

Statement of Abel Manji
Before the Subcommittee on Oversight and Investigations
House and Energy Commerce Committee
July 26, 2006

Chairman Whitfield, Ranking Member Stupak, and Members of the Subcommittee, my name is Abel Manji and I am currently an attorney with the O'Quinn Law Firm located in Houston, Texas formerly known as O'Quinn Laminack and Pirtle. I am testifying today as a representative of the O'Quinn Law Firm. However, it is important that I state at the outset, that while I am here representing the O'Quinn firm, my direct and personal knowledge of a number of the issues raised by the Subcommittee in its investigation is limited, as I first joined O'Quinn, Laminack, and Pirtle in May of 2005 – one month prior to Judge Janis Jack's June 2005 Opinion and Order. It was at that time I took over the Firm's remaining silica cases. With that said, I am, however, familiar with the documents produced to the Subcommittee, almost all of which precede my arrival and subsequent practice at the Firm. With these constraints, I will certainly attempt to answer your questions to the best of my ability and knowledge.

Mr. Chairman, prior to addressing some of the public health issues that the Subcommittee has raised regarding silicosis and the findings and actions of Judge Jack, I'd like to thank you and the Subcommittee staff for its continued cooperation in accommodating the O'Quinn firm. As a result of the sheer volume

and logistical challenges connected with reviewing over three thousand one hundred separate case files in connection with the Subcommittee's inquiry, the Subcommittee agreed that it made sense for our firm to provide copies of a representative sample of thirty (30) randomly-selected client files, equally drawn from its Mississippi and Texas silicosis case portfolios – all the while respecting accepted categories of privilege. The O'Quinn firm cooperated with the Subcommittee in providing these case files and other documents. Again, we appreciate these accommodations.

Additionally Mr. Chairman, I would like to briefly give the Subcommittee an overview of my trial experience. I have been a trial attorney for the last 13 years. In that time period I have litigated hundreds of cases to successful conclusion. I am experienced in both criminal and civil litigation, and I have represented defendants as well as plaintiffs. My experience also includes personal injury and toxic tort litigation.

I think it is important to remember that silicosis is a devastating and incurable disease, and that accurate exposure statistics are not available as the federal agency charged with compiling that data, the Occupational Health and Safety Administration, has not reevaluated its silica exposure standards in over decade. This is striking, and from my experience in handling workers injury claims due to silica exposure, I am confident that such exposure is much more

widespread than people think. In fact, I believe the Department of Labor in the 1990s suggested that silicosis is one of the most underreported and diagnosed occupational diseases in the United States. Silicosis is a real disease that has killed and will continue to kill hundreds, if not thousands of hardworking men and women for years to come, and as an attorney it is my job to help those men and women, should they choose, to seek a measure of justice for an illness that is 100% preventable.

I understand that the Subcommittee has focused extensively on Judge Jack's opinion in the multidistrict litigation that was pending in the Federal District Court in Corpus Christi, Texas, and especially the concerns raised in that opinion about screening companies, doctors, and lawyers. I think it is important to point out that the O'Quinn firm responded to Judge Jack's opinion by no longer using those screening companies and B readers, and by having clients re-examined by different doctors. As a result, many of those clients still have active, pending silicosis claims today.

At this point Mr. Chairman, I would like to use the remainder of my statement to briefly discuss and convey a few very important points as they relate to the O'Quinn law firm and its silicosis practice.

First – to the best of my knowledge, and at no time since I arrived at the O'Quinn law firm, did it engage in the practice of “re-treading” old asbestos cases

into new silicosis cases. In fact, the O'Quinn firm never had an asbestos docket. Rather, when an asbestos case did come to the Firm, these cases were immediately referred to another law firm that handled asbestos claims. While I cannot speak for other law firms, the O'Quinn firm did not knowingly engage in re-treading any asbestos cases.

Second – the overwhelming majority, as much as 98% of the O'Quinn firm's silicosis cases – came to it by referrals from other law firms. The O'Quinn firm does not advertise to attract silicosis cases, nor does the O'Quinn firm “hunt” for silicosis cases. Rather, the O'Quinn firm has, and continues to be, recognized as one of the premier plaintiff trial firms in the country. Between its seasoned litigators and experience in handling complex toxic tort litigation, smaller firms often refer such cases to O'Quinn for prosecution. This is how the O'Quinn firm became involved in the silicosis cases that were before Judge Jack.

Third – because so many of its silicosis cases were referred from other law firms, the O'Quinn firm relied heavily upon the referring attorney(s) and the initial screening process that occurred before the referral. The “screening process” is done to determine if an individual has a “legal” claim of silicosis or mixed dust, not to obtain medical treatment for clients. The Subcommittee has heard testimony regarding this distinction and I look forward to answering any questions you may have about it.

To that end, it is important to remember that the screening process was never intended to substitute for a more in-depth medical evaluations or treatment, and that one of the primary purposes of doing early screenings is to protect the rights of persons suffering from an occupational disease – ordinary people whose ability to obtain relief can be completely shut out by statutes of limitation.

Fourth – pursuant to testimony already received by the Subcommittee, the O’Quinn firm paid for all services rendered to it regardless of result. This is a direct reference to the Subcommittee’s inquiry regarding the “screening process” and the payment of law firms to screening companies for positive screening results only. I can’t speak to what other law firms may have done, but the O’Quinn firm paid the same fees to screening companies, regardless of whether the results were negative or positive.

Fifth – the O’Quinn firm has a policy of notifying and reminding all of its clients about the importance of consulting their personal physicians if the client was found to have positive medical readings for silicosis or other ailments. These communications were done in letters and phone calls. Some of those letters were provided to the Subcommittee in the documents the O’Quinn firm submitted to the Subcommittee.

Sixth – at all times, the O’Quinn firm relies on the representations of all parties with whom it communicates about these silicosis cases. This includes the

screening companies, physicians, referring attorneys, and clients that the O'Quinn firm represented and currently represents. My understanding is that the O'Quinn firm was not aware of the concerns raised in Judge Jack's opinion until the hearing in her courtroom. I was personally involved in making sure that all of Judge Jack's concerns were addressed; and I firmly believe that we have done that to the best of our ability.

The O'Quinn firm is very interested in securing recovery for people who suffer from occupational diseases like silicosis, but like this Subcommittee and Judge Jack, the Firm has no interest in pursuing claims that have no merit, or claims that fail to meet whatever standards are set by the courts or the government.

With that, I would like to thank you for your consideration; and I look forward to answering any questions you and Members of the Subcommittee may have.