

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Fall 2005

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ROBERTS & ROBERTS

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

RANDY ROBERTS NAMED TEXAS SUPER LAWYER

Randy Roberts has been named a 2005 Texas Super Lawyer by Texas Monthly Magazine. Only 5% of Texas attorneys receive this honor each year. Randy's dedication to protecting the public from unsafe products is one of the many reasons he was named a Texas Super Lawyer.

In the past, Randy has been recognized in Time and Newsweek, as well as on CNN and NBC's Dateline, for his role in bringing about the recall of unsafe products. His groundbreaking case against Firestone is featured in a college textbook on corporate crime.

Randy Roberts fights secret settlements or deals which allow information about unsafe products to go unreported. A few years ago, Randy and his firm were recognized in the national media for uncovering and sharing with other consumer lawyers the documents that helped lead to the recall of the Firestone Wilderness and ATX lines of tires. According to Randy, "Consumer lawyers who fail to share safety information with the public are no better than the corporations trying to hide that information."

It's not unusual for Randy Roberts to fly to places like Chicago, Cheyenne, or Tucson to fight "confidentiality orders," which are used by corporations to keep information about unsafe products from the public. In a recent case, the firm knew that it was a common tactic for a major manufacturer to use settlement negotiations as leverage for keeping highly incriminating documents secret. Before appearing for the negotiations, Roberts & Roberts shared the documents with consumer lawyers around the country to ensure that the information would never be kept secret.



RANDY ROBERTS
2005
TEXAS SUPER LAWYER

"I enjoy leveling the playing field between everyday people and powerful corporations; making a difference."

Randy Roberts, 2005 Texas Super Lawyer

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

THE HIDDEN DANGERS OF OLD TIRE

Tires have a limited service life. Over time, a tire's internal structure degrades or breaks down, reducing adhesion between the belts, which in turn leads to tread separation. Tread separation has caused very serious accidents.

Tire components dry out with age causing the adhesion between them to break down. This internal breakdown happens regardless of tread use and wear. It is invisible and cannot be seen, even by tire experts, without destructive testing.

Current studies suggest that in-use tires age no more than those stored as spares on the same vehicle. In other words, age degradation occurs regardless of whether the tire is being driven on or not.

Used tire sales make up a huge market in the United States; an estimated 30 million used tires are sold each year. Many consumers buy used tires through tire dealers, swap meets, flea markets, and online forums. Regardless of their age, tires with adequate tread and without any visible defect are likely to find their way onto a vehicle.

Although tire and vehicle manufacturers have been aware of the age degradation problem for years; service shops, dealers, and consumers have been left dangerously uninformed.



FAMILY MEMBER RIGHTS IN AN AUTO ACCIDENT

Question:

My family was injured in an auto accident and the accident was my fault. We have auto insurance, but our insurance policy excludes liability claims by family members. Does my family have any rights?

Answer:

Yes. Although your auto insurance policy excludes coverage for bodily injury claims by family members, the courts have ruled that this exclusion is invalid for claims up to \$20,000.00 per person. The law requires that we have at least this amount of auto insurance for the protection of everyone — including members of our family.

You should be careful when you interpret your insurance policy. There are other exclusions in these policies which may be invalid in some circumstances as well.



This newsletter is printed on recycled paper.

WHAT TO DO DURING A TIRE BLOWOUT:

The National Safety Council offers these tips for coping with tire trouble:

- ◆ At the first sign of tire trouble, grip the steering wheel firmly.
- ◆ Don't slam on the brakes. Let the car slow down gradually by taking your foot off the gas pedal.
- ◆ Turn your emergency flashers on.
- ◆ Work your vehicle toward the breakdown lane or, if possible, toward an exit.
- ◆ When all four wheels are off the pavement, brake lightly and cautiously until you stop.
- ◆ Have the car well off the pavement and away from traffic before stopping, even if proceeding to a place of safety means rolling along slowly with the bad tire flapping. Don't worry about damaging the tire, it is probably ruined anyway.

ROBERTS & ROBERTS

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



THE ATTORNEYS OF ROBERTS & ROBERTS



RANDELL (RANDY) C. ROBERTS

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. His ground breaking case against Firestone is featured in McGraw-Hill's college textbook on corporate crime entitled Criminology and the Criminal Justice System. Randy is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.



KAREN R. ROBERTS

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, an honorary society chartered by the Supreme Court of Texas.



BRUCE L. ROBERTS

Bruce attended 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 a member of the State Bar College of the State of Texas.



SEAN W. HESTER

Sean attended Baylor University Law School where he earned his Doctorate of Jurisprudence (J.D.) in 1992. While at Baylor, Sean was selected to join Phi Delta Phi, an honorary legal fraternity established to promote a higher standard of professional ethics. Sean is a member of the College of the State Bar of Texas, an honorary society chartered by the Supreme Court of Texas

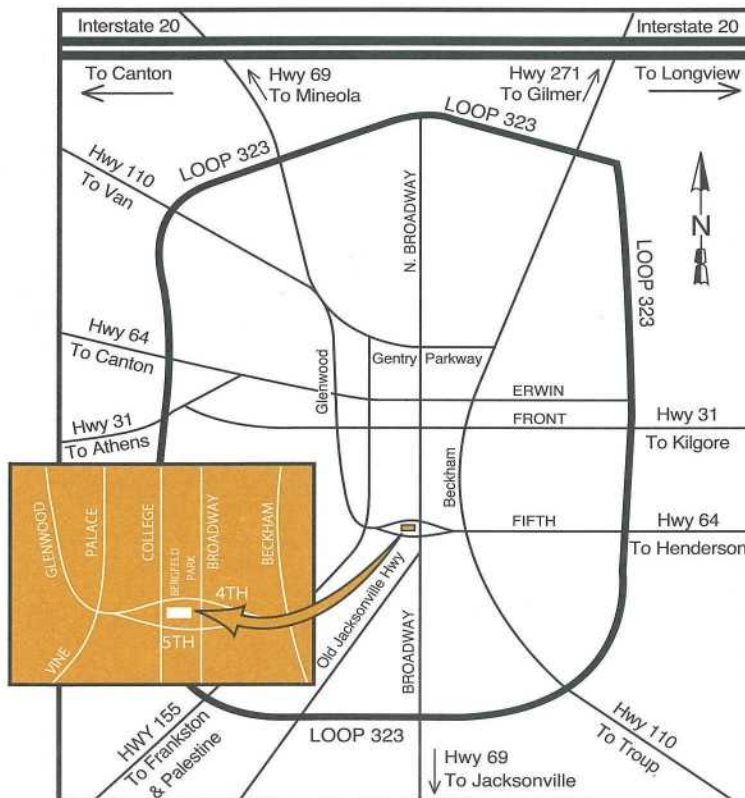
Sean practiced law as a solo practitioner representing injured people for many years before joining the law firm of Roberts and Roberts. In addition to trying lawsuits, Sean has handled several appeals. As a member of the State Bar of Texas, Sean served on the Federal Judicial Relations Committee. He is also a member of the Smith County Bar Association and the Texas Trial Lawyer's Association. Sean is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.



R.E. (FELIX) COX

Felix received a Juris Doctor from the Dedman School of Law at Southern Methodist University in 2003. While at SMU, Felix competed in several national advocacy competitions receiving awards as a National Best Brief writer and National Finalist speaker. As a result, Felix was recognized for his advocacy skills by SMU's faculty and enrolled in the Order of the Barristers. He was also selected by SMU's Board of Advocates for SMU's 2002-2003 Outstanding Advocate of the Year Award.

At SMU, Felix served as a Student Prosecutor for the Dallas County District Attorney's Office where he tried several criminal misdemeanor cases. He also worked as a Legal Intern for the Federal Public Defender's Offices in Dallas and Fort Worth and as a Research Assistant to SMU Professor of Law Joseph McKnight.



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

■ Thomson Inc. recalled 47,000 portable DVD player batteries that can overheat and explode while recharging. Only batteries used with the RCA portable DVD players with model number DRC600N are being recalled. The DVD players were sold at electronic and department stores nationwide from September 2002 through July 2003. Contact Thomson Inc. at 1-800-821-5875.

■ General Motors recalled more than 24,800 Chevrolet GMT 560 pickup trucks. Some 2003-2005 medium duty conventional cab trucks were produced with a body wiring harness that had no protective conduit in the area under the driver's feet. The body wiring harness could be damaged from chafing and wear by the vehicle operator. The wear could lead to inadvertent air bag deployment. Contact your local General Motors dealer.

■ General Motors recalled 77,055 Chevrolet Astro and GMC Safari vans from 2001-2002 model years because the stop lamp could fail. A switch may develop an open circuit in the stop lamp circuit that causes the lamps to fail. The loss of the lamps could fail to warn a driver behind the vehicle that the vehicle is braking or stopped, potentially causing an automobile accident. Contact your local General Motors dealer.

■ Mr. Heater Inc. recalled 55,000 "Big Buddy," and "Tough Buddy," portable propane heaters. The valve on the propane heaters can leak, posing a fire hazard. Only heaters carrying the model number MH18B are included in the recall. The model number is located on the rear panel of the unit. The heaters were sold at home centers, sporting goods stores, and hardware stores nationwide from September 2004 through December 2004. Contact Mr. Heater Inc. at 1-800-385-2605.

■ Whirlpool recalled 40,000 KitchenAid ProLine toasters because of a fire hazard. An interruption of power to the toaster can cause the heating elements to unexpectedly self-start, posing a fire hazard. The model and serial numbers, which are on labels affixed to the bottom of the toasters, include: KPTT780PM, KPTT780ER, KPTT780BU, KPTT780TG, KPTT890PM, KPTT890ER, KPTT890BU, and KPTT890TG. The toasters were sold through various catalogs and retailers nationwide from August 2003 through January 2005. Contact KitchenAid at 1-800-874-0608.

■ Whirlpool recalled 162,000 Whirlpool and Kenmore brand dishwashers because an electrical defect in the dishwashers' wash motor wiring poses a risk that the motor could overheat and catch fire. The models recalled are: Whirlpool under-the-counter plastic tall tub dishwashers with model numbers beginning with DU1, DUL, GU1, GU2, or GU6, and serial numbers ranging from FR2200000 to FR2499999; and Kenmore under-the-counter plastic tall tub dishwashers with model numbers beginning with 665.143, 665.160, 665.163, 665.170, or 665.173, and serial numbers ranging from FR2200000 to FR4599999. Contact Whirlpool at 1-800-253-1304 or Kenmore at 1-800-422-1230.

■ Solar Inc. recalled 24,000 pacifier necklaces because the nipple can detach from the base, posing a choking hazard to young children. The recalled pacifier necklace consists of a 28 inch multicolored cord with a 3 inch plastic pacifier that comes in assorted colors. "Flashing Pacifier" or "2-in-1 Flashing Pacifier with Whistle Necklace" is printed on the packaging of the pacifier necklaces. The pacifier necklaces were sold at retail stores from January 2004 through February 2005. Contact Solar Inc. toll free at 1-800-837-6527.

■ Hunter's View recalled about 500,000 safety harnesses that were sold with tree stands used by hunters. The harnesses could fail during use, resulting in consumers falling from tree stands and suffering serious injuries or death. These 2004 model year Fall Arrest Systems (harnesses) have model number 3333 and "Model Year 2004" written on a white label attached to the harness or the tree strap. They were included with every Hunters View and every Comfort Zone brand tree stand sold under a variety of brand names and model numbers. A complete list of brands and model numbers is available on the Consumer Product Safety Commission website at www.cpsc.gov. They were sold by hunting and sporting good stores nationwide beginning in January 2004. Call Hunter's View at 1-888-878-0440.

■ Kia recalled 2005 models of the Sportage SUV which are equipped with its electronic stability control device. Kia said the yaw rate sensor of the vehicle's electronic stability program (ESP) may become too sensitive and could recalibrate inaccurately. If this happens while the car is being driven, the ESP program could cause the engine to lose power and cause inappropriate braking at one of the wheels causing the driver to lose control of the vehicle. Contact your local Kia dealer.

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.

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

Gas Explosion

\$4,100,000

Electrical Accident

\$4,000,000

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

Drunk Driving Accident

\$1,000,000

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

The information in this newsletter is extracted from contemporary safety literature. The original sources are available upon request.