

Close Plaintiffs–Lawyers Collaboration in a Lawsuit

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Abstract

Our lawsuit started on 25 December 1998 and reached a settlement through negotiation on 7 June 2002. To begin with, we demanded a total payment of 1.28 billion yen in settlement for 77 plaintiff victims and 44 bereaved families. We then included in the settlement document that the defendant should not only apologise but commit themselves to prevent further pneumoconiosis suffering. It took 3 years and 5 months to reach a settlement, but in fact as long as 15 years of various efforts prior to filing of suit. We formed a patients' group to promote communication between members while the labor unions made continuous efforts to negotiate with the firm to improve the dust-producing work environment. In 1997, just before the filing of suit, we created a parent organization to the plaintiff party, called the "Group for Requesting Mitsubishi Heavy Machinery for Pneumoconiosis Compensation," that held negotiations with the firm mainly about compensation, which eventually broke down. If compared to volcanic activity, it was as if the magma were creating subterranean rumblings before the eruption – the filing of suit.

The defendant's plan was to prolong the trial by raising medical debates. To achieve this purpose, the defence acted outrageously, attempting to ignore the current system, by requesting to have every single plaintiff judged by CT scanning, and even raising objections to governmental decisions under the pneumoconiosis law for some plaintiffs. Despite such desperate resistance by the defendant, the situation changed for the better all of a sudden when the Nagasaki District Court rejected the request for CT scanning and gave settlement advice on its authority.

The plaintiff party dissolved after the settlement, but we created the "Mitsubishi-Nagasaki Group for Eradication of Pneumoconiosis" and have now been working with a constant awareness that the struggle for the eradication of pneumoconiosis is a struggle to protect human rights.