

DES drug case called 'landmark'

Attorneys for 240 women who reached settlements last week in their lawsuits against 16 manufacturers of the drug DES said the 11-year case fundamentally changed America's common law and will result in more certain future protection against all types of toxic substances.

Attorneys for the Detroit law firm of Chafsoos, Christensen & Archer handled the largest DES multiple litigation in the nation — and the largest multiple litigation in Michigan history.

The case involved "DES daughters" whose mothers had taken diethylstilbestrol (DES) while pregnant, hoping the synthetic estrogen would prevent miscarriages. From 1947 to 1971, the drug was prescribed for hundreds of thousands of women.

Their daughters may run the risk of abnormal tissue changes, including vaginal cancer, resulting from pre-birth exposure to DES.

DES was banned by the U.S. Food and Drug Administration in 1971.

the particular dosage that their individual mothers received, Chafsoos said.

The defendant companies, which never admitted guilt, are: Eli Lilly & Co., E.R. Squibb & Sons, Blue Line Co., Burroughs Wellcome Co., Cole Pharmaceutical Co., Central Pharmaceutical Co., Kramers Urban Co., McNeil Laboratories, Merck Sharp & Dohme, Rexall Drug Co., William J. Rorer Inc., S.J. Tuitag & Co., Schering Corp., Upjohn Co. and Vale Chemical Co.

ATTORNEYS FOR the daughters won a Michigan Supreme Court ruling last year that if an individual DES daughter were unable to identify the manufacturer of the DES taken by her mother, she could proceed against all manufacturers of DES marketed in Michigan.

This landmark theory, called "alternative liability," can now be applied to a wide variety of similar

injuries, said J. Douglas Peters, managing partner of the law firm.

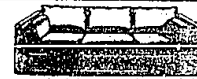
"In cases relating to such incidents as water pollution and toxic waste, this same principle could be applied. The effects of these types of damaging events often do not show up until 10 or 15 years after the pollution incident," Peters said.

"In addition, methods of drug research have been improved as a result of these cases to help guarantee against future problems."

Charles L. Nichols, third member of the legal team, said a massive, high-technology coordination effort was carried out by the firm in representing the unusually large number of litigants.

"Even keeping track of addresses of plaintiffs who had moved to locations from Connecticut to Hawaii was a major task. We assembled research information and consulted with experts in the United States and Europe."

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LAWYERS SAID the settlements were made with each client simultaneously, on an individual basis, not as a class action.

The case was settled in Wayne County Circuit Court with the active assistance of Judge James E. Miles, whose order prohibited announcement of the payoffs, the lawyers said.

At a news conference in Detroit, Lawrence Chafsoos, a partner in the firm and the head of the litigating team, said, "This case has made history. It has changed the face of the law across the country."

Until this case, a suing individual was required to name the specific manufacturer of the substance. In the case of the DES daughters, however, up to 20 years had elapsed between administration of the drug to the mothers and the occurrence of damaging effects in the daughters.

The daughters had no way of determining which of a large number of DES manufacturers produced

Kuhn elected to chief judge

Richard D. Kuhn has been elected chief judge of the Oakland County Circuit Court for 1986-1987, replacing Judge Francis X. O'Brien.

A circuit judge since 1973, Kuhn will be responsible for managing the caseload, directing court finances, and representing the court in its relations with other courts, government and the legal and general public.

Kuhn, who served as chief judge in 1979, begins his term on Jan. 1, 1986.

A graduate of Michigan State University and Detroit College of Law, he worked in private practice until his election to the bench. Kuhn is a member of the State Bar of Michigan, the Oakland County Bar Association, the American Judges Association and the American Judicature Society.

Kuhn lives in Independence Township with his wife, Sally, and four children. He is chairman of the administrative board of Central Methodist Church in Pontiac and a director of the Optimist and Kiwanis Clubs in Pontiac.

Kuhn will be assisted by Judge Frederick C. Ziem as the chief judge pro temp. Ziem has been a member of the circuit bench since 1959.



Richard Kuhn

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