

# ROBERTS & ROBERTS

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

## SAFETY & THE LAW

Summer 2005

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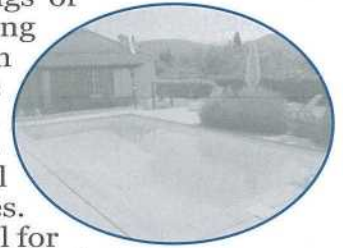
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### IMPROVING SWIMMING POOL SAFETY

The U.S. Consumer Products Safety Commission has launched a drowning prevention campaign as part of an intensified initiative to prevent the annual drownings of 250 children under the age of 5. Among accidental injuries, drowning has been second only to motor vehicle accidents as the leading cause of death to children under age 5. In 2002, an estimated 1,600 children were treated in hospital emergency rooms for submersion injuries. Close supervision of young children is vital for families with a home pool. A common scenario is that young children leave the house without a parent or caregiver realizing it.



*Here are some tips to prevent drownings from the U.S. Consumer Products Safety Commission:*

- ◆ Fences and walls should be at least 4 feet high and installed completely around the pool. Fence gates should be self-closing and self-latching. The latch should be out of a small child's reach. Keep furniture that could be used for climbing into the pool area away from fences.
- ◆ If your house forms one side of the barrier to the pool, doors leading from the house to the pool should be protected with alarms that produce a sound when a door is opened.
- ◆ A powered safety cover (a motor powered barrier that can be placed over the water area) can be used when the pool is not in use.
- ◆ Keep rescue equipment by the pool and be sure a phone is poolside with emergency numbers posted. Knowing cardiopulmonary resuscitation (CPR) can be a lifesaver.
- ◆ Don't leave pool toys and floats in the pool area as they may attract young children to the water.
- ◆ For above ground pools, steps and ladders to the pool should be secured and locked, or removed when the pool is not in use.
- ◆ Pool alarms can be used as an added precaution. Use remote alarm receivers so the alarm can be heard inside the house or in other places away from the pool area.
- ◆ To prevent body entrapment and hair entrapment or entanglement, have a qualified pool professional inspect the drain suction fittings and the covers on your pool to be sure that they are the proper size, properly attached, and meet current safety standards. If your pool has a single drain outlet, consider installing a safety vacuum release system that breaks the vacuum to avoid potential entrapment conditions.

**ROBERTS & ROBERTS**

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**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](http://www.RobertsLawFirm.com)

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

# MAKE SURE YOUR TEEN'S SUMMER JOB IS A SAFE ONE

**B**efore it even seems possible, your son or daughter is turning 16 and is ready to take on his or her first part time job. As teens begin this major change in their lives, parents should make sure that their children's potential employers are safe ones. Teens are nearly twice as likely to be injured on the job as adults doing the same job. The following tips from the National Safety Council may help teens and parents looking at the summer job market:

## TIPS FOR PARENTS:

1. Check with local law enforcement to see if any workplace violence or disturbances have occurred at the work site.
2. Ask if the company conducts sex offender or criminal background checks.
3. Check with the city/state Department of Labor to see if the employer has been cited for child labor violations.
4. Ask to see the company's employer's state operating license or certificate.
5. Check with the city/county for fire escape/fire extinguisher violations.
6. Ask the employer what kind of safety regulations and rules your teen will be instructed in.
7. Ask the employer if the supervisor has CPR or first aid training.



## TIPS FOR TEENS:

1. Are fire exits clearly labeled?
2. Are any chemicals clearly labeled, sealed, and sitting upright?
3. Are slip-proof mats on the floor around workstations that use liquids?
4. Are escape route maps available at stairways and elevators?
5. Is the lighting adequate in the hallway/stairwells?
6. Are emergency phone numbers posted by the phones?
7. Is an emergency preparedness response plan posted?

## 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](http://www.RobertsLawFirm.com)



**Q.** I was injured in an accident in which the government was at fault. Do I have any rights?

**A.** Yes, but you must act quickly.

Many adults injured in Texas know a lawsuit should be filed within two years of their injury to avoid losing their rights. Fewer people know that if their claim is against the government, they need to notify the government much sooner to avoid losing their rights.

The Texas Tort Claims Act requires that you give Texas governmental bodies written notice of your claim within six months after the accident and it specifies what must be included in that notice. If you are dealing with a city, its charter or ordinances may have shorter and more detailed notice requirements which must be complied with as well.



This newsletter is printed on recycled paper.

# 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

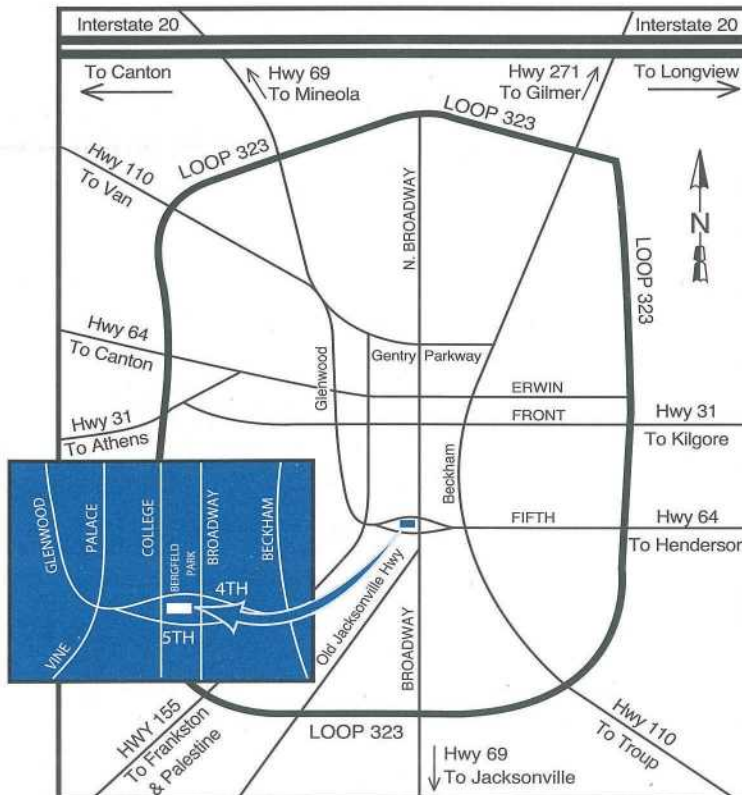
Sean practiced law as a solo practitioner representing injured people for many years before joining the law firm of Roberts and Roberts. In addition to trying lawsuits, Sean has handled several appeals. As a member of the State Bar of Texas, Sean served on the Federal Judicial Relations Committee. He 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

■ **DaimlerChrysler** recalled nearly 600,000 Dodge Dakota SUVs and Dodge Dakota Pickup Trucks for model years 2000-2003. Studies revealed that water buildup in the upper ball joint assembly of these vehicles could wear down the assembly resulting in the front suspension collapsing and the wheels falling off the vehicle. Contact DaimlerChrysler at 1-800-853-1403.

■ **Mitsubishi** recalled 65,436 Endeavor SUVs because the parking brake may not work correctly. The recall affects Endeavors from the 2004 and 2005 model years. A nut in the braking system may not be tightened properly. As a result, the vehicle could roll when parked on a slope if the transmission is not in park. Contact your local Mitsubishi dealer.

■ **DaimlerChrysler** recalled 43,180 Chrysler Pacifica SUVs equipped with halogen headlights because the headlights may unexpectedly stop working. The recall affects 2005 year model Pacificas. Contact DaimlerChrysler at 1-800-853-1403.

■ **General Motors** recalled 25,766 Chevrolet Uplanders, Saturn Relays, and Pontiac Montanas. The release handle of the second-row bucket seat may become unlatched, increasing the potential for injury. Contact your local General Motors dealer.

■ **Yamaha** recalled around 190,000 motorcycles because the passenger seat can fall off the rear fender. The recall affects XV250, XVS11, and SVS65 motorcycles of the 1988-2005 model years. The mounting hardware that connects the seat to the fender can loosen when passengers shift their weight causing the seat to fall off. Contact your local Yamaha dealer.

■ **The Elegant Kids 2000, Inc.** recalled 34,000 Soother Baby Pacifiers because the pacifiers could come apart, creating a choking hazard for infants. The pacifiers are blue, green, yellow, and pink. The name Soother Baby Pacifiers is printed on the back of the packaging. Contact The Elegant Kids 2000, Inc. at 1-213-627-6716.

■ **Royal Seating Ltd.** recalled about 46,000 Prima chairs because the seat of the chair can detach from the leg base possibly causing a child to fall to the floor. The Prima chair is a child's plastic chair made up of two plastic parts: the chair's seat and the base, which includes the chair legs. They were sold through furniture dealers and catalogs to schools and similar institutions between February 1, 2004 and November 20, 2004. This recall includes only chairs bought during this time period. Contact Royal Seating Ltd. at 1-800-460-4916.

■ **Honda** recalled 200,000 FourTrax All-Terrain Vehicles because the steering rods on the vehicles can separate, causing the driver to lose steering control. The recall includes 2004-2005 FourTrax ATVs; certain models of the 2004 and 2005 Rancher; and the 2005 Recon, Foreman, and Rincon. Contact Honda at 1-866-784-1870.

■ **Baja Products, Inc.** recalled 145,000 My First Crayon Ball sets because the small crayon balls can break loose from the plastic base of the products and pose a choking hazard to young children. Discount and toy stores sold the crayon-ball sets nationwide from June 2004 through March 2005. Contact Baja Products, Inc. at 1-800-556-3674.

■ **Zebeo** recalled 1.5 million children's fishing poles because the paint on the rods contains lead. The recalled fishing poles are brightly colored and feature pictures of cartoon characters on the reels. "ZEBCO" and "Floating Catch 'Em Kit" are written on the handles of these poles. They were sold nationwide from August 2001 through March 2005. Contact Zebeo at 1-800-444-5581, Ext. 6217.

■ **Wal-Mart** recalled 220,000 Nu-tronix Karaoke Cassette Player/Recorders because the paint on the five control buttons contains excessive lead. They were sold at Wal-Mart Stores from June 2003 through March 2005. Contact Wal-Mart at 1-800-925-6278.

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.

## 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.*