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# Mesothelioma Doctors, Lawyers Join Hunt for Valuable Asbestos Cases

By [DIONNE SEARCEY](#)

On the asbestos law firm website of Roger G. Worthington is a photo of him and Dr. Robert Cameron in an operating room, both in scrubs, hovering above the splayed chest of a gravely ill person who is the legal client of one and patient of the other.



"The hardest working man in America. Easily," Mr. Worthington, a plaintiffs' attorney, says of Dr. Cameron on his legal blog. "An American hero."

Dr. Cameron says of Mr. Worthington's devotion to clients: "He's more than their lawyer; he's almost their friend."

Together the men have helped start two nonprofits dedicated to assisting patients of mesothelioma, an asbestos-related cancer. Dr. Cameron relied on funding from Mr.

Worthington to build two research laboratories. When mesothelioma patients ask Dr. Cameron to recommend an attorney, he tells them to pick one who has donated toward finding a cure for the disease, and that includes Mr. Worthington.

The two have forged what has become an increasingly common relationship between a subset of cancer doctors and plaintiffs' attorneys, sharing what for each is an increasingly scarce but valuable resource: victims of mesothelioma.

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The Law Office of Roger G. Worthington P.C.

Dr. Robert Cameron, left, performs surgery on a legal client of Roger Worthington, facing camera, in a photo on the attorney's website.

It is an unusual alliance in the world of medicine that some ethics experts say blurs ethical lines. This is particularly true when doctors refer patients to attorneys who provide financial support for their medical research.

It "has the taste of a kickback," said Dr. Jerome Kassirer, author of a book about financial conflicts of interest in medicine and a former editor in chief of the *New England Journal of Medicine*. "This is a disgrace to both professions," he said.

Mr. Worthington rejected any notion he was seeking to profit from his donations or that there is any quid pro quo. He sees himself filling a void to support research that should be paid for by the asbestos industry.

"I've given back. If that's a crime, I'm guilty as hell," Mr. Worthington said. "The fact that I've found a doctor who cares, that is just serendipity."

Dr. Cameron likewise said donations to his research are made with the explicit understanding that there are no strings attached. "I don't get kickbacks; I get money for research," he said. "If you see someone at the end of a freeway exit, that is me asking for money for research."

Mesothelioma is a cancer of the lining on the lungs and chest cavity believed to be caused exclusively by asbestos fibers. Depending on their course of treatment, victims essentially suffocate to death, typically within months of diagnosis. There is no cure.

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## Asbestos Through the Years

Asbestos was used for decades in the U.S. starting in the mid-1800s before regulators took action to rein in the mineral that produces cancer-causing fibers.

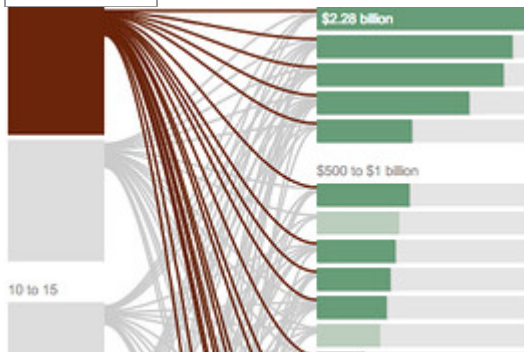
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Highlight the connections between law firms and bankruptcy trusts.

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Only a handful of doctors in the U.S. specialize in treating mesothelioma patients and studying the disease. Nearly all have benefited from money from plaintiffs' attorneys or plaintiffs' attorney-backed organizations that goes toward their research or the institution where they practice, according to a Wall Street Journal review of nonprofit tax filings and interviews with dozens of doctors, attorneys and patients.

Some doctors argue that there is little choice. Research dollars for mesothelioma, which afflicts fewer than 3,000 people a year, are scarce. In 2011, the National Cancer Institute spent \$6.06 million directly on mesothelioma, just 0.1% of its overall budget for cancer research that year, though it says treatments could emerge from other grants targeting cancer more generally.

Drug companies aren't inclined to spend money on the disease because it affects so few people and because it likely will continue to decline along with the use of asbestos, medical experts say.

Merck & Co., one of the few drug companies to embark on a widespread study, of 662 patients, of a drug to treat the disease ended it in 2011 when it didn't show promise of helping patients survive.

"If you want to do mesothelioma research, you need the lawyers," Dr. Cameron says.

Mesothelioma patients are in high demand by plaintiffs' attorneys. A single successful mesothelioma case against companies that made asbestos products can be worth an average of \$1.5 million to \$2 million, according to legal consultants. The plaintiffs' lawyers get anywhere from 30% to 40% in fees.

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- [Earlier: Q&A: What's the Asbestos Risk Today?](#)

As competition mounts for clients, some asbestos lawyers send elaborate gift baskets to doctors at holidays, offer free tickets to professional sports events or offer paid work as expert witnesses.

Attorneys who donate to mesothelioma research can use doctor testimonials as a marketing tool. Dr. David Sugarbaker, chief of the division of thoracic surgery at Brigham and Women's Hospital in Boston, appears in a video on a legal website of a major asbestos firm, Texas-based Baron & Budd P.C.

Baron & Budd pledged \$3 million to Dr. Sugarbaker's program in 2002, according to Russell Budd, the law firm's president. In the 2005 video interview with Mr. Budd, Dr. Sugarbaker exhorts other law firms to donate as well. "The cure for polio, the vaccine,

was completely financed with private funds," he says in the video. "That answer was found with private money."

In 2007, Boston plaintiffs' firm Thornton & Naumes LLP spent \$1 million to refurbish a house that offers low-cost lodging to financially needy families of Dr. Sugarbaker's patients in Boston. The firm's name is displayed prominently in materials distributed to patients. Michael Thornton, the firm's co-founder, said he was proud to support the institution.

Dr. Sugarbaker says he doesn't refer patients to any law firms and adds that donations for his program come from more than 2,000 individuals, corporations and foundations. A spokeswoman for Brigham and Women's said law firm donations make up about 30% of the hospital's mesothelioma research program's budget.

Harvey Pass, professor and director of the division of thoracic surgery at NYU Langone Medical Center, said he recommends three asbestos plaintiffs' firms to mesothelioma patients. The firms, Belluck & Fox LLP, Levy Phillips & Konigsberg LLP and Simmons Browder Gianaris Angelides & Barnerd LLC, through its foundation, have donated money to his research.

Belluck & Fox didn't comment. Michael Angelides, managing shareholder of the Simmons firm, said the firm cares about its clients and supports research because it is "the right thing to do."

Jerome H. Block, a partner at Levy Phillips & Konigsberg, said the firm donates money without any promise of referrals. But he doesn't see anything wrong with doctors recommending attorneys with good reputations.

"The specialized world of mesothelioma oncologists and surgeons knows the difference," said Mr. Block. "I don't think there needs to be this wall."

Dr. Pass wouldn't specify the donation amounts but he did note in disclosures in a paper on his mesothelioma research findings published in the New England Journal of Medicine last year that those three firms had funded his research. He said he always discloses law firm donations.

According to tax filings from the Simmons firm's mesothelioma charity, it donated a total of \$205,000 to NYU in 2010 and 2011. The website of Belluck & Fox notes it has donated to NYU but doesn't state an amount.

"Do I think that patients should inquire about their legal rights with this disease? Absolutely," said Dr. Pass. "This is a disease of elderly people. They've worked all their lives and are going to lose everything."

A few doctors say they refuse to take money from plaintiffs' law firms, citing unease with ethical issues, real or perceived.

Raja Flores, chief of thoracic surgery at Mount Sinai Medical Center, said he believes receiving law-firm donations for research could influence his treatment of a patient.

For instance, he says, lawyers want tissue samples to use as evidence in their legal cases, but cutting into a patient isn't always in their best interest.

He also cites the case of a mesothelioma patient who, acting on the advice of an attorney, requested a surgery Dr. Flores had deemed medically unnecessary. The reason? Complicated surgery could make for a more compelling court case.

"My policy is not to take money from lawyers, period," said Dr. Flores. "When you add financial incentive it muddies the waters. We did not take the Hippocratic oath for that."

Dr. Cameron, a medieval studies undergraduate major who drives a 19-year old Toyota Camry, says he decided to become a surgeon after watching his father suffer through colon cancer. He is currently a professor of cardiothoracic surgery and surgical oncology at the David Geffen School of Medicine at UCLA.

He says he first met Mr. Worthington about 15 years ago when the doctor came across the lawyer's website, which contained medical information about mesothelioma.

"I sent him a nasty email and said, 'You don't know what you're talking about,' " said Dr. Cameron, who also is chief of thoracic surgery at West Los Angeles Veterans Administration Medical Center. "He actually called me and I decided to talk to him about it."

Mr. Worthington, a fit, avid cyclist, explained he also wanted to help mesothelioma patients and was hoping to create a foundation to raise awareness and research dollars.

The two men, along with Dr. Pass, eventually established the Mesothelioma Applied Research Foundation.

The organization, known as MARF, created a website with medical information about the disease and sought donations from patients' estates and law firms.

The funds were used to award grants toward research. Dr. Cameron's research program and the institution he was affiliated with, UCLA, were among the recipients of those grants in 2003-2005, receiving a total of just over \$190,000.

Dr. Cameron was listed in tax filings as an unpaid board member at the time; Mr. Worthington was the unpaid president and treasurer. They said the grants were peer-reviewed, and Dr. Cameron emphasized that the money was given to UCLA in support of research he participated in but that he didn't personally profit from this money.

Mr. Worthington got into asbestos litigation as a cub lawyer at Baron & Budd, the Texas firm, in the late 1980s. He branched out on his own, starting his firm in first Dallas and then San Pedro, Calif.

He signs mesothelioma patients as clients, participates in depositions, is the attorney of record on many pleadings and also partners with other firms to litigate the cases.

Mr. Worthington, who says he handles fewer than two dozen mesothelioma cases a year, owns a bluff-side compound in Dana Point, Calif., and kicked in more than \$5 million to start a brewing company, Worthy Brewing, in Oregon.

Mr. Worthington sent his own father to be treated by Dr. Cameron when he was diagnosed with what he said was asbestos-related lung cancer.

In 2006, after his father had died, Mr. Worthington donated \$500,000 to establish the "Punch" Worthington Thoracic Surgery Research Laboratory at UCLA in honor of his father. Dr. Cameron carries out research there on mesothelioma, lung cancer and other occupational cancers.

Around the same time, Mr. Worthington and Dr. Cameron left MARF, which says it gets nearly half its financing from asbestos plaintiffs' attorneys.

MARF often refers newly diagnosed victims to doctors and makes research grants. Officials at the organization say that in its early years it did refer patients to attorneys but that it no longer does.

Its website, visited by many newly diagnosed patients, includes videos of plaintiffs' attorneys speaking at the group's annual conference where the top lawyer donors are permitted to talk to a roomful of patients about litigating cases.

"We're not a marketing arm for the law firms," said Mary Hesdorffer, a nurse practitioner and MARF executive director.

Dr. Cameron and Mr. Worthington helped start another nonprofit, the Pacific Heart, Lung & Blood Institute's Pacific Meso Center, that operates out of a small office attached to Dr. Cameron's Los Angeles clinic, complete with a laboratory where scientists work on immunology and molecular research.

The PHLBI has received \$1.7 million in donations from Mr. Worthington in the past seven or eight years, Mr. Worthington says.

The lawyer's donations made up about 30% of the organization's budget for 2011 and 2012, an official there said.

Dr. Cameron says the group "is not a front for Roger Worthington. It's just that he's been the biggest supporter so far."

The PHLBI's Meso Center holds several fundraisers throughout the year and also offers a patients' support network.

It hosts an annual medical symposium for doctors and patients in a Santa Monica, Calif., hotel, which some attorneys from Mr. Worthington's firm and other plaintiffs' firms also attend.

Several other law firms donate money to the nonprofit, where Dr. Cameron is scientific adviser, but his relationship with Mr. Worthington is the most enduring. A "Patient's Roadmap" brochure on a table in Dr. Cameron's waiting room includes an ad for Mr. Worthington's firm.



Dr. Cameron, respected by peers as a skilled surgeon, said he cares deeply for his patients and is passionate about finding a cure for mesothelioma. But the quest has come up short so far.

Doctors engage in radical tactics to treat the disease, some shining lights on tumor areas covered in special photosensitive chemicals or dousing the opened chest with heated chemotherapy liquid. Dr. Cameron uses cryotherapy, a process of freezing tumors with liquid nitrogen.

Mr. Worthington said he wouldn't hesitate to recommend Dr. Cameron to a client in search of medical care, declaring: "He's the best surgeon in the world."

Dr. Cameron sometimes testifies on behalf of patients who are also clients of Mr. Worthington. He says the compensation of about \$10,000 to \$15,000 per year goes to UCLA.

One such client was John Johnson, who in December 2011 at age 68 was dying of mesothelioma while enduring a grueling deposition to support his legal case filed by Mr. Worthington's firm against the companies he thought were responsible for the retired plumber's condition.

Mr. Worthington and his partners had pleaded with a California judge to limit the hours that Mr. Johnson would have to answer questions from the companies he thought were killing him. His breathing was labored, the stress of the interrogation was worsening his already grim outlook, Mr. Worthington said. Please, his lawyers asked the court in a motion, limit Mr. Johnson's deposition to 12 hours.

Defense attorneys from the more than 65 companies that Mr. Johnson originally named in a lawsuit wanted more time to tease out information about whether they were really responsible for the deadly asbestos fibers that lodged in Mr. Johnson's lungs decades ago.

Both sides had much at stake: Mr. Johnson's case was likely to be worth millions of dollars. The sooner it got to trial, the better for the sickly Mr. Johnson, whose very appearance on the witness stand was bound to gain sympathy from jurors. Dubbed "living mesos" by attorneys, cases such as Mr. Johnson's can be worth two to three times as much if the plaintiff remains alive through the court process. Under California law, pain and suffering damages can be awarded only if a plaintiff is alive during trial.

To support his position, Mr. Worthington offered to the court a filing from Dr. Cameron, who had carried out an 11-hour surgery on Mr. Johnson to remove a nearly 12-pound tumor that now was growing back. Mr. Worthington had recommended Dr. Cameron to Mr. Johnson, his widow said.

"A prolonged legal deposition...increases the patient's stress level dramatically and exacerbates fatigue and stress, with its attendant negative consequences on the patient's cognitive status, immune system and cancer fighting ability," Dr. Cameron wrote in a Dec. 2, 2011, declaration to the court on behalf of Mr. Johnson. "An unlimited deposition could and should be construed as cruel, unethical and inexcusable."

The court limited the deposition to 20 hours, eight hours more than Mr. Worthington had wanted. It later granted another five hours of questioning over objections from his lawyers who submitted a second declaration from Dr. Cameron.

His breathing labored, Mr. Johnson struggled through hours of questioning over the next six weeks, according to Mr. Worthington, at one point so sick paramedics were called after a session.

On Jan. 23, 2012, after the final day of answering questions from the defense attorneys huddled in his living room, Mr. Johnson collapsed. He was pronounced dead the next day. "Sudden cardiac arrest while giving a courtroom deposition," read his medical record, provided by Mr. Worthington.

Mr. Worthington—armed with Dr. Cameron's court declaration that he called a "prophesy"—went back to the court to argue for a speedy trial.

The judge granted the request. More than two dozen defendants settled the case in September for several million dollars, and it was cited as inspiration, in part, for a new California law that took effect in January limiting deposition hours in some instances.

Robert Thackston, whose firm represented some of the companies sued by Mr. Johnson, said lengthy depositions are needed when dozens of defendants are sued. "Usually it's the plaintiff's lawyer who puts his own client in an impossible situation by suing so many companies, with no grounds, and making them all attend a deposition and ask questions to find out why they were sued," he said. He noted that in the Johnson suit the case against some defendants was dismissed.

In February, Mr. Johnson's widow, Sue Johnson, donated \$500,000 to the Pacific Meso Center. An announcement from the center about the gift said, "Instead of being angry, the family is now challenging others, particularly attorneys involved in asbestos litigation to donate."

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