

# MESOTHELIOMA AND YOUR LEGAL RIGHTS



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It has been well known for decades that exposure to asbestos is dangerous, even deadly. Despite this, asbestos-related illnesses are still a risk for people living and working in the world today. Mesothelioma, a type of cancer linked with asbestos exposure, is probably the most infamous of these illnesses, and thousands of new cases are still diagnosed in the U.S. every year.

There is no guaranteed cure for mesothelioma, and people who develop the illness must cope with the pain, symptoms, uncertainty, and costs of treatment. The outlook for people diagnosed with mesothelioma is often grim, leaving their surviving family to make sense of a preventable illness that took the lives of their loved ones.

The attorneys of Neblett, Beard & Arsenault have been serving Louisiana families affected by mesothelioma for decades. We know the statistics that show a high incidence of this rare illness in our state don't even begin to tell the stories of the many families and individuals who must cope with the reality of mesothelioma. This guide was created with those men, women, and families in mind. We hope it will help you better understand what a diagnosis of mesothelioma means and how you can investigate your legal rights to compensation. If you have questions after reading this guide, or if you need help, don't hesitate to reach out to us at (318) 561-2500 or through our website at [www.nbalawfirm.com](http://www.nbalawfirm.com).

## What Is Mesothelioma?

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Mesothelioma is an aggressive form of cancer that develops in the thin layer of specialized tissue, called mesothelium, that lines the lungs and other organs in your body. It most commonly affects the lungs, but there are rare cases of mesothelioma affecting tissues in the abdomen, around the testicles, or around the heart. Mesothelioma is primarily caused by exposure to and inhalation of asbestos fibers.

It takes a long time for mesothelioma to develop after asbestos exposure. People may not experience symptoms until ten years—or even sixty years—have passed, and it can be difficult for patients and doctors to connect the symptoms to asbestos-related cancer. The long timeline of disease development and its relative rarity mean that, even today, mesothelioma is poorly understood.

### Symptoms of Mesothelioma

The symptoms of mesothelioma vary depending on the part of the body affected, but many of the symptoms are initially similar to those of common conditions such as cold, flu, or hormone imbalance:

- Common symptoms of mesothelioma around the lungs, or “**pleural mesothelioma**,” include chest pain, coughing, fatigue, and shortness of breath.
- Common symptoms of mesothelioma affecting the abdomen, or “**peritoneal mesothelioma**,” include abdominal pain, swelling, and “lumps” in the abdomen.

There is little information available about the symptoms of rarer types of mesothelioma, but any unusual symptoms such as pain, unexplained weight loss, fatigue, or fever should be reported to your doctor as soon as possible. If you know that you have been exposed to asbestos, even years in the past, make sure to communicate with your doctor so appropriate testing can be performed.

## Diagnosis and Treatment of Mesothelioma

Diagnosing mesothelioma is difficult for a number of reasons:

- There is generally a long period of time between exposure and the first symptoms or signs of a problem.
- Doctors must get an accurate patient history that includes information about potential asbestos exposure, even in childhood.
- It takes time to connect the sometimes-vague symptoms to asbestos-related cancer.
- Testing for mesothelioma often requires surgery because non-invasive methods can produce false negatives.

If a doctor suspects mesothelioma, the patient will typically undergo chest X-rays and other imaging studies. The doctor or specialist may also take a sample of fluid from the lungs, but fluid testing is limited and may not confirm mesothelioma. That's why it's often recommended that the patient undergo a tissue biopsy for the most accurate diagnosis.

Once a mesothelioma diagnosis has been confirmed, doctors will go through "staging" the disease, or determining how advanced it is. At this point, patients will have choices to make about treatment, and they should weigh their options carefully with their medical providers. Treatment options for mesothelioma might include:

- **Surgery.** While it's not always possible to surgically remove the entire mass, surgery can relieve symptoms of mesothelioma and prolong life. Patients typically experience the best results from surgery in the early stages of the disease.
- **Chemotherapy.** Chemotherapy won't cure mesothelioma alone, but it can help to shrink tumors and limit their growth. For mesothelioma patients, the goal of chemotherapy is to prolong survival and ease symptoms.
- **Radiation.** Radiation treatments for cancer work best in targeted areas, but mesothelioma doesn't develop in a compact mass like other tumors. Mesothelioma masses develop more like a thin sheet over a larger area, making radiation treatment less effective. However, radiation can still be helpful in treating affected areas after surgery or recurrence.
- **Clinical trials.** New treatments for mesothelioma are being developed all the time, and some patients choose to take part in those clinical trials. If you are interested in clinical trials for mesothelioma treatment, speak with your doctor about available programs and how they might fit into your overall treatment plan.

Because each treatment option has limitations, many mesothelioma patients receive a combination of treatments that are tailored to their symptoms, needs, and choices. Patients also typically receive medication and therapies such as anti-nausea pills or mental health counseling to help control symptoms from both the disease and its treatment. In some cases, patients may wish to seek a second opinion to confirm their diagnosis and talk about additional treatment options.

Now more than ever before, patients have a better chance of surviving with mesothelioma and coping with its symptoms. However, mesothelioma remains an aggressive, poorly understood, and often fatal disease. The prognosis for people diagnosed with mesothelioma is poor, and the disease often is not detected until it has progressed significantly. In general, people with mesothelioma have a lifespan of approximately six months to two years after diagnosis, and the side effects of treatment can be severe.

### Financial Burden of Treatment

It isn't unusual for mesothelioma patients to drain their savings and test the limits of their health insurance. The costs of treatment from specialists, diagnostic testing, surgery, chemotherapy, radiation, prescription medication, home healthcare, and traveling for treatment add up quickly into tens of thousands of dollars. Many mesothelioma patients are unable to continue working or require long inpatient hospital stays, and they often have difficult decisions to make about their financial future.

While there is some help available from charity organizations and disability programs, many families must struggle to make ends meet while a loved one receives care. This financial burden is why it is so important for patients and families to understand their legal rights to compensation for their asbestos-related illness. Aside from holding employers and companies responsible for asbestos exposure, taking legal action can also provide much-needed financial relief.

## Who Is at Risk for Mesothelioma and Why?

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The first deaths from asbestos exposure were reported as far back as 1907. The first studies linking asbestos and lung cancer were published in 1955. Over the decades, many experts have spoken out about mesothelioma, asbestosis, and other dangers of asbestos exposure. However, even in more recent years, legislators have had limited success protecting citizens from asbestos products in the U.S.

Ultimately, the overwhelming majority of mesothelioma and asbestos-related deaths are preventable—but only if the dangers of asbestos are taken seriously. People have tried for decades to raise awareness and recognition of asbestos as a cause of cancer and to get asbestos-containing products banned. Currently, there is no ban on asbestos in the U.S. There is also no federal legislation that compensates people who have developed mesothelioma. However, there are varying protections provided at the state level. There are industry regulations that help control how asbestos is disposed of and used in products. There are also safety standards and legal protections in place for people who must work with or around asbestos.

## Asbestos Exposure at Work

While the public now has limited exposure to asbestos, asbestos-related illnesses are not yet a thing of the past. Louisiana's high incidence rate is deeply tied to the types of high-risk industries that have made their homes here. Asbestos is so prevalent in our jobs and historical buildings, that it's safe to say almost all people in the state has been exposed at some point in their lives. Even now, dozens of new mesothelioma cases are diagnosed in Louisiana every year.

Whether people were exposed decades before a diagnosis or in the course of their current work or service, most cases of mesothelioma are related to occupation. The types of workers most at risk for asbestos exposure include:

- Chemical plant and refinery workers
- Firefighters
- Railroad workers
- Shipyard workers and Navy veterans
- Steel and paper mill workers
- Miners
- Construction workers
- Plumbing and electrical workers
- Salt plant workers
- Katrina cleanup workers
- Auto and aircraft repair workers

There are also some job sites in Louisiana that are known to have exposed workers to asbestos, including oil refineries in Shreveport, Princeton, Lake Charles, the Port of Baton Rouge, and Plaquemine. While mesothelioma is more common in people who have been directly exposed to asbestos in certain lines of work, anyone who has ever worked in older buildings, worked with certain types of products, or been exposed to asbestos in second-hand situations is at risk.

## Company and Employer Liability in Mesothelioma Cases

Through lawsuits filed by victims and their families, companies that manufactured or distributed products containing asbestos can be held responsible for asbestos-related illnesses. The same is true for employers that did not adequately protect their workers from dangerous asbestos exposure. Unfortunately, while these legal avenues are available to many mesothelioma victims, it isn't easy for individuals or families to file a lawsuit or claim compensation on their own.

Speaking with an attorney is the best way for mesothelioma victims to learn more about their rights and options for filing a lawsuit against a negligent company or employer. For example, an attorney can help victims determine who was at fault for their asbestos exposure and the best course of action for their unique situations. Pursuing legal action ultimately gives victims and their families a chance to recover financial compensation for:

- Past, current, and future medical expenses
- Rent, mortgage, food, and other day-to-day necessities
- Physical and emotional pain and suffering
- Lost wages and earning capacity
- Funeral and burial expenses
- Loss of guidance, consortium, and companionship

Many people who have developed mesothelioma were exposed to asbestos through their employment after the dangers were already known. There have been a number of mesothelioma lawsuits filed against these employers, and many of those lawsuits have ended with multimillion-dollar awards for victims and their families. Some examples of significant mesothelioma lawsuits include:

- Union Carbide and other companies were ordered to pay \$48 million to a former contractor who developed mesothelioma after exposure to asbestos in the 1960s and 1970s.
- A man exposed to asbestos while working as a pipefitter in the 1970s was awarded nearly \$90 million in a case against Honeywell International, John Crane, and other companies.
- The wife of a worker exposed to Kaylo-brand insulation products came in contact with asbestos over years of laundering her husband's work clothes. She was awarded more than \$27 million after she developed mesothelioma.
- The surviving family of a man who worked as a Navy shipfitter in the 1960s, and later as a civilian steamfitter, received \$20 million after he died from asbestos-related mesothelioma.

The legal options for victims and survivors might include a personal injury lawsuit, a wrongful death lawsuit, claiming compensation under a mesothelioma trust fund, negotiating a fair settlement, or moving on to litigation. However, none of these options is helpful if victims don't know their rights and the steps to take action.



## What to Do After a Mesothelioma Diagnosis

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The days and weeks that follow a mesothelioma diagnosis can be overwhelming. There is so much information to process and so much to plan for that it can be hard to figure out where to start. The most important thing to do initially is follow through with your medical treatment and focus on your own health and wellbeing. After that, the next step is to get informed. Ask questions about your treatment options. Seek out opinions and support groups. Learn what you need to know about living with mesothelioma, and make plans to safeguard yourself and your loved ones.

As soon as you feel able, you should also consider scheduling an appointment to talk with an attorney who has experience with mesothelioma cases. The legal process for claiming or fighting for compensation can be extremely complicated, and sometimes the administrative trail stretches back for decades. An attorney can help explain your rights, investigate the causes of your condition, determine if a person or company is at fault, and support you through the legal process. Keep in mind that the attorney you choose becomes a part of your greater mesothelioma support team, along with your doctors and specialists, so it's important to choose someone that you trust and feel comfortable working with. Most attorneys will meet with you for a free case review, so you have a chance to talk with them and ask questions without obligation.

In Louisiana, victims have a relatively short time—generally one year from the date of diagnosis or death—to prepare and file a mesothelioma lawsuit. This means that you have a limited time to take legal action and investigate your rights.

Neblett, Beard & Arsenault represents mesothelioma victims throughout the state of Louisiana, and we would be happy to talk with you today. Whether you have questions after reading this guide or hope to hire our law firm to help with your case, our goal is to connect people affected by mesothelioma to the support and resources they need. If you do decide to hire us, you can rest assured that we provide each of our clients with an attentive legal team that is communicative, accommodating, and experienced with mesothelioma cases. We also help mesothelioma victims get access to Social Security disability benefits and other sources of financial relief while their cases are in process.

Mesothelioma is a scary diagnosis that leaves a lot of questions, but you don't have to suffer in silence or deal with the uncertainty alone. Real help, support, and legal guidance are only a phone call away—don't hesitate to reach out to us.

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