

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Summer 2004

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GO-CARTS & CHILDREN



PROFILES OF THE ATTORNEYS



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ROBERTS & ROBERTS

ATTORNEYS AT LAW

118 W. Fourth St.

Tyler, Tx 75701-4000

6440 Central Expwy., Ste. 311

Dallas, Tx 75206-4123

(By Appointment Only)

903-597-6000

1-800-248-6000



Bruce L. Roberts

Karen R. Roberts

Randell C. Roberts

To read about us in the national media, visit our website at www.RobertsLawFirm.com

IS THERE ASBESTOS WHERE YOU LIVE?

Most people know asbestos is hazardous to your health. Many assume that asbestos is a problem of the past that only affected people in certain industries. This is not true. There are places and products that still contain asbestos today.

According to the American Lung Association, there are more than 3,000 products in use today containing asbestos. These products were used in the making of fireproof roofing, flooring, heating and acoustic insulation. It is found in older homes, and in some newer homes. Most asbestos was banned in the 70's, but if your house was built or remodeled prior to 1970, some of these products used in your construction may contain asbestos.

Asbestos can also be found in your car brake pads, linings, clutch facings and various gaskets. Millions of brakes and clutches on cars, trucks, and on auto part shelves may still contain dangerous levels of asbestos, although

it has not generally been used for the production of new brakes or clutches. If you are a shade tree mechanic who works on brakes or clutches, you may be exposing yourself to asbestos.

If you think you have asbestos in your home, you should immediately contact a professional to determine whether or not you do. Visual inspection alone can not determine if a product or material contains asbestos. Never try removing a product or material you believe contains asbestos on your own. Tearing down or breaking up the material can release more fibers into the room and will spread if the room is not properly sealed. Similarly, if you are buying a home built or remodeled prior to 1970, ask the seller whether the house contains asbestos. You may need to have the home inspected by a qualified person to determine if there is asbestos in the home, whether it poses a risk to the occupants, and what it will cost to remove or cover the asbestos.



Products used in older homes that may contain asbestos include:

Shingles	Logs and ash
Siding	Patching and spackling compounds
Roofing	Aerosol pads inside furnaces
Felt	Duct work insulation
Vinyl asbestos floor tiles	Floor tiles
Acoustic ceiling material	Electrical wires
Taping compounds	Textured paints
Asbestos plaster	Cements
Hyphened duct insulation	Furnaces
Artificial fireplaces	Furnace stored gaskets

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

GO-CARTS AND CHILDREN: A LETHAL COMBINATION



A report released by the Consumer Product Safety Commission (CPSC) on February 5, 2004, stated there were 165 fatal accidents associated with go-carts from 1985 to 1996. Investigations show that tipping over, hitting motor vehicles or stationary objects, and losing control of the cart were the major hazards.

The report goes on to say that about one-third of the fatalities involved home-made go-carts. The other two-thirds involved go-carts that were equipped with at least one safety device, such as a safety belt, pads on the steering wheel, or chain guards. More than 50% of the incidents involved the cart hitting a moving vehicle or stationary object. Other incidents reported involved the carts tipping over or sliding, the victim falling or being thrown from the cart, or hot surface contact. Over 60% of the fatalities involved children under 15.

Typical scenarios in the report include:

- 1) a three year old boy, sitting on his brother's lap on a go-cart, died when he was crushed against the steering wheel of the cart as it collided with a tractor;
- 2) a four year old girl driving a go-cart at a relative's home lost control, entered a street, and was struck by traffic — she died as a result of a fractured neck;
- 3) a seven year old driver died and his eight year old passenger suffered brain injuries when their go-cart went down an embankment onto a highway and into the path of a pick-up truck.

Besides fatalities, the CPSC also reported over 65,000 injuries between 1991 and 1996. It is important that children have adult supervision when operating a go-cart; use it in safe areas without hazards, such as nearby traffic or fixed objects, and use the proper safety equipment.

ROBERTS & ROBERTS

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

Roberts & Roberts is listed in the Martindale-Hubbell® Bar Register of Preeminent Lawyers™.

Our Attorneys Specialize in Representing Victims of:

- Bodily Injury and Wrongful Death
- Auto, Truck, and Motorcycle Accidents
- Unsafe Equipment, Products and Toys
- Toxic Chemical Exposures
- Unsafe Medical Devices and Drugs
- Watercraft and Swimming Accidents
- Unsafe Premises
- Insurance Claims
- On-The-Job Injuries
- Industrial and Construction Accidents
- Falls, Fires, and Electrical Accidents
- Farm and Ranch Accidents
- Sports, Guns, and Recreational Accidents
- Professional Malpractice, Including Legal Malpractice
- Oil Field Accidents
- Nursing Home Neglect

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.

If you know of someone who is injured, call Roberts & Roberts...
The call costs you nothing. It can mean everything.

903-597-6000 • 1-800-248-6000

All calls are answered 24 hours a day, 7 days a week.

www.RobertsLawFirm.com



Q. I give people permission to use my undeveloped land for recreational purposes for free. Will I be liable for an injury or death if I fail to exercise reasonable care to protect these guests on my property?

A. No. A statute passed by the Texas legislature abolished any duty of owners of land to use ordinary care to protect such guests on their property. Moreover, you do not incur liability for anyone else's injury caused by your guests. You will only be liable for an injury caused by your willful or wanton acts or gross negligence.



This newsletter is printed on recycled paper.

THE ATTORNEYS

LANDELL (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 CNN and 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 their annual "Weekend With the Stars" program where the nation's most distinguished trial attorneys are showcased. He has written numerous papers and speaks on such topics as products liability and investigating major personal injury claims.

Randy is on the Board of Directors and is a Fellowship Member of the Texas Trial Lawyers Association as well as 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.

Randy is married and has three sons.

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, the U.S. Court of Federal Claims, 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.

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. She also serves on the Texas Trial Lawyer Association's (TTLA) Board of Directors as well as the TTLA Advocates Board of Directors. She is a member of the College of the State Bar of Texas, which is an honorary society chartered by the Supreme Court of Texas.

In addition, Karen has been invited to lecture 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's community involvement includes serving as Chairperson of the Smith County Democratic Party, as well as serving on the Boards of Directors for the Tyler Civic Theatre and Tyler Junior College's Alumni Association. She is married and has a son to whom she devotes her free time.

BRUCE L. ROBERTS



Bruce L. Roberts is 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 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 U.S. Fifth Circuit Court of Appeals and The U.S. Supreme Court.

Bruce attended the University of Texas and the University of Texas School of Law, graduating in 1981. After working for a year in the Twelfth Court of Appeals for the State of Texas, he joined his brother forming the law firm now known as Roberts & Roberts. In addition to being Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, he has also been recognized as a Civil Trial Advocate by the National Board of Civil Trial Advocacy. He is also a member of the State Bar College of the state of Texas.

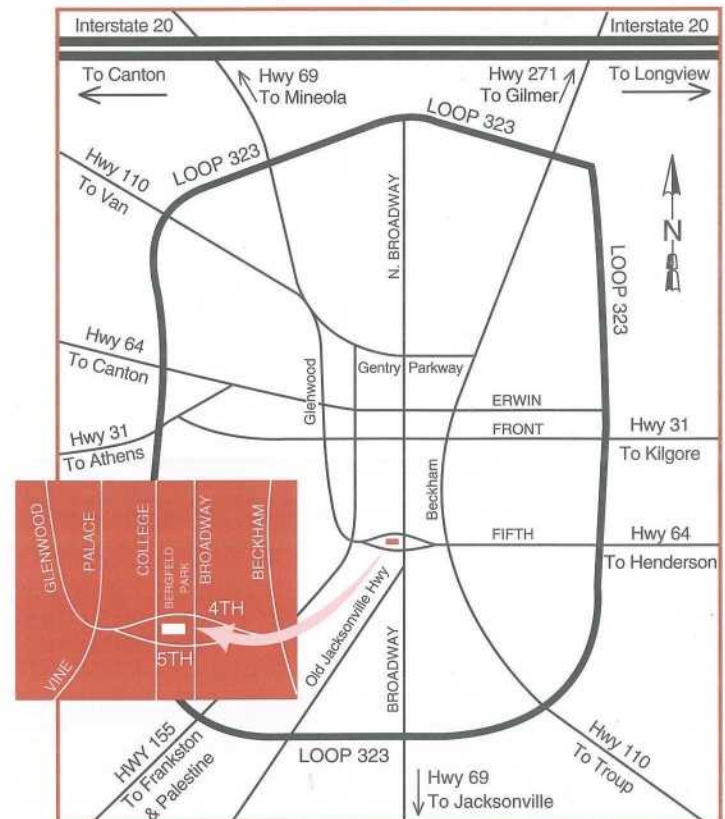
Bruce has been active, not only in the actual trial of personal injury lawsuits, but also in the academic area by authoring several articles in the area of personal injury law. He was a member of the Review of Litigation and the American Journal of Criminal Law at the University of Texas School of Law. 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 Association of Trial Lawyers of America. In addition to trying numerous lawsuits, Bruce has handled appeals before the Texas Supreme Court, the Texas Court of Criminal Appeals, and the U.S. Fifth Circuit Court of Appeals.

Bruce Roberts understands, however, that there is more to life than the practice of law. He was born November 30, 1956, and graduated from Robert E. Lee High School in Tyler, Texas. He is married and 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 is a Past Noble Grand of the Independent Order of 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

■ **Chrysler** recalled over 14,000 2004 Grand Cherokees equipped with 4.0L engines. The crankshaft position sensor wiring insulation may crack, exposing the wire. In the presence of moisture the sensor could malfunction, causing it to fail, which could cause engine to stall, increasing crash risk. Contact Daimler Chrysler at 800-853-1403.

■ **Child Craft Industries** recalled 3,500 Legacy Cribs. Slats on the drop side rail can loosen and detach. Space created by gaps can allow a baby to become entangled, strangled or fall. Crib model numbers 16741, 21021, 23111 and 28721 were sold at juvenile furniture stores 3/02-1/04. Model numbers are found on bottom rail of head or footboard. Call Child Craft at 888-844-2674 or visit their website at www.childcraftindustries.com.

■ **BFS** recalled 487,000 LT265/75R16 Load Range D SteelTex Radial A/T tire manufactured from 3/99-12/02. Installed as original equipment on 80,000 2000-2003 Ford Excursions. Tires operated at below recommended inflation, above recommended load, or at excessive speed, may experience rapid air loss, possibly resulting in a crash. BFS will notify customers and replace free of charge. Contact Bridgestone/Firestone at 800-465-1904.

■ **Mazda** recalled 56,000 2003 Mazda 6 models built from 12/02-8/03. A fuel sender unit on certain vehicles may have been improperly installed in the fuel tank making an inadequate seal and fuel may leak. Fire could occur with presence on ignition source. Dealer will inspect top of fuel tank and repair or replace if necessary. Contact Mazda at 800-222-5500.

■ **Brand Imports LLC** recalled 1,000,000 children's rings containing high levels of lead, posing a risk of lead poisoning in young children. Rings are silver colored with shapes, including hearts and stars, with slashes of colored paint. Rings were sold in vending machines for 25 cents from 12/02-8/03. Consumers should throw rings away or contact Brand Imports at 800-967-3048 for more information.

■ **Lakewood Engineering** recalled 150,000 Sun-Sational Deluxe Electric Heaters. Electrical connections inside heater can become loose causing metal portions of heater to become energized and a shock hazard. Sold nationwide, including Sam's Club, from 8/96-2/04 for \$30-\$40. Contact Lakewood for free repair or replacement at 888-858-3506 or visit website at www.lakewoodeng.com.

■ **Ford** recalled approximately 400,000 2003 Taurus and Sable models. On certain vehicles air filter paper can smolder or burn leading to damage of air induction system or an under hood fire. Contact Ford at 800-392-3673.

■ **Char-Broil** recalled 108,000 gas grills to replace temperature gauge. Recall includes: Commercial Series (sold 1/02-11/03) model#4632210, 4632215, 463221503 and 463231503; Professional Series (sold 2/02-11/03) model #4632235, 4632236, 4632240 and 4632241; and Stainless Steel Series (sold 1/02-5/03) model#4632220. Models numbers are located on back panel of storage cart. Glass gauge cover can break if moisture enters gauge causing risk of injury. Do not use grill until replacement is installed. Contact Char-Broil at 866-239-6769.

■ **Cooper** recalled Cooper Zeon 2XS and MasterCraft Avenger ZHP 265/35R18 tires made from 12/21/03-1/10/04. The tires are prone to tread chunking which may lead to tread separation. This could lead to the loss of vehicle control, which may result in a crash. Contact Cooper at 888-854-6288.

■ **Salton Inc.** recalled 16,700 Timex Outdoor Appliance Timers. The timers have reverse polarity in the wiring which can allow electrical current to flow to attached appliance when timer is turned off. A label on the back of the unit includes the words Model Number 12/810 and the word Timex is located on the front door of the unit as well as on the dial inside. Timers were sold through selected Lowe's stores from 11/03-12/03 for \$20. Contact Salton at 800-919-3101 or email at salton@saltonusa.com.

ROBERTS & ROBERTS

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

CNN — September 6, 2000

TIME — September 11, 2000

DATELINE NBC — September 13, 2000

NEWSWEEK — October 9, 2000

TEXAS LAWYER — December 18, 2000

TIME ANNUAL — January 1, 2001

*...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

Auto Accident

\$1,520,000

Lumber Company Accident

\$1,500,000

Auto Accident

\$1,500,000

Defective Product

\$1,400,000

Railroad Crossing Accident

\$1,200,000

Construction Accident

\$1,100,000

Trucking Accident

\$1,100,000

Trucking Accident

\$1,000,000

Trucking 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 visiting www.RobertsLawFirm.com or 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.