

# ROBERTS & ROBERTS

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

## SAFETY & THE LAW

Summer 2001

### IN THIS ISSUE:

**ROBERTS & ROBERTS  
INVESTIGATES FIRESTONE TIRES**

**PROFILES OF  
THE ATTORNEYS AT  
ROBERTS & ROBERTS**

**CONSUMER PRODUCT  
WARNINGS AND RECALLS**

### ROBERTS & ROBERTS

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## ROBERTS & ROBERTS AND THEIR CLIENTS CREDITED WITH HELPING BRING ABOUT FIRESTONE TIRE RECALL

Jessica Taylor was a fourteen year old cheerleader from Mexia. She was riding in her family's Ford Explorer on her way to her homecoming football game. The tread on their Firestone ATX tire separated, their Ford Explorer rolled over, and even though she was wearing her seatbelt and shoulder strap, Jessica Taylor was killed.

At first it appeared to be another of life's unavoidable tragedies. Or so it seemed, until Jessica's parents, Jim and Cathy Taylor, hired Roberts & Roberts. The Taylor's family attorney, Benjie Reed of Reed & Reed, had recommended Roberts & Roberts to the Taylors.

At the time of Jessica's accident, the government was not aware of a tread separation problem with the

Firestone Radial ATX line of tires. Moreover, the public was generally unaware of the danger of SUVs, including the Ford Explorer, rolling over when a tire tread unexpectedly peels off while traveling at highway speeds.

After an extensive investigation, Roberts & Roberts filed a lawsuit against Firestone and Ford Motor Company. As late as November of 1999, Firestone was claiming in the Taylor's lawsuit that there was only one similar lawsuit. The Taylor's lead attorney, Randy Roberts, nonetheless forced Firestone to turn over documents revealing that there had been almost sixty lawsuits filed against Firestone and eleven hundred consumer complaints about tread separations up until that time. To their credit, the Taylors resisted



Dateline NBC's Dennis Murphy interviewing Randy Roberts at our Tyler office.

## FIRESTONE TIRE RECALL (CON'T.)

Firestone's efforts to secretly settle their lawsuit and to keep these documents hidden from the public. Instead, the documents were made public, and their disclosure helped spark the second largest tire recall in U.S. history.

*Time* magazine credited the Taylors and the work of Randy Roberts in the Taylor's lawsuit for bringing about the biggest consumer alert since the Tylenol scare. The story of the disclosures brought about by the Taylor's lawsuit soon traveled throughout the United States with stories also appearing in *Newsweek* and in *Ladies' Home Journal* as well as on NBC's *Dateline* and PBS's *Frontline* (to air as a documentary this fall). Several Japanese television networks also traveled to Tyler to interview Randy Roberts and the Taylors to learn more about their efforts to bring about the tire recall.

Firestone fought hard to avoid turning over their secret corporate documents that revealed the magnitude of their tire tread separation problem. In fact, Firestone paid thousands of dollars in

court-ordered fines before turning the documents over to Roberts & Roberts. Recalling the day the boxes containing the key Firestone documents arrived at their Tyler office, Randy Roberts was quoted in *Time* magazine as saying "I was ecstatic. I could now prove there was a serious problem."

Once Roberts & Roberts uncovered Firestone's well kept secret, Randy tipped off the National Highway Traffic Safety Administration to the extent of the problem and the Firestone "Firestorm" erupted. Roberts & Roberts' partner, Bruce Roberts, noted that, "Once again it was not the government or its agencies that sparked this recall to protect the public. It was the trial attorney, who has been and always will be the first line of defense for consumers against unsafe products."

Having helped alert the public to the seriousness of the tire problem and helped bring about the recall of the tire, the Taylors settled their lawsuit against Firestone and Ford Motor Company. Roberts & Roberts, however, continues to represent people injured by unsafe products. ■

## 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**



**Q.** My car was hit by an uninsured driver. My insurance company paid for the damage to my car, but I am still out my \$250.00 deductible. Do I have any rights?

**A.** Yes. If the other driver was at fault, your insurance company must bring an action against the other driver to collect your deductible. Your insurance company is required to do this within 12 months after paying your claim. If it does not, then your insurance company must pay you the amount of the deductible.

There is an exception to this law — if your insurance company properly notifies you of its decision not to pursue collection, it does not have to pay your deductible. It must notify you in writing of its decision and it must authorize you to bring your own action against the other driver.



This newsletter is printed on recycled paper.

## 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 Diplomat 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. 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.

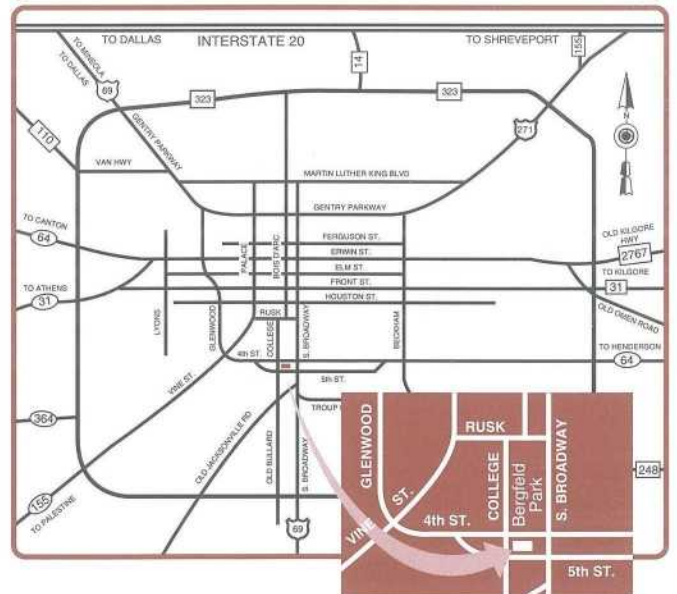
Bruce is licensed to practice law in all State Courts as well as the Eastern, Western, and Northern Districts of the United States District Courts. He is also licensed to practice within the Fifth United State's Court of Appeals and The United States Supreme Court.

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 & RECALL I N F O R M A T I O N

■ Cosco is voluntarily recalling approximately 171,000 Bungee Baby Jumpers. Metal clasps can detach from the bungee cord causing the unit to fall to the floor injuring the baby in the jumper.

Recalled Cosco Bungee Baby Jumpers are Model Nos. 04-461 and 04-468. They were sold nationwide between May 1996 and December 2000. Consumers should stop using the Bungee Baby Jumpers immediately and contact Cosco at 1-800-314-9327.

■ The National Highway Traffic Safety Administration (NHTSA) has published a recall affecting 1994-1995 Buick Skylarks, Oldsmobile Achievas, and Pontiac Grand Ams. A fire could occur in the steering column and spread to the interior of the car if the engine starter fails to engage and the driver holds the key in the start position for an extended period of time. Owners should contact their dealer to see if their car is part of the recall.

■ The National Highway Traffic Safety Administration (NHTSA) has published a recall affecting 53,000 1998-2001 Toyota Camrys. The accelerator inner cable could wear away and eventually break, allowing the throttle to return to idle or remain in its most recent position regardless of accelerator pedal operation. This could increase the risk of a crash. Those who have not received notice of the recall can contact Toyota at 1-800-331-4331.

■ National Service Industries, Inc. (NSI) is voluntarily recalling approximately 1.4 million bottles of Zep Commercial Cleaner sold in thirty-two ounce (32oz) bottles.

Some of the bottles can leak through the cap when turned on their side allowing the contents of the cleaner to come in contact with consumers. These cleaners can cause irritations and burns to the skin and eyes. These 32oz bottles of Zep Cleaners include Acidic Toilet Bowl Cleaner; Calcium, Lime, and Rust Stain Remover; Grout Cleaner and Whitener; and Driveway, Concrete & Masonry Cleaner. The products were sold nationwide at Home Depot between January 1998 and February 2001.

■ Ariens Company is recalling approximately 40,000 walk behind lawn mowers sold under the Ariens, Scotts, and Husqvarna brand names. The piece attaching the blade to the mower can crack and break off. The broken piece or the blade can be propelled from underneath the mower possibly injuring the operator or bystander. Consumers should stop using these mowers immediately. To locate the nearest dealer or for more information call Ariens toll-free 1-877-740-7060.

■ McDonalds restaurant is recalling 234,000 "Scooter Bug" toys. The toys were distributed with McDonalds' Happy Meals for children under 3 years of age, from November 2000 through February 2001. The bug's antenna can break off posing a choking hazard to young children.

## 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**

**\$3,500,000**

**Oil Field Accident**

**\$2,300,000**

**Loading Dock Accident**

**\$1,665,000**

**Lumber Company Accident**

**\$1,500,000**

**Railroad Crossing Accident**

**\$1,200,000**

**Construction Accident**

**\$1,100,000**

**Highway Accident**

**\$1,100,000**

**Auto Accident**

**\$1,000,000**

**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.