

ROBERTS & ROBERTS

"An East Texas law firm with a history of helping injured people."

SAFETY & THE LAW

Fall 2001

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ROBERTS & ROBERTS

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CHILD SAFETY: BUYING SAFE TOYS

Each year, more than 100,000 children get hurt by their toys. Some are badly hurt. Some even die.

These injuries don't have to happen. As we approach the holiday season, here are a few simple tips from the Consumer Product Safety Commission for buying toys:

Pay Attention to Age Labeling

Toys are often labeled according to ages of children who can use them safely. For instance, "For Ages Three and Over" means that the toy has small parts on which young children can choke, or sharp points, strings, or elastics that can injure kids under three. It doesn't always mean that the toy is too advanced for your bright two-year old.

Look For Small Parts

The federal government established a safe size for kids under three. A small part should be at least 1 $\frac{1}{4}$ " in diameter and 2 $\frac{1}{4}$ " long. Any part smaller than this or which might break into pieces smaller than this is a potential choking hazard.

Check For Sharp Points and Edges

New toys intended for children under eight years of age should, by regulation, be sold free of sharp points as well as

sharp glass and metal edges. Kids, however, love to throw their toys or they may leave them where they can fall on them. Watch out for toys with glass or easily breakable plastic that will form a sharp point or edge when broken.

Watch Out For Cords and Strings

Toys with long strings or cords may be very dangerous for infants and very young children. The cords may become wrapped around an infant's neck causing strangulation. Never buy toys with long strings, cords, loops, or ribbons to hang in cribs or playpens where children can become entangled.

Small toys are BIG business. Our product safety laws require that toys be designed safely not only for their intended use by our children but also for their reasonable foreseeable misuse. The next time someone tells you that we need to weaken our product safety laws, remember what and who is at stake.



Roberts & Roberts — Specializing in Bodily Injury, Wrongful Death, and Insurance Claims

AUTO FINANCING ALERT



Buying a new automobile should be fun. Unfortunately, some new auto buyers are finding they were deceived during the deal and are suing to recover their money. These cases usually involve dealer-arranged financing. For instance, if you did not get a copy of the price, payment, APR, amount financed and total cost of credit in writing *before you were presented the contract to sign*, you lost a valuable opportunity to shop the cost of credit, or to see if another seller might be able to beat the deal. There have also been reported problems and lawsuits against dealerships for deceptive trade practices involving the sale of additional products and services such as credit insurance, extended warranties and theft protection.

Where the dealer has violated federal and state consumer protection laws, the penalties can be significant depending on the nature of the violation. Also, if you win your case, the law typically allows you to recover the costs of legal fees. If you have purchased a vehicle recently and let the dealer "help" you with the financing, have a lawyer look over your contract for any irregularities. You may be entitled to recover an amount equal to twice the total finance charge provided in your contract, and the costs of legal representation.

If you have been a victim of this practice, call us...we can help. ■



Q. My car is a total loss because of an accident I had with a careless driver. His insurance company has only offered to pay me the fair market value of my car. Do I have any other rights?

A. Yes. In addition to paying you the fair market value of your car, the insurance company must pay the towing and storage fee at the salvage yard. It must also reimburse you for the sales tax you will have to pay to get another car of similar value as well as for the cost of the new license plates and title. The sales tax is 6.25%. Getting new license plates will cost \$60.00 to \$70.00 and transferring title to another car into your name will cost \$13.00 to \$16.00.



 This newsletter is printed on recycled paper.



SEND US YOUR EMAIL ADDRESS

Every day defective products are recalled and unsafe working conditions are exposed. Chemicals, drugs, and medical devices once thought safe are found to be potentially dangerous to users. We live in a changing world and to stay safe, you need to be informed.

Send your email address to mail@robertslawfirm.com and we will keep you informed by email of important product recalls and current news on consumer, home, and workplace safety.

ROBERTS & ROBERTS

Roberts & Roberts is an East Texas law firm with a history of helping people injured by unsafe practices and products. Randell C. Roberts and Bruce L. Roberts are board certified in Personal Injury Law by the Texas Board of Legal Specialization.

OUR POLICY

THE INITIAL CONSULTATION IS FREE. The attorney's fee is a percentage of your recovery. You are not obligated to pay any attorney's fee, court costs, or other legal expenses unless you are compensated.

- Free consultation at a place and time convenient for you.
- Free transportation to our office for your consultation.
- Help with medical care before you settle your claim.
- Help with car repair and rental.
- Help collecting lost wages.
- Help 24 hours a day.
- Se habla español.

**If you know of someone who is injured, call Roberts & Roberts...
We can help.**

(903) 597-6000 • 1-800-248-6000



THE ATTORNEYS

RANDELL (RANDY) C. ROBERTS



Randy received his Bachelors in Business Administration (B.B.A.) from the University of Texas at Austin with Highest Honors in 1976. While at the University he was named one of its "Outstanding Students" and selected to be one of its candidates for the Rhodes Scholarship. He received his Doctorate of Jurisprudence (J.D.) from the University of Texas School of Law at Austin in 1979, where he also served on the Texas Law Review and in its Order of the Barristers.

Randy began his legal career in 1979 in Houston with the national law firm of Fulbright & Jaworski. In 1982, he returned to his home town of Tyler to eventually form with his brother and sister the law firm now known as Roberts & Roberts, specializing in representing people injured by unsafe practices and products. Randy is a member of the Million Dollar Advocate's Forum and he has been recognized in Time, Newsweek, Ladies Home Journal, and the Texas Lawyer as well as on NBC's Dateline for his role in uncovering the documents that led to the recall of the Firestone Radial ATX and Wilderness lines of tires.

Randy is a frequent lecturer at advanced personal injury seminars. He has spoken at the annual convention of the Association of Trial Lawyers of America as well as at seminars sponsored by the Texas Trial Lawyers Association and the University of Houston Law Foundation. He has written numerous papers and speaks on such topics as products liability and investigating major personal injury claims.

Randy is a Fellowship Member of the Texas Trial Lawyers Association and a Sustaining Member of the Association of Trial Lawyers of America. He is also a member of the American Bar Association, the State Bar of Texas, the Smith County Bar Association, and the East Texas Trial Lawyers Association in which he has served as an officer.

CERTIFICATIONS & LICENSES

Randy holds the highest rating ("A/V") from the Martindale-Hubble Attorney Rating Service. He is also:

- Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization
- Certified as a Diplomate in Legal Professional Liability by the American Board of Professional Liability Attorneys
- Certified as a Civil Trial Advocate by the National Board of Trial Advocacy
- Certified as a Fellow by the National College of Advocacy
- Certified as a Fellow by the College of the State Bar of Texas

In addition to being licensed to practice in all Texas courts, Randy is also licensed to practice before his U.S. District Court, the U.S. Fifth Circuit Court of Appeals, and the U.S. Supreme Court.

KAREN R. ROBERTS



Karen received her Bachelor of Arts (B.A.) degree with Honors from the University of Colorado in 1985. She then worked as a broadcast journalist for NBC television affiliates in Colorado and Nevada. After working several years as a journalist, Karen went on to receive her Doctorate of Jurisprudence (J.D.) from the University of Utah School of Law in Salt Lake City, Utah in 1994. While in law school, she was selected, due to her academic achievement, to serve on the Utah Law Review. Karen was awarded the American Jurisprudence

Award for Legal Writing and Research as well as Constitutional Law. She was also selected to be a member of the school's National Moot Court Team which competed against other law schools.

Karen began her legal career in 1994 when she joined her brothers (Randy and Bruce) in the law firm of Roberts & Roberts. Since joining the law firm, she has devoted her practice to representing people injured by unsafe practices and products. She has earned the status of "Advocate" from the Association of Trial Lawyers of America National College of Advocacy. Karen is heavily involved in the litigation practice of Roberts & Roberts and spends the majority of her time preparing cases for trial.

Karen is a frequent lecturer at personal injury and other legal seminars. She has assisted in the research and writing of seminar papers involving topics such as products liability and investigation of major personal injury claims.

Karen is a member of the Smith County Bar Association, American Bar Association, East Texas Trial Lawyers Association, Texas Trial Lawyers Association, and The Association of Trial Lawyers of America. She is licensed to practice in all Texas courts as well as before her U.S. District Court.

Karen was born September 16, 1962 and graduated from Robert E. Lee High School in Tyler, Texas. She is married and has a son to whom she devotes her free time. Karen enjoys traveling with her family.



BRUCE L. ROBERTS

Bruce is an attorney Board Certified in Personal Injury Trial Law. According to the State Bar of Texas, only three percent (3%) of Texas Attorneys are Board Certified in Personal Injury Trial Law.

Bruce was born November 30, 1956 and graduated from Robert E. Lee High School in Tyler, Texas. He attended the University of Texas and the University of Texas School of Law, graduating in 1981. After working for a year for the Twelfth Court of Appeals for the State of Texas, he joined his brother forming a law firm now known as Roberts & Roberts. In addition to being Board Certified

in Personal Injury Trial Law by the Texas Board of Civil Trial Advocacy, he is also a member of the State Bar College of the state of Texas.

Bruce has been active, not only in the actual trial of personal injury lawsuits, but also in the academic area by authoring several articles in the area of personal injury law. He was a member of the Review of Litigation and the American Journal of Criminal Law at the University of Texas School of Law. While in private practice he has co-authored articles for seminars sponsored by the University of Houston School of Law, the Texas Trial Lawyer's Association, and the American Trial Lawyers Association.

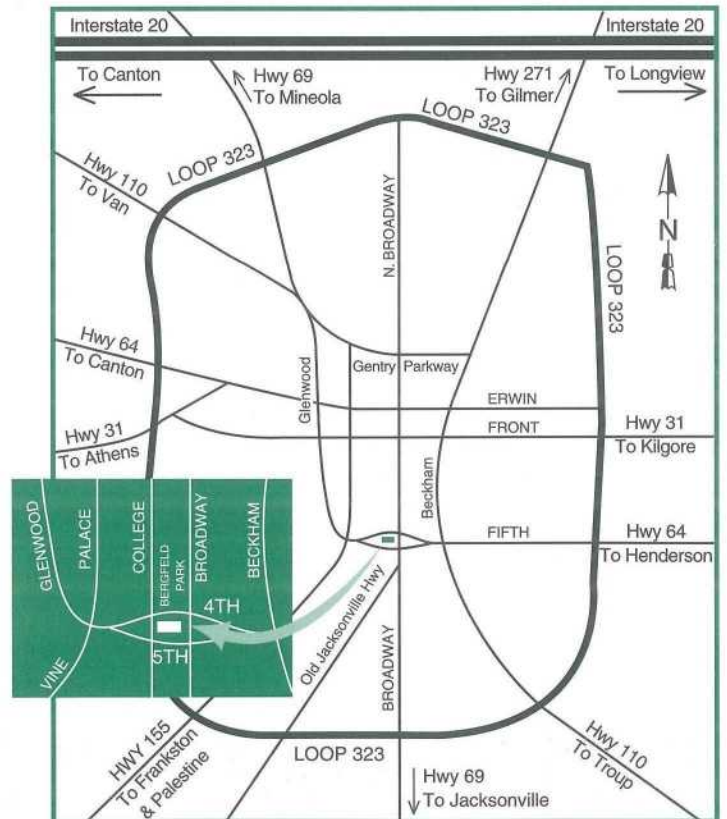
Bruce is licensed to practice law in all State Courts as well as the Eastern, Western, and Northern Districts of the United States District Courts. He is also licensed to practice within the Fifth United State's Court of Appeals and The United States Supreme Court.

In addition to trying numerous lawsuits, Bruce has handled appeals before the Texas Supreme Court, the Texas Court of Criminal Appeals, and the Fifth United States Court of Appeals.

Bruce is married and is the father of three children. He is a member of the First Christian Church and has been an assistant soccer coach, little league baseball coach, and den leader of pack 335 for four years. He has also been on the Board of the American Heart Association, Head Injury Association of Tyler, United Cerebral Palsy Telethon, and Past Nobel Grand of the Independent Odd Fellows, William Tell Lodge No. 27, one of the oldest fraternal organizations in the United States.

MAP TO OUR OFFICE

Located across from Bergfeld Park on Broadway



ROBERTS & ROBERTS

ATTORNEYS AT LAW

118 W. Fourth St. • Tyler, Tx 75701-4000

Return Service Requested

CONSUMER PRODUCT WARNINGS & RECALLS

■ 66,000 Grand Hall propane regulators (Model 6000) manufactured between 01/96 - 12/99 are recalled. They contain a rubber diaphragm that could tear under pressure resulting in a propane leak and fire hazard. Call toll free 866-828-2788 for information and replacement kits.

■ Dell Computer is recalling 284,000 batteries used in notebook-style computers. Batteries can overcharge and possibly catch fire. The batteries are used in Dell Inspiron 5000 and 5000e notebook computers. Remove the battery. Call Dell at 877-237-3355 for replacements.

■ Kmart is recalling nearly 24,000 Martha Stewart "Everyday" brand tea kettles. The kettle spout may release boiling water presenting a burn hazard. Kettles were sold nationwide from 10/2000 - 3/01. Stop using these tea kettles and return them to Kmart for a refund.

■ Approximately 16,000 2001 Kia Optimas are recalled. The side air bag wire harness on the driver's side could be misrouted which could result in the side air bag not deploying in an accident. Owners should have their car inspected by a dealer to make sure their airbag wires are properly routed.

■ 30,000 2002 Chevrolet Trailblazers, GMC Envoy and Oldsmobile Bravadas are recalled. Front lower control arm brackets may fracture resulting in separation of the front lower control arm from the vehicle's frame. Separation could result in loss of vehicle control. Dealers will replace the left and right front lower control arm.

■ Over 550,000 GM Minivans (1997-2001) are recalled because passenger-side power-sliding doors may close but not latch. If this happens, the power sliding door could open while the vehicle is in motion and unrestrained passengers could fall out of the van. Contact a GM dealer to have a new un-latch actuator assembly installed.

■ XL Machine Ltd. is recalling 10,000 sets of dollhouse bathroom furniture. The yellow paint on the furniture contains lead which presents a risk of lead poisoning to children. The furniture distributed nationwide by Target Corporation reads "Little Tree" and "MADE IN CHINA". Consumers should return these toys to Target for a refund.

■ Peg Perego USA, Inc. is recalling 325,000 high chairs sold from 6/96 - 10/99. When the seat is reclined, the high chairs have space between the armrest and the back rest. A child's head or arm could be caught posing a risk of suffocation or injury. The recalled chairs are the "Prima Pappa", "Roller", and "Martinelli Papa and Nanna". Consumers should stop using the chair. Contact Peg Perego at 1-877-737-3464 or at www.perego.com for replacement armrests.

■ Century Products Company is recalling 650,000 "Take 2", "Travel Solutions", "Pioneer", "Travel Lite" and "ProSport" 4-in-1 strollers. The strollers can unexpectedly collapse or the car seat/carrier adapter can unexpectedly detach. When this happens, an infant can fall to the ground suffering serious injury. Contact Century at 800-766-9998 for free repair kits.

ROBERTS & ROBERTS

*Nationally Recognized as
Fighting For Injured People...*

TIME — September 11, 2000

DATELINE NBC — September 13, 2000

NEWSWEEK — October 9, 2000

TEXAS LAWYER — December 18, 2000

*...and Getting Results!**

Defective Product

\$5,750,000

Auto Accident

\$5,000,000

Oil Field Accident

\$2,300,000

Loading Dock Accident

\$1,665,000

Lumber Company Accident

\$1,500,000

Auto Accident

\$1,500,000

Railroad Crossing Accident

\$1,200,000

Construction Accident

\$1,100,000

Highway Accident

\$1,100,000

Trucking Accident

\$1,000,000

Drunk Driving Accident

\$1,000,000

**Results obtained depend on facts
of each case.*

You may obtain more information about product recalls by calling the Consumer Product Safety Commission at 1-800-638-2772, the U.S. Department of Transportation Auto Safety Hotline at 1-800-424-9393, or the Food and Drug Administration at 1-800-332-1088.