not

transparent and how the alleged failure to hold individuals accountable for fraud affects the system overall.

In response, Rep. Bobby Scott (D-Va.) said that victims of asbestos exposure are entitled to recover from companies that knowingly and deliberately exposed their workers and consumers to asbestos. Siegel noted that juries have found that companies that sold asbestos-containing products were negligent or grossly negligent in manufacturing or selling asbestos products, so they are directly responsible for the resulting harms.

Witnesses for the majority included Professor Lester Brickman of Benjamin N. Cardozo School of Law, Michael Carter of Monroe Rubber & Gasket Co., and James Stengel of Orrick, Herrington & Sutcliffe.

AAJ's Public Affairs Department will continue to monitor and respond to attacks on the asbestos liability system.

2 For more information, contact Julia Duncan at julia.duncan@justice.org.