Asbestos Victims Object to Attorneys' Fees

BILLINGS, Mont. (AP) — Some victims of asbestos exposure in northwestern Montana have asked a state judge to deny $4 million in fees and costs requested by attorneys in a legal settlement with chemical manufacturer W.R. Grace and Co.

In letters submitted to state District Court Judge James Wheelis, about 20 people, including victims, said the money should instead be spent on medical care for those sickened by asbestos dust from a Grace mine near Libby.

Three letter writers supported the fee request.

Court officials said Monday that a ruling from Wheelis is pending after a two-week comment period expired Friday. Wheelis opened the comment period following a March 1 fairness hearing on the fee request.

The attorneys' request equals about 20 percent of last year's $19.6 million settlement with Grace over decades of asbestos exposure that has killed an estimated 400 people and sickened more than 2,000. Asbestos dust from the mine once blanketed the town, exposing both mine workers and unknowing residents.

A separate legal settlement between asbestos victims and the state of Montana to cover damages for failing to intervene sooner in Libby included $14 million in attorney fees.

Angela Young, a Libby resident who said she's attached to an oxygen tank 24-hours-a-day to help ease her asbestos-caused lung problems, told Wheelis that the plaintiffs' lawyers have gotten enough money for their work.

"Yes the lawyers should be and have been compensated," Young wrote. But "the lawyers are not the ones who are afflicted. There are many suffering victims that can use the money more effectively in their daily struggles to live a semi-normal life."

Among those writing in support of the attorneys' request was Libby resident and longtime victim advocate Gayla Benefield. She praised the attorneys for sticking with the case even after Grace went bankrupt.

"Without them and their support, we would continue to be forgotten and left to our own means," Benefield told the judge. "Had it not been for the law firm, we would have lost all right to bring W.R. Grace to justice in some form."

The Grace settlement resulted from the company's bankruptcy case, during which victims' attorneys from three firms worked more than 18,000 hours over 11 years, according to an affidavit submitted to the court by Jon Heberling, one of the lead

attorneys in the litigation.

The attorneys were from three law firms: McGarvey, Heberling, Sullivan and McGarvey P.C. of Kalispell; Lewis, Slovak, Kovachich and Marr P.C. of Great Falls; and Murtha Cullina LLP, which has offices in multiple locations

Although their contracts with clients entitled them to a 40 percent share of the settlement, the firms said they opted for a lesser percentage that would come from all qualifying victims and not just their clients.

Heberling said Monday that he could not discuss the case publicly because of separate litigation still pending over Libby's asbestos contamination.

The medical trust fund set up with the Grace settlement money has enough money to last about five years, according to trust administrator Nancy Gibson.

However, because of the long latency period for asbestos-related diseases, it could be many years before some people in Libby develop medical complications. That means the trust could be depleted by the time some people need it.

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