

# Dalkon Shield Action News

A supplement to HEALTH MATTERS, a publication of the Vancouver Women's Health Collective.

VOLUME 1, NO. 1

Dalkon Shield Action News is produced by Dalkon Shield Action Canada in Vancouver, B.C. It is published quarterly in March, June, September and December each year. We welcome your suggestions, contributions, personal stories and feedback. The deadline for submissions is the first day of the publishing month.

## D.S.A.C. IN YOUR COMMUNITY

As a national organization, DSAC's goal is to provide information and support to its members right across the country. To effectively do this and strengthen the organization as a whole, we need affiliated groups across the country which could also answer the more immediate questions of local women.

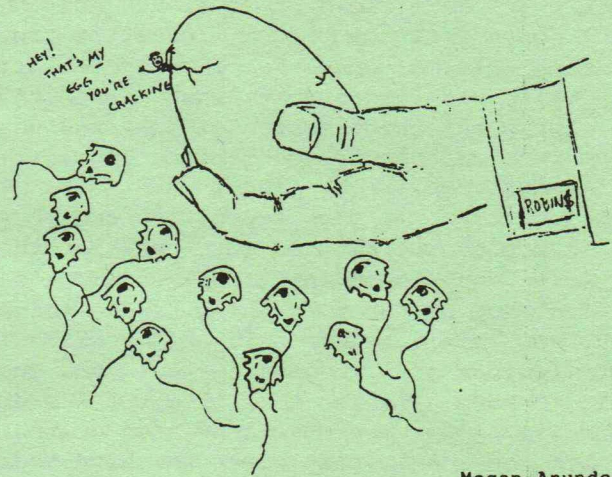
Experience in Vancouver has shown that women gain strength, reassurance and friendship from support groups as well as satisfaction that they are actually participating in a fight-back effort.

Women working together to fill out the claimants' questionnaire is an idea that makes the existence of local groups especially useful. The questionnaire will be lengthy, perhaps tedious or unnerving. We believe that women will find it much less so if tackled with others at the same time. A group can also provide a positive sharing experience for women who may otherwise be isolated and alone.

The usefulness of local groups is virtually limitless. Other possible activities could include: active searching for more women who are claimants or who might be if the deadline were extended; compiling and referring a list of sympathetic gynecologists; ditto for lawyers; contributing to the Newsletter.

Organization of local groups takes time and energy. DSAC plans to develop and send resource kits to women who have indicated an interest in setting up a group in their community. We would appreciate suggestions as to how else DSAC could help or encourage the formation of the local groups. This will probably be an issue for discussion at future meetings.

As Dalkon Shield users, we were victims. Strengthened with knowledge of our own bodies and with confidence in ourselves to question the authorities that tells us something is "good" for us, we can overcome this legacy.



Megan Arundel

## WE'RE WITH YOU

Delays, delays, delays; The bankruptcy proceedings are taking much longer than we had expected. Some of us have wondered if its going to be worth the effort, maybe the Dalkon Shield would be better left alone. We believe that Robins is hoping we will be discouraged by the delays it has created, and that we'll drop our claims. Dalkon Shield Action Canada is not about to let that happen. On the days when you wonder "why bother?" just remember Robins knew there were problems with the Dalkon Shield when it was first marketed, it has done everything it can to prevent paying compensation, but above all remember that you are not alone. There are thousands of women in Canada that suffered at the hands of this device, together you can make a difference and Dalkon Shield Action Canada will be with you every step of the way.

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## CLAIMANTS QUESTIONNAIRE

In an effort to assess the types of claims for compensation leaned against Robins, the bankruptcy court has appointed a consultant to develop an extensive questionnaire and to test the questionnaire on a random sample of about 3,000 claimants. Most of that sample have been completed and returned to the court and responses are now being carefully evaluated. Based on these responses it is likely that the court will make some projections for how much money will be needed to settle outstanding claims: what percentage of claims are valid and verifiable, what percentage of claims represent serious injury and what percentage represent less serious injury. The questionnaire is long, 50 pages or more, parts of it seem repetitive and parts of it are confusing. You must remember that it is a very important legal document and may in fact be the only thing needed to assess your claim. **TREAT IT WITH RESPECT.** Some lawyers are suggesting that you must need to have a lawyer to fill out the questionnaire. We are not convinced of that. We are confident that women who have medical records verifying they had a Dalkon Shield and were injured by it, who have the time and inclination to do the work themselves and who work with a D.S.A.C. group can fill out the questionnaire as effectively as a lawyer.

We expect the earliest the claimants questionnaire to be mailed is this fall. You will probably have 30 days to complete it and return it to the Bankruptcy Court in Virginia. Therefore it is vital that you gather everything you need now. Don't wait until you get the questionnaire. You will need all relevant medical records, names and addresses of Doctors, clinics and hospitals where you were treated, the dates of treatment etc.

Already D.S.A.C. has accumulated considerable expertise helping women complete the sample questionnaire, we are devising ways of passing on that expertise to those of you who need it.

### CONTRIBUTERS TO THIS ISSUE

Megan Arundel, Kn. Houlihan,  
Barbara Mintzes, Deborah Sexton  
Maggie Thompson.



## MEDICAL RECORDS

Many women are still asking how they can get their medical records and what they should do when records have been destroyed. There is no definitive way of obtaining medical records; everything hinges on how willing the doctor or hospital is in releasing the information you need. Briefly, records are needed that establish the use of the Dalkon Shield by either verifying its insertion, removal, or treatment connected with its use.

There are three ways to obtain records:

1. Ask for them yourself;
2. Have your doctor request them for you;
3. Have a lawyer request them for you.

In the last two cases you should ask for a copy of the records for yourself. Although there may be costs incurred in obtaining records, only a lawyer can charge you a fee for the work done to request them.

The College of Physicians and Surgeons and the Provincial Medical Services Plan may be of help in locating doctors and records. If records are lost or destroyed, you will need a certificate or statement from your doctor(s) verifying their destruction.

For more coverage on these points, please refer to an article on medical records in the November issue of HealthMatters (Vol.2 No.4). We strongly urge you to begin to gather your medical records NOW. You will need them to be able to complete an extensive questionnaire the Bankruptcy Court will forward to you in the fall.

## Deborah's Story

I had my first child when I was seventeen years old and because I wanted to finish my education before I got pregnant again, I wanted the safest, most hassle-free form of birth control. The Pill was out for many reasons. I had tried foam but had heard it wasn't very effective.

My doctor told me the safest and most effective method next to the Pill was the IUD so I made an appointment to have one inserted.

There weren't any problems with the insertion except a bit of cramping and the doctor's attitude. He was catholic with 5 children under 6 years and was unwilling to discuss birth control with me.

He told me I may have a bit of spotting and my periods might be heavier. I bled heavily for nearly four months. I was having extremely severe pain and started fainting which really scared me. I went down to 92 lbs.

Every time I called my doctor, he told me it was just my body adjusting to the IUD and that the symptoms would soon go away. The last time I went to see him, he told me I should get a hobby or do something to take my mind off myself. He made this "diagnosis" without doing any physical examination. When I asked him to remove the IUD he refused.

I finally went to the local Free Clinic where I was examined and immediately referred to a gynecologist. It wasn't until I had the IUD removed that I found out it was a Dalkon Shield.

Two years later when I wanted to have another child and didn't get pregnant I went to the same gynecologist who did numerous tests including a laparoscopy which revealed both my fallopian tubes were deformed and blocked and covered in scar tissue. He asked me if I had ever had gonorrhea. The possibility never even came up that I may have had PID from the Dalkon Shield, even though all the symptoms I had had when it was in very strongly pointed to that.

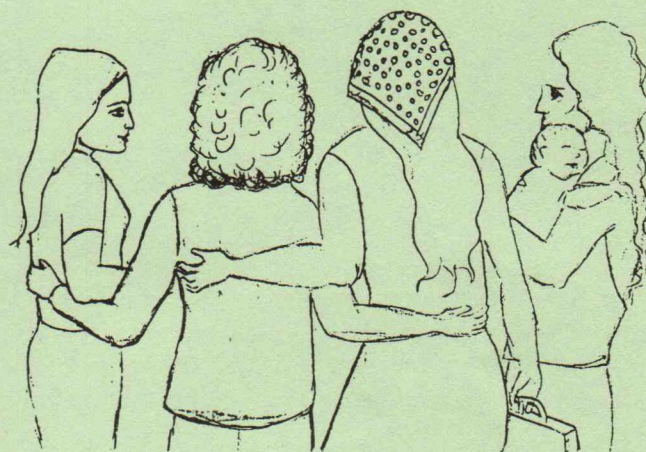
When I was told I was sterile, I was devastated. I had always wanted lots of children and now I was told I could never have any more.

The grief and anger I felt was overwhelming. I felt so much hatred towards my G.P. for minimizing my problems when I KNEW there was something wrong. I was angry at myself for believing him instead of follow-

because he was the "expert". I was just thankful that I had already had one child before deciding on that form of birth control.

The positive things from my experience are that I became more responsible for my health. I don't take any medical "experts" word as law written in stone, and I have more faith in my own feelings than in a lot of medical diagnoses.

Talking to other women has made me realise that communication is knowledge and knowledge is power and that women have to change the balance of power in the health field to regain control of our bodies and prevent the money-oriented medical establishment from putting profits before womens' lives.



Deborah Sexton

## You'll Never Know

sometimes it seems  
the only liberation there is

is the freedom to know:  
you make your own justice  
you define your own victory

visions of a huge gutted fish

hooked  
punctured  
torn

blood...  
eyes rolled upward

a Dalkon Shield  
harpooned me

you'll never know...  
I'm beached...

on the shores...  
of eternity.

Kn. Houlihan

## WHO NEEDS LAWYERS ?

Most women who have contacted D.S.A.C. have assumed they will need a lawyer to handle their claim against Robins.

We are not completely convinced of this, in fact we are confident that women will be able to handle their own claims without the help of a lawyer. Generally, we can say that lawyers will save you time but cost you money. So if you have time and no money, consider going without a lawyer. If you have money (or are willing to give up 30% of your final settlement) and no time, hiring a lawyer may be your best choice. As we see it the options available to claimants are:

1. Independent Court Action: completing the claim yourself. We strongly urge women who choose this route to have ongoing contact with a local D.S.A.C. group, especially for help filling out the Claimants Questionnaire (see article on forming local groups) Help may also be available from a sympathetic doctor who can get the medical records you need.

2. Individual Legal Representation: you hire a lawyer who can help to locate and acquire medical records and help you fill out the claimants questionnaire. Dalkon Shield Action Canada now has a registry of Canadian lawyers from which you can choose. An advantage to this option is that you can hire a lawyer in your community and therefore have greater access to him or her.

3. Group Court Action: you join D.S.A.C. group court action with already selected lawyers handling your case. These lawyers will do the same work getting documents etc. that an individually hired lawyer would do. The advantage is that costs will be lower than if you retained your own lawyer.

### CHOOSING A LAWYER

If you have decided to work with a lawyer, you deserve to have the very best legal counsel available. You will need a lawyer with skill, commitment and experience. D.S.A.C. has a registry of 250 lawyers across Canada. In January we mailed a questionnaire to all of them requesting information about their fees, experience and what other relevant work they do. With a response rate of about 15% it seems that

not many lawyers are interested in providing us with the information we need.

We fully expect to gather more information about lawyers as the days and weeks go by. You can help us by passing on information from your own experience.

Women are welcome to write requesting a list of lawyers in their area. We will also be sending our lists to women's centres and health centres around Canada, to local D.S.A.C. groups as they form and to the women who have indicated to us their interest in forming local groups.

Here's the initial list of centres that you can contact for more information.

#### Yukon:

Victoria Falkner Women's Centre  
101 - 302 Steele St.  
Whitehorse, Yukon

#### Alberta:

Calgary Women's Health Collective  
2340 - 1st Ave. N.W.  
Calgary, Alta.  
T2N 0B8

#### Saskatchewan:

Regina Healthsharing  
Box 734  
Regina, Sask  
S4P 3A8

#### Manitoba:

Winnipeg Women's Health Clinic  
404 - 303 Graham Street  
Winnipeg, Manitoba

Manitoba Council for Internat Dev  
60 Maryland St. 2nd Floor  
Winnipeg, Man  
R3G 1K7

#### Ontario:

Women Healthsharing  
101 Niagara St.  
Toronto, Ontario

Women's Health Interaction  
58 Arthur St.  
Ottawa, Ontario  
K1R 7B9

NW Women's Health Infor Nwk  
8A N. Cumberland St. Suite 17  
Thunder bay, Ontario  
P7A 4L1

#### Quebec:

Regroupement Des Centres des Femmes  
Du Quebec  
C.P. 1197 Succ. Place du Parc  
Montreal, Quebec,  
H2Y 2P4

#### Nova Scotia:

Pictou County Women's Centre  
P.O. Box 964  
New Glasgow, N.S.

#### Newfoundland:

Planned Parenthood  
203 Merrymetting Rd..  
St. John's, Newfoundland.  
ALC 3W6

#### Labrador:

Labrador Inuit Health Commis  
Northwest River  
Labrador, AOP 1M0

### GROUP COURT ACTION

We are currently in the final stages of making a decision about which Canadian lawyers will conduct the group court action. We will be selecting lawyers with the experience, skills and resources to take on many more cases. The team will have to include at least one lawyer capable of working in French. We have already selected the American lawyer who will complete the team, and are very please to announce that Bob Manchester will be working with us. Mr. Manchester has over 12 years experience in Dalkon Shield litigation, has donated huge amounts of time and resources to the issue and has been working closely with the Vancouver Women's Health Collective for some time now. Our familiarity with Mr. Manchester and our confidence in him is an important foundation to build on.

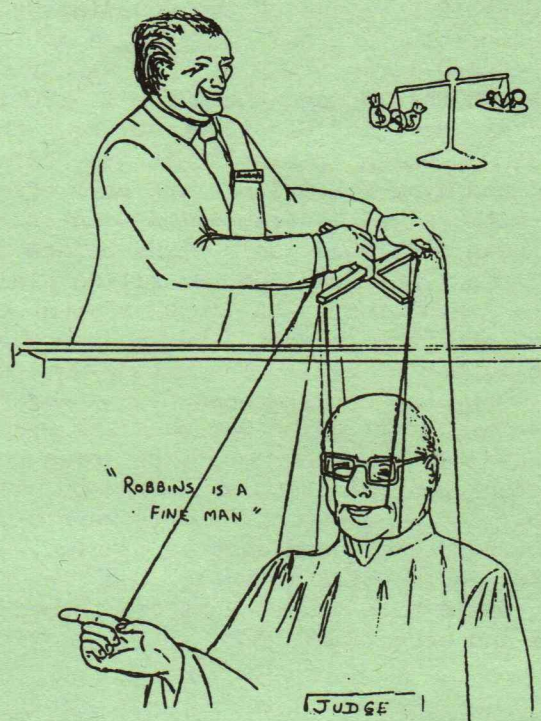
## BANKRUPTCY UPDATE

### Buy-Out Offer Fails

On February 4th 1987 American Home Products Corporation, a drug and consumer product giant, announced its intention to acquire A.H. Robins with a generous buy-out offer. American Home proposed setting up a \$1.75 billion trust fund to settle claims and was prepared to pay \$20.00 each for shares that were valued at \$10.50. On the eleventh hour, Robins negotiators began to push for a lot more. Demanding five year employment contract guarantees for over 50 of its top executives and supplemental consulting contracts of \$100,000 per year for Chairman Clairborne Robins and his son Clairborne Robins Jr., it seems that, once again, greed not fairness became the decisive factor for Robins. Unwilling to negotiate detailed contracts and severance pay agreements, American Home withdrew its offer. Had the offer gone through, Dalkon Shield claimants may have been able to settle claims much sooner than if the bankruptcy proceedings continue. Robins is still available for sale.

### Reorganization Plan

It goes like this. Robins filed for bankruptcy protection in Richmond Virginia in August 1985. The District Court agreed to protect the company from creditors on the condition that Robins would promptly develop a reorganization plan outlining exactly how it would pay its bills. This plan was originally due on June 30th 1986. Robins have stalled, made excuses and done everything in their power to delay announcing how they will come up with the money to settle claims. So far the company has been granted four extensions on the time allowed to prepare this plan. In a letter dated Jan. 2, 1987, and addressed to Counsel of Record, Judge Merhige, who oversees the bankruptcy proceedings and who granted the four extensions, wrote "I foresee no, nor can I conceive of any circumstances which will delay the filing of a plan as now scheduled" (for February 5th). Judge Merhige obviously didn't have the same imagination Robins had. On February 4th, one day before the reorganization plan was expected, American Home Products, announced its intention to buy out A.H. Robins.... Judge Merhige immediately granted Robins its fifth extension!!



Deborah Sexton

### Neighbourly Justice

Fourth Circuit U.S. Court of Appeals has rejected a bid by a group of plaintiff lawyers to have Judge Merhige disqualified from the case. Among the reasons given for disqualification were Judge Merhige's acquaintance with Clairborne Robins, and a meeting between Merhige and Robins just before the bankruptcy was filed. Appellant court Judge Widener said that Merhige had shown no bias in favour of the board chairman even though the two are neighbours and Merhige called Robins "a fine man".

### Still Making \$\$

Robins reported earnings of \$81.8 million on sales of \$790 million in 1986. Sales increased by 12 %, earnings by 8%. The company's cash reserves have grown from \$15 million, when the bankruptcy petition was filed in August 1985, to more than \$193 million today.

## SLOPPY "SCIENCE"

The April 1986 issue of the Canadian Medical Association Journal carried an article titled "Long Term Study of the safety of the Dalkon Shield and the Gyne T 200 intrauterine devices" Was it an accident that this study, which claims "that the Dalkon Shield and Gyne T 200 IUD's are safe effective methods of intrauterine contraception", was published only weeks before the April 30th 1986 deadline for filing claims against A.H.Robins? A look beyond the study's abstract (summary) makes a mockery of the author's claim. The study was designed only to compare women who used the Dalkon Shield to women who used the Gyne T 200: nowhere is either group of women compared to a control group of women not using an IUD. If a group of people were given arsenic to drink, and another cyanide, and no more people died drinking one or the other, would both poisons be proclaimed to be safe and effective?

This study could be criticized on many more levels. At best, it is a study which was carried out sloppily so that it does not provide good, reliable information. At worst, it is deliberate misrepresentation of the facts. Either way, it is disturbing that the Canadian Medical Association Journal chose to publish such a study knowing that women who had been harmed by the Dalkon Shield would then read the newspaper reports of a "recent scientific study" proving that the Dalkon Shield was, after all, a safe and reliable method of birth control.

## DALKON SHIELD ACTION VANCOUVER MEETING

MONDAY APRIL 27th 7.30 pm  
DOUGLAS PARK COMMUNITY CENTRE  
801 West 22nd Ave, Vancouver.  
(between Cambie and Oak)  
For More Information call 682-1633.



At a Feb. 16th meeting of DSAC, held at the Vancouver Women's Health Collective, a range of issues were addressed and future work planned. Questions of central concern were:

- Do I need a Lawyer? How do I choose one?
- How do I get medical records?
- Where can I find a good gynecologist?

Discussion on the lawyer questionnaire (sent out in January by DSAC) led to a working committee to evaluate responses and develop a short list of preferred lawyers for the Group Court Action. Other topics discussed and planned at this meeting were:

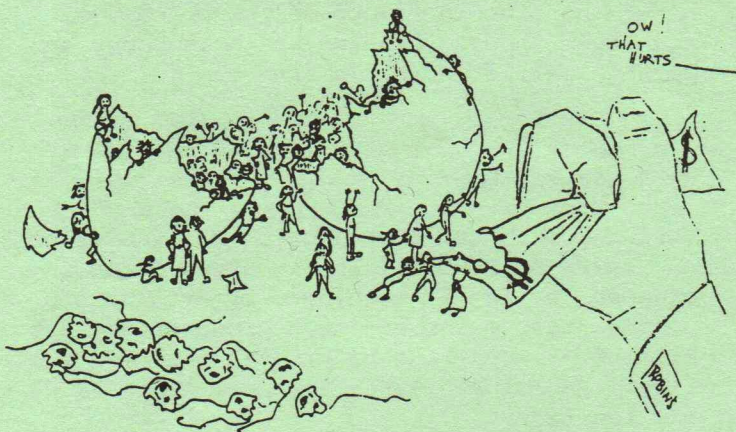
- preparation of the Newsletter;
- completing the claimants' questionnaire;
- networking across Canada.

The next DSAC meeting has been scheduled for April 28th, 1987 (place?). There will be continuing discussions on the above points as well as strategy planning of DSAC's role with local groups across Canada.

If you're planning to attend, bring your questions and recommendations for discussion; if you can't come, suggestions received by mail will be welcomed.

While serving as a forum for discussion of the issues, these meetings are a place for women to talk about their use of the Dalkon Shield with others who understand and share the same experience.

The demand for information from DSAC is overwhelming. We hope that with the increased involvement of members we will create a more effective & stronger resource for those who have suffered from use of the Dalkon Shield.



Megan Arundel