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# INJURY LAW FIRM™

# ALERT

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No. 2

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## HEALTH PROBLEMS LINKED TO ASBESTOS EXPOSURE

**This *Injury Law Firm Alert* does not constitute an attorney-client relationship but is meant for informational purposes only. Nor is this *Alert* meant to replace the legal advice of an attorney. Every case is different with specific circumstances that should be addressed individually. Should you have a legal question, speak to an attorney who is qualified to answer your specific question.**

### **ASBESTOS: The “Stealth” Problem**

Asbestos related diseases are a hidden problem. Often it takes decades before they develop. Thus, people often fail to associate their disease with its cause – asbestos exposure.

Further, for years, asbestos related diseases were just generically diagnosed as a type of lung disease or lung cancer. Medicine is now more sophisticated in diagnosing asbestos related diseases. Asbestos exposures can occur in all sorts of unexpected ways. For example, asbestos is in auto brakes and clutch

plates. It is found in ceiling panels and insulation products in many homes. Lastly and most surprising, asbestos can affect not only those who had direct exposure, but family and friends who had only “second-hand” exposure by being in contact with the person who had direct asbestos exposure.

### **ASBESTOS: Its History and Use**

Asbestos is a mineral. It is composed of silicon, oxygen, hydrogen, and other metal ions. Asbestos insulates very well because its fibers are strong, flexible, and will not burn. It is a tiny fiber. In fact, it is less than one-half the diameter of a strand of hair.

Because asbestos is so small and powder like, it is easily air borne and easily inhaled. When inhaled, asbestos can cause serious health problems.

Many products in industry are made of asbestos. Additionally, asbestos was or is used in sealants, cement pipe, and pipe insulation. Further, asbestos was widely used in Navy and merchant ships and ship yards and in the shipping industry.

The federal government placed a moratorium on most asbestos products in the early 1970’s.

#### **In this issue...**

- ▶ History of Asbestos Use
- ▶ Symptoms of Asbestos Exposure
- ▶ Asbestos-Related Diseases
- ▶ Who Should be Tested?
- ▶ Frequently Asked Questions

However, installation and use of these products continued through the late 70's and into the early 1980's.

As far back as 1935, cancer attributable to asbestos exposure was diagnosed in the United States. Recognized scientific studies have established that exposure to asbestos results in serious health problems. Often, however, these problems will not manifest until 15 to 40 years after the exposure.

### **ASBESTOS EXPOSURE: Symptoms**

The typical symptoms of asbestos exposure are **shortness of breath, coughing, chest pain, a dry crackling sound** in the lungs when inhaling, and **weight loss**. It is often very difficult to associate these symptoms with asbestos exposure. **Often, the symptoms will not appear until 15 to 20 years after the initial exposure.** If you or someone you love is concerned that you may have had an asbestos exposure, contact your primary care physician for an x-ray referral. Thereafter annual or semi-annual asbestos detection tests are recommended.

### **ASBESTOS EXPOSURE: Linked Diseases**

#### **Mesothelioma:**

This is a particularly pernicious type of cancer. Virtually all cases of mesothelioma are linked to asbestos exposure. This cancer affects the thin membrane lining the thoracic and abdominal cavities and surrounding internal organs. This is an extremely serious and debilitating asbestos related cancer. It can affect people who have experienced very low or only intermittent levels of asbestos exposure. **Thus, it can affect not only the person who had direct contact, but family members who had "second-hand" exposure as well.** Symptoms include shortness of breath, pain in the lower back or side of the chest, coughing, and weight loss. This cancer is life threatening. Often it does not appear until 20, 30, or 40 years after exposure.

#### **Lung Cancer:**

This is the most common type of cancer for individuals who had a prolonged asbestos exposure.

The cancer develops through the surrounding tissue. It invades and obscures the air passages.

#### **Asbestosis:**

This involves the hardening and scarring of the lungs. It is a serious, chronic, non-cancerous, fibrous hardening. This can result in other lung impairment or heart disease. Unlike lung cancer or mesothelioma, the risk of Asbestosis is minimal for those who do not work with asbestos. Symptoms are shortness of breath, coughing, and a dry crackling sound while inhaling. In advanced stages, it may cause cardiac failure. This is a slow progressive disease with a latency period of 15 to 30 years or more.

#### **Pleural Plaque/Thickening:**

This disease scars the lining of the lung and indicates that an individual has had lung damage sufficient to be at risk for more serious complications. This is not a cancerous condition. However, at the very least, plaque or thickening impairs lung function and restricts breathing capacity.

### **ASBESTOS EXPOSURE: Who is at Risk?**

If you have worked in any of the trades below or were in contact with anyone who worked in the trades below, you may be at risk:

- Oil Field Workers
- Oil Refinery
- Miners
- Construction sites (all jobs)
- Custodian/Handyman
- Schools
- Power Plants
- Steel Workers (plants and construction)
- Automotive and other repair shops
- Hotels
- Asbestos plant workers
- Home Improvement (all jobs)
- Telephone (installation/repair)
- Hospitals
- Longshoremen
- Shipyards (all jobs)
- Boiler or Engine Rooms
- Boiler Makers

- Steamfitters
- Metal lathers
- Operational Engineers
- Electricians
- Asbestos Workers/Insulators/Laggers
- Military (Navy/Army tank units/Motor pool)
- Merchant Marines
- Firefighters
- Cement plant workers
- Loading docks
- Heating and Air Conditioning
- Pipefitters
- Plumbers
- Railroad Workers
- Utility Workers/Power Companies
- Glass factory workers
- Chemical Plants
- Industrial Plants
- Industrial Painters
- Sheetmetal workers
- Laborers

### **ASBESTOS EXPOSURE: Who Should be Tested?**

- If you or someone you love has had prolonged breathing problems.
- If you or someone you love had prolonged exposure to asbestos, or if you are not sure but think there may have been prolonged exposure.
- Immediate family members of people who have worked in asbestos related industries. Family members should be tested even if the person who worked with asbestos has no visible symptoms. Some people are simply more susceptible than others, even if they did not have direct exposure.
- If you or someone you love has experienced an exposure to a very high concentration for a very short period of time. This is also called a “burst” exposure.

### **ASBESTOS EXPOSURE: Types of Tests**

Initially, a doctor will take an x-ray, both side and front views of your chest. Based on that, further tests

may include a pulmonary function test, blood work, a CT scan, and possibly a biopsy.

### **FREQUENTLY ASKED QUESTIONS:**

#### 1. How does asbestos work?

Asbestos is a mineral. It is made of strong, flexible fibers that do not burn. Typically, the fibers are mixed with other materials that bind them together. These products are then used in a variety of industrial products. As the products age, the fibers break loose and are transported in the air.

#### 2. Does asbestos exposure cause health problems?

Yes it can. There are four diseases which have been scientifically linked to asbestos exposure: mesothelioma, lung cancer, asbestosis, and plural plaque and thickening.

#### 3. Do you have to have worked in an asbestos industry to have been exposed?

No. It is correct that heavy exposure typically occurs for those who worked in asbestos industries or those who work in construction, and in the removal and/or demolition of asbestos. Some workers may have been exposed during the manufacture of asbestos products and textile insulation. Exposure may also come from working on automotive brakes and clutches. Finally, there is exposure in shipyard work, and for firefighters, and school custodians. However, family members who did not work with asbestos may be inflicted with asbestos-related diseases. Thus, however slight the exposure might have been, asbestos can affect anyone who has had exposure to it.

#### 4. How long does it take asbestos symptoms to manifest?

Typically, it takes 15 to 30 years before a person knows if he or she has an asbestos related disease. These diseases are progressive. Typically, it is a respiratory problem.

#### 5. What are some of the symptoms of harmful asbestos exposure?

The symptoms vary with individuals but, typically, a doctor will look for coughing, coughing blood, shortness of breath, chest pain, and weight loss. The insidious thing about asbestos exposure, you may not experience these symptoms until 25 years after the exposure.

6. What should I do if I think I have been exposed?

You should contact your physician for an x-ray referral.

7. How does the law treat illness caused by asbestos exposure?

The law holds the asbestos manufacturers and suppliers responsible. Cases one or all can be filed in Federal Court. Further, various state court actions are filed throughout the United States. Lastly, a number of asbestos manufacturers are assessing their financial responsibility through the federal bankruptcy courts.

**The important thing for anyone exposed to asbestos is to be aware of the statute of limitations.** Even though the exposure may have occurred a long time ago, **you may have legal redress if proper legal procedures are followed within four (4) years (in Wyoming) after discovery of the cause of your illness. Note: This varies state to state. Time is of the essence.** Also note that there may be Workers' Compensation coverage and it has strict time limits as well. Thus, it is important that you consult with an attorney familiar with this type of litigation as soon as you believe there is an asbestos-related problem.

8. Where can I get more information about asbestos-related diseases and asbestos lawsuits?

You may contact Michael Shickich at The Injury Law Firm. Call toll free at (877) 266-5297 if you have further questions. Also, listed below are some additional websites that have helpful information:

Agency for Toxic Substances and Disease Registry  
[www.atsdr.cdc.gov](http://www.atsdr.cdc.gov)

American Lung Association  
[www.lungusa.org/air/envasbestos.html](http://www.lungusa.org/air/envasbestos.html)  
Cheshire Medical Center  
[www.cheshire-med.com](http://www.cheshire-med.com)

National Cancer Institute  
[www.graylab.ac.uk/cancernet/201071.html](http://www.graylab.ac.uk/cancernet/201071.html)

American Cancer Society  
[www.cancer.org](http://www.cancer.org)

## THE LEGAL PROCESS:

First and foremost, it is important that your situation be evaluated before the statute of limitations runs. Typically, Wyoming's statute of limitations for this type of action is four (4) years. **However, this needs to be evaluated for each case, and it varies from state to state.** Where a lawsuit is filed will often depend upon where the exposure occurred and/or where the asbestos was manufactured. In addition, a person suffering from an asbestos disease may be entitled to workers' compensation coverage. In Wyoming, it is important that notice be timely given in order to qualify for Workers' Compensation.

**ABOUT R. MICHAEL SHICKICH:**



Michael Shickich is a fourth generation Wyoming resident. He has a regional law practice. In addition to being licensed in Wyoming, he is also licensed to practice in Colorado and New Mexico.

**Experience and achievements include:**

- Over 20 years experience as a trial lawyer.
- Direct knowledge of injury/insurance system: 8 years prior experience in insurance defense law.
- Highest rating of “Very High to Preeminent” by Martindale-Hubbell®.
- Member of the “Million Dollar Advocates Forum.”
- President of the Wyoming Trial Lawyers Association, 2003-2004.
- Dean of “The People’s Law School,” 2002-present.

**Practice areas include:**

- Automobile and Pedestrian Accidents
- Wrongful Death
- Injuries to Children
- Spinal and Bodily Injuries
- Burn Injuries
- Amputations
- Paralysis
- Oil Field Injuries and Explosions
- Brain and Head Injuries
- Nursing Home Negligence
- Asbestos and Toxic Exposure
- Trucking Accidents
- Airplane Crashes
- Railroad Injuries
- Whistle Blower Cases and Corporate Fraud, Theft and Medicaid Fraud
- Class Action Lawsuits
- Prescription Drug and Pharmaceutical Injuries
- Insurance Bad Faith and Wrongful Denial of Insurance Benefits

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DO YOU HAVE OTHER AREAS OF INQUIRY? Feel free to contact us. We have these other information alerts:

- Five Critical Facts that Tell You When it is Time to Retain an Injury Attorney
- How Much Do You Really Know About the McDonald’s Coffee Case?
- Health Problems Linked to Ancure Abdominal Aortic Stents
- Three Types of Insurance that You Need to Know About
- You Have Just Been in an Accident – Now What? (13 Must Know Facts)
- Eleven Facts about Auto Insurance that You Need to Know

If you have a question, and we do not have an alert, we still may have an answer.

**Questions, Comments, Suggestions? I would be happy to hear from you, and you can reach me at:**

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