

## DALKON SHIELD ACTION CANADA

This special issue of Healthmatters announces the formation of Dalkon Shield Action Canada, a national organization established to provide information and protect the interests of Canadians harmed by their use of the Dalkon Shield IUD.

If we as Canadians are to get a fair deal from the bankruptcy court we need to be represented by a group with the experience and commitment needed to do the job. With plenty of experience behind it, Dalkon Shield Action is ready to fulfill that national role.

Dalkon Shield Action Canada will:

1. provide information and support to ex-users of the Dalkon Shield and claimants against A.H. Robins through the publication of its newsletter and press releases;
2. develop a national registry of lawyers across Canada that have worked on Dalkon Shield cases. A questionnaire asking lawyers about their experience, fee structure and about their overall legal practice will be the basis of this registry;
3. establish a team of lawyers to represent claimants without lawyers. Group action will be cheaper and could be more effective than individual legal action. The team of lawyers will be selected on the basis of their responses to the questionnaire.

Why a Canadian organization?

Since August 21, 1985 when A.H. Robins filed for bankruptcy protection, one thing has become very clear. The U.S. Bankruptcy court applies one set of rules for American claimants and another set of rules for everyone else. In November of last year for example, the court recommended that Robins conduct an extensive advertising campaign in the U.S. notifying Americans of their right to file a claim against the company. The campaign cost Robins a total of \$3.2 million and included full page advertisements in all the daily newspapers and national magazines, as well as frequent public

service announcements on radio and television. The campaign was considered to have successfully reached 95% of American women between 15 and 60 years old.

By stark contrast the court merely required Robins to issue press releases to health ministers and medical associations and hold a press conference in Canada. The total cost to Robins was roughly \$1000 Canadian.

After careful analysis of the 330,000 claims successfully filed by the April 30th deadline, we discovered that in the U.S. 129 claims were filed for every 1,000 Dalkon Shields fitted. In Canada only 44 claims were filed for every 1,000 insertions. In other words American claims exceeded Canadian claims by a ratio of almost 3 to 1. When this disparity was pointed out to the court in a motion filed by the Vancouver Women's Health Collective and Women's Health Clinic of Winnipeg, the court ruled that neither organization could represent Canadians in the bankruptcy court, and the matter was dismissed.

Dalkon Shield Action Canada will ensure that this kind of discrimination against Canadians does not continue. By standing up for our rights we can also create precedents that will help women all over the world get a fair deal from the U.S. court. Already groups from Australia, Ireland and Bangladesh have followed the Canadian example.

It is more than a year since A.H. Robins filed for protection under Chapter 11 of the U.S. Bankruptcy Act and over six months since the April 30th, 1986 deadline for filing claims. Thousands of Canadians are asking themselves "What's happening with that claim I filed?"

In this special issue you will read news and views on the bankruptcy proceedings and get a picture of where you fit in.

This is a one time mass mailing which is being sent to individuals who, either on their own or with the assistance of a Canadian lawyer, have successfully registered a claim against A.H. Robins. It is also

being sent to lawyers handling Dalkon Shield claims and to over three hundred groups and Women's Centres across the country.

Unfortunately, it is not being sent to the many thousands of Canadians who are still unaware of their right to file a claim for the damage they suffered from the Dalkon Shield. We have no easy way of reaching them. If you know someone who is interested and needs to know more about the Dalkon Shield and the bankruptcy proceedings, then pass on your copy of HealthMatters when you're finished with it. Or, take it to your local community or women's centre and tack it on a bulletin board.



### INSIDE HEALTHMATTERS

Bankruptcy  
background

Women's Stories

Book Review

More on D.S.A.C.

Medical Records

Lawyers lawyers  
lawyers

Health Shorts



# BETWEEN THE LINES

## Background to the Dalkon Story.

On August 21st, 1985 A.H. Robins, manufacturer of the Dalkon Shield, filed for bankruptcy protection under Chapter 11 of the U.S. Bankruptcy Act. Only the second major U.S. company to file for such protection - Johns Manville, the asbestos manufacturer, was the first - Robins plunged into a legal and financial muddle that is costing millions of dollars to straighten out.

There is a popular misconception that Robins is in a very bad way, that financial sickness has struck in the way it might strike a local corner store. Nothing could be further from the truth. Since filing for Chapter 11 Robins has increased its earnings considerably. Until Robins reorganizes its financial holdings, all suits have been stayed and all payments to creditors suspended. Meanwhile Robins can sit back and watch its investments make money as never before.

The story began in 1970 when Robins, a Virginia based family company with a good corporate record selling cough syrup, bought the Dalkon Shield IUD. Eager to get a share of the lucrative birth control market, company managers chose to overlook a number of key considerations before they launched a far reaching Dalkon Shield promotional campaign. The campaign, claiming the Dalkon Shield as a safe, effective IUD particularly good for women without children, was based on stacked evidence produced by a university professor with a 30% interest in royalties earned by Shield sales.

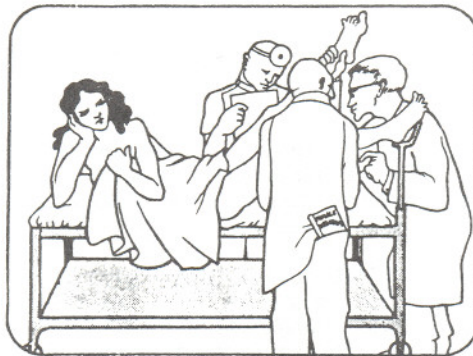
In 1971 soon after hitting the market, Robins began to get reports of problems. Doctors and patients complained that insertion into the uterus was very painful - Robins responded by recommending that women take painkillers at insertion. High numbers of pregnancies were reported and by 1972 sales began to drop - Robins responded by gearing up its advertising campaign towards doctors and women alike.

These distorted responses to real and very serious complaints reveal the nature of A.H. Robins and the lengths to which it will go to avoid accepting liability for its actions. When suits were heard in court company lawyers used the most indecent tactics imaginable. Women were asked how many lovers they had had and who those lovers were, whether after going to the toilet they

wiped from front to back, whether they had had sex with animals, all in an attempt to blame women for the injuries the Dalkon Shield had caused and to intimidate other women from filing similar court actions.

In 1974 Robins suspended Shield sales at the request of the American Food and Drug Administration. By then 4.8 million devices had been sold worldwide, 120,000 of them in Canada.

In 1979 an important legal precedent was set when Caried Palmer, a Kansas woman who had suffered a hysterectomy after her use of the Dalkon Shield, was awarded \$600,000 compensation for her injuries. The jury also awarded here a whopping \$6.2 million in punitive damages as punishment for Robins' withholding information about hazards the Shield



Fifth Estate/LNS

posed to her health. Robins didn't appeal that decision; their foundation had been cracked. However, the company continued to create delays and to pick over legal technicalities to stall court proceedings.

In the spring of 1984, Judge Miles Lord, chief district court judge in Minnesota, frustrated by Robins executive officers' inability to remember details about their Dalkon Shield dealings, ordered a court search of the company's files. Thousands of documents previously unavailable to the court were discovered, though many are still missing. With these documents there was absolutely no doubt of misconduct and deception on the part of the company. Only then did Robins attempt to cover its tracks and clean up its image.

Using evidence uncovered as a result of Judge Lord's order, 99 women filed a class action suit for \$70 million in Atlanta, Georgia. One month later, in October 1984, Robins announced a long-awaited recall campaign urging women who still wore the Dalkon Shield to have it removed at the company's expense.

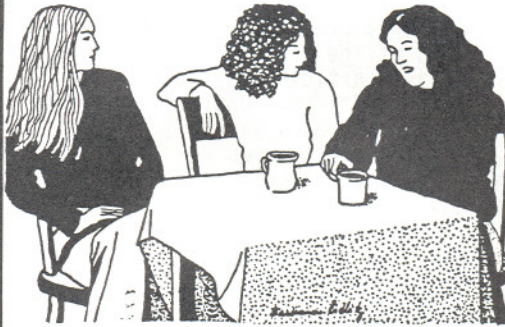
In April 1985 Robins independently announced a \$615 million trust fund to pay claims against the Shield until the year 2002. Up until December 1984 Robins had paid \$314 million in settlements and costs. The trust fund was a paper transaction only, no new money had been located or set aside, but most importantly the fund caused Robins to report a net loss in 1985 of \$416.6 million, laying the groundwork for bankruptcy proceedings later in the year.

Now with bankruptcy protection Robins is doing everything it can to prevent the proceedings from running smoothly. After the April 30th, 1985 deadline for claims Robins had two months to prepare a financial reorganization plan that would establish a schedule for payments and decide where the money would come from. Instead of meeting that obligation Robins has requested and been granted four extensions on the time allowed to prepare this plan. Yet when women who have missed the deadline request an extension (the delay having been caused by inadequate information) Judge Merhidge denies them the opportunity to file, citing that there have been too many delays in the proceedings already.

Despite the display of power and influence of Robins and the seemingly endless array of tactics it has used to avoid paying for its greed, this is one story where the company got caught and where women have organized effectively to get as fair a deal as possible for the harm they have suffered. There are many lessons to be learned. G.D. Searle, manufacturer of the Copper 7 IUD, seems to have learned one of them. Searle withdrew its Copper 7 from the U.S. market in January 1986, prompting the withdrawal of virtually every dangerous IUD now available. The lesson the American based multinationals have not learned is that if an IUD is unsafe for American women then it is unsafe for any woman. If U.S. companies want to do business selling products all over the globe, they had better start treating consumers fairly no matter what their nationality.



# WOMEN RECOUNT THEIR EXPERIENCES



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I did not even tell my partner that I had been carrying twins. The whole experience was so awful that I did not talk to anyone about it.

In 1986 I joined a support group at the Vancouver Women's Health Collective. It was the first time I could put my experience into perspective. The group has been important to me in that I have been able to finally name feelings and move toward constructive action of supporting other women, seeing birth control as a political issue, and fighting against manufacturers of birth control devices that are not useful to women but profitable to manufacturers.

## Elizabeth's Story

I was absolutely sure that I did not want a second child, but my doctor said I should wait a few years before having a tubal ligation. I was told I should wait because many women do not know what they want. I did not see the relevance of this information considering I did know what I wanted but I had no option but look at alternative forms of birth control. This happened in 1972 when the Dalkon Shield was being promoted as the safest and newest I.U.D.. The doctor recommended it highly and we set a date for insertion. He could not place the shield successfully and after much bleeding and pain, admitted that he had not inserted too many of these I.U.D.'s. I was asked to return the last day of my next period.

The second attempt was less painful and was successful. However, after one month, when I could feel my body alter in response to being pregnant and 'missing' a period, I returned to the doctor.

He did a pregnancy test and insisted I was not pregnant. I was over 3 months pregnant by the time the doctor conceded that I was indeed pregnant.

By then I felt as if my whole body was affected. My body was swollen, I bled intermittently, I was exhausted all the time and I did not want to be pregnant. The symptoms steadily became worse.

When I was between 4-5 months pregnant my partner was meeting with my doctor to computerize his office. The doctor asked how I was doing. When he heard of my condition, he called a gynaecologist to arrange an emergency abortion. He then told my partner to get me to the hospital within 4 hours. His assessment was, that if I did not have the abortion, I would die within 24 hours.



Northern Woman Journal

## Carla's Story

We wanted to be well prepared before we had children. To postpone the birth of our first child, I went to a clinic in 1974 and had an IUD inserted. I was not told which IUD was used and when I subsequently suffered abdominal pain, was not informed that the pain could be IUD related. I was in pain almost daily until the IUD was finally removed in 1979. I used other birth control methods for a while until my husband and I thought we were ready to begin having a family. After a year of trying to become pregnant we began a horrendous series of infertility tests.

One year later, I found out that my fallopian tubes were blocked with adhesions resulting from the use of the Dalkon Shield. I was advised to have microsurgery to remove the adhesions so that eggs might pass more freely down the tubes. Later testing proved that the microsurgery had failed.

I increasingly realised that it was through not being fully aware and in control of what was being done to my body that I had become unable to conceive in the first place. I obtained my medical records from the period when I wore the Dalkon Shield and discovered that I had had Pelvic Inflammatory Disease. The doctor had not informed me thus depriving me of seeking my own care and support. The doctor also did not remove the Shield to alleviate the P.I.D.

Now I say to other women, "Know your own body" and "Don't be scared off by tactics of doctors who try to intimidate you."

It is by practicing this myself - through questioning and persisting on getting what I wanted- that I have finally consulted with the doctor who is helping me to accomplish my goal - to bear a child. I am now registered in an in-vitro fertilization program and am hopeful. This program has been my first positive experience since trying to become pregnant.

I have suffered 12 years of physical and emotional pain from using a product that the manufacturer, A.H. Robbins, knew was defective. My husband and I have both filed claims against A.H. Robbins for the damage the Dalkon Shield has inflicted on us. I boycott all A.H. Robbins products and encourage others to do so too. I have become active in educating others about abuses within the medical system and am committed to supporting other Dalkon Shield survivors and those who are interested in the in-vitro fertilization program.

"How can they get away with this and I just say nothing?"



# 'AT ANY COST' — The Dalkon Shield Story

**AT ANY COST: CORPORATE GREED, WOMEN, AND THE DALKON SHIELD** by Morton Mintz. Pantheon Books, New York, 1985.

When it comes to multinational corporations I'm a real cynic. At the first hint of wrongdoing in the corporate boardroom, my mind sets to work and I suspect the very worst ...or so I thought. After reading "At Any Cost" I realize that my imagination didn't come close to conjuring up the fraud and deception committed by A.H. Robins, manufacturer of the Dalkon Shield. The revelations in Morton Mintz's book are frightening and wholeheartedly confirm the anger and mistrust I feel towards large corporations in general, and A.H. Robins in particular.

The gruesome story begins with Hugh Davis, an Obstetrics and Gynecology professor at Johns Hopkins University School of Medicine in Baltimore. In 1967 he and a friend patented a new IUD - the Dalkon Shield - so named because it resembled a policeman's badge. Soon after the Dalkon Corporation was formed. In 1969 Davis published a medical article that documented the results of a study involving 640 women who wore the shield for one year. His results were spectacular, reporting only 5 pregnancies, 10 expulsions, 9 removals for medical reasons and 3 removals for personal reasons. Later Davis' work was completely discredited, as it was discovered he reported results four months before the study was even complete! He also failed to mention that he owned a 35% interest in the Dalkon Corporation and stood to benefit handsomely from the favorable reports he wrote.

It was the 1.1% pregnancy rate that most interested A.H. Robins, a Virginian family business with big ambitions. With such a reliable product Robins could break into the birth control market. Furthermore the Shield could be available within months, since under the Food and Drug Administration regulations, medical devices were not subject to the pre-market testing requirements that applied to drugs. To A.H. Robins the opportunity seemed too good to pass up.

In June 1970 Robins bought the Dalkon Shield and retained Hugh Davis as a consultant, paying him a salary as

well as a royalty on every Shield sold. By January 1971 a world-wide sales campaign had been launched. At that time clinical trials had just got underway and animal testing hadn't even begun. Vancouver was one of seven sites in North America where clinical trials were conducted, though the results of these trials were never fully reported.



*WomenWise*

Mintz meticulously details the mind-boggling list of dates and events citing from Robins' internal memos, documents from Congressional hearings, transcripts from court cases and more. Halfway through the book I felt overwhelmed by the extent of the deception and false advertising conducted by Robins, and found myself despairing. However the Dalkon Shield story is not totally void of hope. In the book we meet a courageous Judge, Miles Lord, who publicly condemns Robins' officers and forcefully urges them to recall the device. We meet a former Robins lawyer, Roger Tuttle, whose conscience tells him to give evidence against his former employer. We don't meet women who had to deal with the tragic effects that the Dalkon Shield had on their lives. We also don't meet the many health activists who opposed Robins throughout. I feel that these are two important omissions from the book.

Throughout, Mintz paints a deservedly black picture of Robins' corporate

executives. Robins is a company that was once proud of the fact that members of the Robins family were still active participants in the corporation's affairs. Until the Dalkon Shield it had a fairly good record selling cough syrup and 'Chap Stick'. It had had no product liability charges against it. However when it came to Congressional hearings, neither the corporation's record nor its active family members could save it.

One of the most controversial aspects of the Dalkon Shield is the tailstring that hangs from the uterus into the vagina of a woman wearing the device. In June 1970, 17 days after Robins bought the Shield, an internal memo warned of the hazards associated with the string. Unlike other IUDs, the Dalkon Shield used a multi-layered or multifilament string. This allowed bacteria to climb from the vagina into the sterile environment of the uterus, rather like melted wax climbs from a candle to the flame. The June 1970 warning was the first in a long succession of complaints against the string. Yet in 1982, eight years after the Dalkon Shield had been pulled off the market and after hundreds of millions of dollars had been spent on legal fees and court settlements, Claiborne Robins, chairman of the board, was asked, "When did you first become aware that there might be problems with the tailstring of the Dalkon Shield?" He answered, "I'm not familiar with the fact that there is a problem with the Dalkon Shield."

To this kind of response Judge Miles Lord said, "It is not enough to say 'I didn't know', 'It was not me', 'look elsewhere'. Time and again, each of you has used this kind of argument in refusing to acknowledge your responsibility and in pretending to the world that the chief officers of your gigantic multinational corporation have no responsibility for the company's acts and omissions."

"Clearly we still haven't grasped that a man who assaults a woman from an office chair is as grave a sinner as the man who assaults a woman in an alley", Judge Miles Lord said. It is this paradox within our legal system that allows corporate executives to commit murder from behind the protective veil of their corporations, that most deeply troubles Morton Mintz. He is one in a growing chorus of voices calling for a resolution of that contradiction.

MAGGIE THOMPSON



# WOMEN'S HEALTH COLLECTIVE

## Women Organize for Health Care

Since its inception in 1971, the Vancouver Women's Health Collective has worked towards educating women about how to maintain and improve their short and long term health. We firmly believe that Canadians have a right to high quality health care that encourages full participation and respects the integrity of individuals using the medical system. It isn't easy to ensure a high standard of medical care in a system that is preoccupied with the development and promotion of drugs and devices. Many pharmaceutical products have not been adequately tested or do not live up to manufacturers' claims. The Dalkon Shield is one of the better known examples of an inadequately tested and falsely promoted device which has had far reaching harmful effects.

In 1974 when the Dalkon Shield was withdrawn from the market in the U.S., a cheer could be heard at the Women's Health Collective. In the early 1980's the Health Collective worked with an American lawyer, Robert Manchester, towards launching a Canadian class action suit against A.H. Robins. That attempt was unsuccessful but the information about the Dalkon Shield continued to flow from the Health Collective.

Shortly after Robins filed for bankruptcy protection in 1985, the

Health Collective sponsored a public meeting to provide information to women in the Lower Mainland area of B.C. on how to register a claim with the bankruptcy court. The response to that meeting and the enormous number of calls we subsequently received were enough to convince us that this issue needed serious attention. After several months- preparation together with Women's Health Clinic in Winnipeg, we filed an application with the bankruptcy court to extend the April 30th deadline for Canadians.

Our application charged that Canadians were inadequately notified of their right to file a claim and requested that an advertising campaign, similar to the American campaign, be conducted in Canada.

Judge Merhige, who oversees the bankruptcy proceedings, rejected our application stating that there had been too many delays already in this action and adding that neither the Vancouver Women's Health Collective nor Women's Health Clinic of Winnipeg could claim to represent Canadians. However, he did agree to extend the deadline slightly. His ruling allowed claims that were postmarked on or before April 30th, 1986 to be accepted, where before the challenge claims had to be received in Richmond, Virginia by midnight April 30th. This minor



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change allowed an additional 19,000 claims worldwide to be accepted by the court!!

In September, after a number of public meetings, the Dalkon Shield Action Group of B.C. was formed to provide information and support for women who had suffered harm from the Dalkon Shield and who had or were considering filing a claim with the bankruptcy court.

With links across the country, the Dalkon Shield Action Group of B.C. has formed the base for Dalkon Shield Action Canada, and invites you to count yourself in.

## LAWYERS

### What to do with them



Santa Clara Centre for Occupational Health

There is a real risk that women will end up being ripped off more than once before this Dalkon Shield story is over. Believing their doctors and the medical literature about the Shield in the early 1970's, thousands of women were exposed to a dangerous and sometimes lethal device that was known to be defective. A.H. Robins, the manufacturer, knowingly misled doctors and women by highlighting information about the effectiveness of the Shield and hiding information about hazards associated with it.

Could lawyers in their quest for clients be the next level of professionals who make a living off women's pain and suffering? Some would call them ambulance chasers, seeking victims to be represented. The lawyers who go chasing for clients are to be carefully watched. Some seem to put more effort into their public relations work than they put into their clients' cases! In the early 1980's, the Health Collective had difficulty finding lawyers who were at all interested in pursuing Dalkon Shield cases. Now there are plenty knocking at our door.

How do you as a claimant know whether the lawyer you retain will be able to represent you adequately in the bankruptcy hearings? Frankly, you have no easy way of assessing who your lawyer is and how effective s/he will be. We believe that it is not

worth taking the risk of retaining a good-for-nothing lawyer, no matter how sympathetic or well intentioned s/he may be. What you need is a lawyer with skill, experience and the resources to carry your case to its completion.

Dalkon Shield Action is compiling a nationwide registry of lawyers which will be completed in January 1987. For more information fill out the slip on page 7 and return it to us.

If you already have a lawyer you can help to make sure s/he does the best job possible for you. Keep informed of your case and of the bankruptcy proceedings. Set up your own file that you can easily refer to with copies of everything you need. Best of all, join a local Dalkon Shield group in your community so you can learn from other women's experiences.



# MEDICAL RECORDS

## What you need to know

For many women the success of their claim against Robins will be determined by whether medical records are available and whether those records correlate injuries suffered with the use of the Dalkon Shield. The Health Collective has received many requests for more information on medical records - what they are, how to get them and what to do when they don't exist. Some time early in the new year the bankruptcy court will be forwarding to all claimants a new 55 page questionnaire which has to be answered within 60 days of being received. The questionnaire will not be complete without all the medical records that relate to your use of the Dalkon Shield. In addition, the court reserves the right to access any and all other records from your medical history. This means that you could be at a considerable disadvantage if the court has more written information about your medical history than you do. It is important to have a clear understanding of what your records say and how they could help or hinder your case. Even though there are thousands of claimants against Robins, medical records requested by the court will be carefully reviewed.



### WHICH RECORDS DO YOU NEED?

You must request all the records that establish you used the Dalkon Shield and that the injuries you suffered were a result of that use. You will need records from the doctor or clinic that inserted and/or removed the Dalkon Shield.

If these are not available then other medical records may be able to establish that you used a Dalkon Shield; these may include records of health care providers who:

- performed check-ups during your use of the Shield
- performed abdominal or pelvic exams
- provided any services related to in-vitro fertilization
- diagnosed or treated any pelvic infection before or after Shield use
- performed any pelvic or abdominal surgery at any time
- diagnosed or treated your husband or mate for fertility problems

### HOW TO GET MEDICAL RECORDS:

If you are represented by a lawyer, s/he will be able to obtain your records for you. You need to know what those records say if you are to fully understand the strengths and weaknesses of your case. You can ask your lawyer for a copy of the records.



*Science For the People*

There are two ways to get your medical records directly from a doctor.

- 1) Write or telephone the doctor's office asking that your medical records be released and sent to you. Some doctors' offices require you to sign a standard release form. Some will send a copy of your records free of charge, others will charge for photocopying and handling.
- 2) Ask a supportive doctor to request your records for you, and then give them to you. Many doctors will not release records on request to a patient but will give them to another doctor without question.

If you were hospitalized during or as a result of your Dalkon Shield use, you will need hospital records. Hospital records must be requested by a doctor. British Columbia, Alberta, Quebec and Saskatchewan hospitals are required to keep records 10 years after a patient's discharge. Ontario and P.E.I. hospitals must keep microfiched records 50 years, non-microfiched records 20 years. There is no legislation requiring hospitals in Manitoba, Newfoundland or Nova Scotia to keep records a specific length of time.

### IF RECORDS ARE DESTROYED:

Doctors are required to keep records for 6 years after a patient's last visit in B.C. and Ontario, and 5 years in Quebec. The other provinces do not have legislation requiring doctors to keep records a specific length of time. If records have been destroyed you will need a certificate or statement verifying their destruction. Sometimes doctors are simply reluctant to release records, especially when court action is involved. However, if records exist and you are involved in court action, you have a legal right to have your records. If you cannot get any records you may want to seek legal advice and have a lawyer request the records on your behalf.

### IF RECORDS ARE LOST:

It could be as many as sixteen years since some women had their Dalkon Shields inserted. Therefore it is not surprising that you may have forgotten who inserted your Shield. You need to know this information particularly if there is no later record that you wore a Dalkon Shield.

If you were covered by the provincial medical services plan, you can request a copy of your billing record. Try hard to remember where you were living at the time. Look through old address books and letters, etc. Check your medicine chest for old prescriptions. Go to the library and look through the yellow pages for the town you were living in at the time. The College of Physicians and Surgeons for your province or territory may be of some assistance. The Vancouver Women's Health Collective has a copy of a Health & Welfare study that lists some 130 doctors who responded to a survey on IUD's in 1974.

Ultimately your claim against Robins will be assessed on the medical and legal documentation that backs up your case. If you can't get a medical record verifying that you had a Dalkon Shield inserted then ask your doctor if s/he will write a declaration stating that you were treated for Dalkon Shield related injuries or for the removal of the Shield. Doctors still in practice may well remember the women who visited their offices complaining of excessive pain and bleeding.



# HEALTH SHORTS

## New Questionnaire

Early in 1987 all claimants who have successfully registered a claim against Robins will receive a 55 page questionnaire from the bankruptcy court. The new questionnaire will provide the court with detailed information so that it can establish Robins' liability and an approximate amount of money needed to settle the outstanding claim. A sample questionnaire was sent to 1% of the claimants who had completed an earlier 2 page questionnaire. This sample is currently being reviewed and the final version of the questionnaire is being established based on information received to date. Dalkon Shield Action Canada will provide assistance to women needing help completing the questionnaire.



## Who says we're bankrupt?

In July 1986, Robins reported quarterly earnings in excess of \$8 million as compared to \$5 million for the same quarter in 1985. The company attributed the 60% increase in earnings to the drop in litigation expenses incurred since filing for bankruptcy protection in August 1985. This could be a clue to why Robins filed for Chapter 11 protection in the first place.

## Pension fund retired

More than 300 retired or disabled former Robins employees filed a complaint with the court against Robins' proposal to stop providing health and life insurance benefits to them. A court appointed examiner argued that even though the pensions could be legally terminated on 30 days notice, to do so was "neither fair nor equitable nor in the best interests of the estate." Soon after Robins withdrew its proposal saying that the benefits to be paid are a relatively insignificant burden on the company and that the proposal to terminate them had contributed to low morale, a high turnover among staff and reduced productivity.



## Legal fees laughable

American lawyers and other professionals working for Robins and the bankruptcy court have submitted fees requesting more than \$8 million for the period August 1985 to August 1986. Under bankruptcy regulations any expenditures made by Robins have to first be approved by the court. Robins' original bankruptcy counsel, Murphy, Weir and Butler of San Francisco is seeking more than \$1 million. Skadden, Arps, Slate, Meager and Flom of New York, the firm that replaced Murphy et al, is seeking more than \$2 million, while Robins' general every-day counsel Mays and Valentine is seeking \$1.8 million. Judge Merhige, who is overseeing the Richmond Virginia bankruptcy proceedings said that the fees "at first blush border on being utterly ridiculous". He gave the 'professionals' until November 10 1986 to amend their submissions and established a policy that Robins' lawyers be paid only 70% of their fees until other creditors' claims are processed.

### WORKERS FOR THIS ISSUE

Barbara Mintzes, Colleen Penrowley, Lee Saxell, Maggie Thompson and Antoinette Zanda.

Second Class Mailing Registration # 6782

Dalkon Shield Special Issue November 1986

Vol. 2 No. 4



Make me a member of Dalkon Shield Action Canada so I can join the fight against A.H. Robins. With my membership I will receive a subscription to HealthMatters and stay abreast of the latest news.

My cheque or money order is enclosed:

- \$15 regular membership       \$10 low income membership

I am also enclosing a donation of \$\_\_\_\_\_ to help cover expenses.

- Yes I am interested in legal representation through Dalkon Shield Action Canada.  
 Yes I am interested in participating in a group in my community.  
 Yes I am interested in helping to start a group in my community.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PROVINCE/STATE \_\_\_\_\_



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Isis

## Legal fees laughable

American lawyers and other professionals working for Robins and the bankruptcy court have submitted fees requesting more than \$8 million for the period August 1985 to August 1986. Under bankruptcy regulations any expenditures made by Robins have to first be approved by the court. Robins' original bankruptcy counsel, Murphy, Weir and Butler of San Francisco is seeking more than \$1 million. Skadden, Arps, Slate, Meager and Flom of New York, the firm that replaced Murphy et al, is seeking more than \$2 million, while Robins' general every-day counsel Mays and Valentine is seeking \$1.8 million. Judge Merhige, who is overseeing the Richmond Virginia bankruptcy proceedings said that the fees "at first blush border on being utterly ridiculous". He gave the 'professionals' until November 10 1986 to amend their submissions and established a policy that Robins' lawyers be paid only 70% of their fees until other creditors' claims are processed.

### WORKERS FOR THIS ISSUE

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