

# ROBERTS & ROBERTS

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

## SAFETY & THE LAW

Winter 2004

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### ROBERTS & ROBERTS

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Bruce L. Roberts  
Karen R. Roberts      Randall C. Roberts

To read about us in the national media, visit our website at [www.RobertsLawFirm.com](http://www.RobertsLawFirm.com)

### NEW TECHNOLOGY CAN SAVE LIVES

*Does your hot water heater comply with the new national safety standards?*

Imagine your child playing in the garage when he tips over a can of gasoline. The fumes from the gasoline are released into the air. The fumes reach a gas water heater also located in the garage causing a flashback fire that takes the life of your child. Unfortunately, this type of tragic incident happens too often, killing or severely injuring children and adults.

According to the Consumer Product Safety Commission, approximately 800 residential fires are caused each year in the U.S. by the ignition of flammable vapors near gas water heaters, resulting in an estimated 5 deaths and 130 injuries annually.

These fires typically occur when flammable liquids such as gasoline are used for cleaning near a gas water heater, when flammable liquids are spilled near a gas water heater, or even when spraying occurs near a gas water heater. When the vapors come in contact with the pilot light or burner, they ignite, causing a severe flashback fire.

The U.S. Consumer Product Safety Commission and Gas Appliance Manufacturers Association have begun a new era in gas water heater technology. A voluntary standard was created that called for all conventional gas water heaters, manufactured after July 1, 2003, to be equipped with new safety technology, known as a **flame arrestor**. This technology prevents



▲ Vapors from flammable liquids will explode and catch fire causing death or severe burns.

Water heater has a main burner and pilot flame. The pilot flame:

1. is on all the time and
2. will ignite flammable vapors.

flashback fires by trapping and burning dangerous gas vapors inside the heater, while preventing ignition of the vapors in the room. This final standard was incorporated into requirements that gas water heaters be resistant to flammable vapors ignition, lint, dust, and oil accumulations. All water heaters manufactured after July 1, 2003, are expected to comply with this national safety standard (American National Safety Standard Institute ANSI Z21.10.1a).

Millions of gas water heaters manufactured before the new standard took effect are still in homes. It is important for consumers to take measures to prevent further tragedies with their old water heaters. Gas cans should *never* be stored indoors. They should be tightly sealed and stored away from ignition sources and away from a child's reach. The safety industry is also calling for child resistant packaging for all gas cans and spill proof packaging.

### SAFETY TIPS:

- Never store gas cans or other flammable liquids near a gas appliance.
- Always keep gas cans and other flammable liquids sealed and out of children's reach.

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

## CONSUMERS ADVISED TO STOP USING DIET SUPPLEMENTS CONTAINING EPHEDRA



The FDA is alerting the public that dietary supplements containing ephedra present an unreasonable risk of illness or injury and should not be consumed. The agency notified firms manufacturing and marketing these products that it intends to issue a final rule prohibiting their sale.

The FDA took this step after conducting an exhaustive process required under the Dietary Supplement Health and Education Act (DSHEA) of 1994 for banning a dietary supplement that presents significant and unreasonable risk to human health. Data showed little evidence of ephedra's effectiveness except for short term weight loss, while confirming the substance raises blood pressure and stresses the circulatory system. These reactions are conclusively linked to significant adverse health outcomes, including heart ailments and strokes.

Ephedra, also called Ma Huang, is a naturally occurring substance derived from botanicals. Its principal active ingredient is ephedrine. Ephedra products have been promoted for aiding weight control

and boosting sports performance and energy.

In June 1997, the FDA first proposed to require a statement on dietary supplements with ephedra warning they are hazardous and should not be used for more than 7 days. FDA modified this proposed rule in 2000, and in February 2003 it announced a series of measures that included strong enforcement actions against firms making unsubstantiated claims for ephedra containing products. These measures have prompted voluntary compliance with FDA rules, voluntary recalls, FDA warning letters, seizures, injunctions, criminal actions, and joint enforcement actions with the Federal Trade Commission and the Department of Justice. As a result, ephedra containing dietary supplements advertised for enhanced sport performance have been removed from the market.

If you or a friend have taken a product containing ephedra and think you've been harmed, call us today.

### 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
- Farm and Ranch Accidents
- Falls, Fires, and Electrical Accidents
- Industrial and Construction 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.** My car was damaged in an accident that wasn't my fault. The other driver's insurance company refuses to fix it. What can I do?

**A.** If you believe another person was responsible for your property damage or personal injuries, you have the right to retain an attorney to try and force the other driver's insurance company to pay your damages. If the damage is only to your vehicle, you have the right to file a claim on your own auto policy if you have comprehensive and collision coverage. While some people are reluctant to file a claim on their own policy, it allows you to avoid litigating with the other driver's insurance company solely on the issue of property damage. You will be responsible for your deductible, but this should be much less expensive than filing a lawsuit or going to court over a damaged vehicle.



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 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 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-Hubbell 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 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 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 a 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.

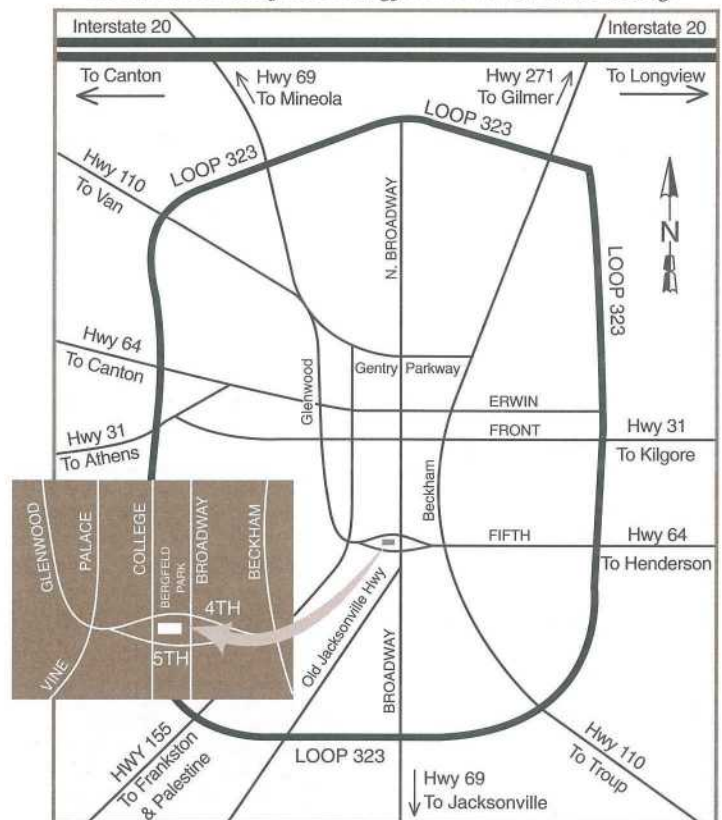
Bruce has been active, not only in the actual trial of personal injury lawsuits, but also in the academic area by authoring several articles in the area of personal injury law. He was a member of the Review of Litigation and the American Journal of Criminal Law at the University of Texas School of Law. 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, 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 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 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

■ **GM** recalled 800,000 cars due to power steering defect. All were made between 1/96 and 10/97 and include the 96 Buick Regal, 97 Cutlass Supreme, 97-98 Cutlass, Chevrolet Lumina, Monte Carlo and Malibu and 98 Intrigues. Also, some 96 Pontiac Grand Prixes and Cutlass Supremes, and 97-98 Buick Regals are recalled. Drivers have experienced intermittent loss of power steering making left turns, especially at low speeds and higher resistance turning left, followed by unintended power assist to the right that could pull the car in that direction.

■ **Safeline Sit'N'Strolls** Model 2003 manufactured 9/02 to 10/03 are recalled. Certain rear facing and forward facing convertible child restraints fail to meet requirements of Federal Motor Vehicle Safety Standard No. 213, "Child Restraint Systems." Forces during a crash could cause child's head to move forward further than allowed, increasing risk of head injury in a crash. Contact Safeline Kids at 1-800-829-1625 or [service@safelinekids.com](mailto:service@safelinekids.com).

■ **General Mills** recalled Betty Crocker Triple Chunk Brownie Mix, which may contain undeclared pecans. Presence of the nut is a concern for consumers allergic to pecans. Recall limited to 21.2 oz box, with "Better if Used By" and one of these three codes dates: 29OCT04CF; 30OCT04CF or 31OCT04CF on box top. Return product to place of purchase for refund. For questions call 1-800-446-1898.

■ **Marshall Gas Controls** recalled LP-Gas regulators used on gas grills. Some were assembled with an undersized seat disc that could dislodge and leak propane gas. Propane is highly flammable and could ignite causing fire or explosion. Close the valve on the service cylinder if leakage is detected. Marshall Gas Controls Model 451 and 452 LP-Gas regulators are on Char-Broil®, Kenmore®, and Thermos® brand LP Gas Grills shipped between 4/15/03 and 5/6/03. Model 451 is a single outlet regulator and Model 452 is a dual outlet regulator used on grills with a side burner adjacent to the main box. Recall date codes printed on the valve body include 13-03/03-13, 14-03/03-14, 15-03/03-15, 16-03/03-16, 17-03/03-17, and 18-03/03-18.

■ **Chrysler** recalled 2.7 million older models because of a floor mounted shifter button. Defect can set vehicles in motion without a key in the ignition. Makes are from mid to late 90's including 95-99 Chrysler Cirrus, Dodge Stratus, Plymouth Breeze, 96-99 Sebring Convertible, 93-99 Chrysler 300-M, Concord, LHS, Dodge Intrepid, and Eagle Vision.

■ **Kindermusik International** recalled "Lily Pad Clacker" instruments. The green coating on the Lily Pad Clacker instruments contain high levels of lead, posing a risk of poisoning to young children. Lily Pad Clackers are wooden rhythm instruments designed for use with the *Frog Went A Dancing* kit sold by Do-Re-Me & You! Clackers were part of a music kit sold in North Carolina, South Carolina, Georgia, Virginia, and Texas 10/03 through 12/03. Contact Kindermusik at 1-800-628-5687 or [www.drmy.com](http://www.drmy.com).

■ **Deere & Company** recalled John Deere 4000 Ten Series Compact Utility Tractors sold at authorized dealers 4/01 to 8/03. Internal failure may occur with the hydrostatic transmission preventing the transmission from returning to neutral after the pedals are released. This can allow unexpected movement creating risk of injury. Stop using the tractors immediately and contact a John Deere dealer at 1-800-537-8233 or at [www.johndeere.com](http://www.johndeere.com) for a free repair.

■ **Graco's Children's Products** recalled Bumble Bee toys with blue antennae. The blue antennae on the toy can break, posing a choking hazard. All Bumble Bee toys with blue antennae are included. They were distributed with Grace High Chair models 3656CUB, 3658FKB, 3659KER, 3659NGS, 3660WNN, and 35605 manufactured between 7/22/02 and 3/9/03, and Graco Tot Wheels Mobile Entertainer models 4522OTM, 4522TOTM, 4521ALP, 35628 and 4512FUN manufactured between 11/8/01 and 3/9/03 and distributed separately as an accessory and replacement part with model number 548094S. Immediately discard any Bumble Bee toys with blue antennae. Contact Graco at 1-800-258-3213 to receive a free replacement toy.

■ **Royal United Corp.** recalled 60,000 25-foot Durex Procraft outdoor extension cords. Use could result in electrical shock or electrocution. These green cords are sold in blue and black packaging. An Underwriters Laboratories' label attached shows code "E-174825." Item UPC is 0 74972 01025 1, located on back of package, lower right hand corner. They were sold at Family Dollar Stores nationwide from 6/03 through 11/03. Return recalled cords to any Family Dollar Store for refund or call Royal United Corp. at 1-800-682-0097.

## 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

*...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

### 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 visiting [www.RobertsLawFirm.com](http://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.