

ROBERTS & ROBERTS

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

SAFETY & THE LAW

Spring 2006

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ROBERTS & ROBERTS

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From left to right:

BRUCE L. ROBERTS • R.E. (FELIX) COX

RANDELL (RANDY) C. ROBERTS

SEAN W. HESTER • KAREN R. ROBERTS

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

POWER WINDOWS CAN KILL!

If asked to name the deadly hazards of today's automobiles, few people would mention the power-window switch. Most people don't realize that windows equipped with rocker or toggle switches on door armrests pose a serious hazard for children who can lean out the windows and accidentally hit the switch with their elbow, knee, or foot. It takes only a few seconds for the window to roll up and fatally strangle a child or cause serious injury such as crushing the hands and fingers, abdomen, or neck. Studies have shown that power windows can exert an upward force of 50 to 80 pounds. Only 8 to 12 pounds of force is needed to raise the window, leaving the rest of the force (40 to 70 pounds) to strangle or crush a child.

Kids And Cars, a non-profit organization dedicated to preventing child injuries and deaths related to automobiles, has documented at least 37 children killed by power windows since 1990 – most of them age three and younger. At least eight young children were strangled by power windows in 2004 alone, and many other incidents may have never been reported. A 1997 report by the National Highway Traffic Safety Administration estimated that 499 people were treated in emergency rooms for power-window injuries every year during their study, more than 60% of them were children, 32 percent of the children were five years old or younger.



Cars made in Europe, or even made in the United States for export overseas, have standard window safety features that cars made and sold in this country lack. Safer designs include moving window switches to a center console, using lever-type switches that must be pulled up to raise the window, and switches with an auto-reverse safety device that causes the window to roll back down when an object gets stuck in it. The European Union passed laws almost 3 years ago requiring that all new cars sold in Europe be equipped with safer switches.

Federal standards continue to allow cars sold in the United States to have the more dangerous rocker and toggle switches for power windows. Further, auto-reverse devices are not required by federal standards. The estimated cost of installing auto-reverse devices is as low as \$8 to \$10 per set of windows.

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

ARE SMALL POCKET BIKES A BIG DANGER?

Miniature motorcycles are very popular with teenagers and young adults. Commonly known as "pocket bikes" or "pocket rockets," these small motorcycles weigh between 45 and 90 pounds. People think that because they're both small and fast, they can be ridden anywhere – on sidewalks, in bicycle lanes, and on the street. Some gas powered models can go as fast as 45 mph! The bikes are usually sold without typical motorcycle safety features like brake lights, rear reflectors, mirrors, turn signals, horns, or approved tires. They don't meet current federal safety standards for street-legal vehicles and they're operated by unlicensed and often underage riders. At least five deaths have been reported so far.

Originally developed in Italy, where European models are raced for sport, the tiny motorcycles' popularity in the United States is rapidly increasing. Major manufacturers include Fisher-Price, Razor, and Toy Quest. Small Business Trends estimated that up to 2 million "pocket bikes" have been sold in the United States in the last two years.

Consumer groups list "pocket bikes" as among the top 10 most dangerous toys. The Consumer Product Safety Commission estimated that 2,345 injured riders of "pocket bikes" and larger minibikes were treated in emergency rooms in 2003. According to the December 2004 issue of Consumer Reports, many "pocket bikes" may have inadequate brake throttles that tend to be sluggish, which makes it harder to slow down. Many handle poorly – tight turns are almost impossible at slow speeds – and are hard to hold on a straight course. Further, "pocket bikes" pose other hazards for riders of any age, as well as those around them. They are often used without safety gear such as helmets and padding, and their speed makes them unsuitable for riding on sidewalks, where they may endanger pedestrians.

State and local governments are beginning to pass laws regarding the use of "pocket bikes." In some areas, the bikes have been banned altogether. The federal government is yet to pass any laws regarding the use of "pocket bikes."

ROBERTS & ROBERTS

Our Attorneys Specialize in Representing Victims of:

- Bodily Injury and Wrongful Death
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- On-The-Job Injuries
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- Professional Malpractice, Including Legal Malpractice
- Oil Field Accidents
- Nursing Home Neglect

THE INITIAL CONSULTATION IS FREE.

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YOUR RIGHTS WHEN INJURED BY AN UNDERINSURED MOTORIST

Question:

I was injured by a driver who did not have enough insurance to cover my damages. Do I have any rights?

Answer :

Yes. You may have a right to compensation under your own auto insurance policy. If your policy has a provision called "uninsured/ underinsured motorists coverage," and the other driver does not have enough insurance to fully compensate you, your insurance company must pay the balance of your damages up to the amount of your policy.

This insurance is also available to you if you are injured by a "hit and run" driver or if the other driver has no insurance.

Be careful. You may lose your right to these benefits if you settle with anyone without first obtaining your insurance company's consent.



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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 has been named a "Texas Super Lawyer" by Texas Monthly because of his success in representing people injured by unsafe products. He 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.

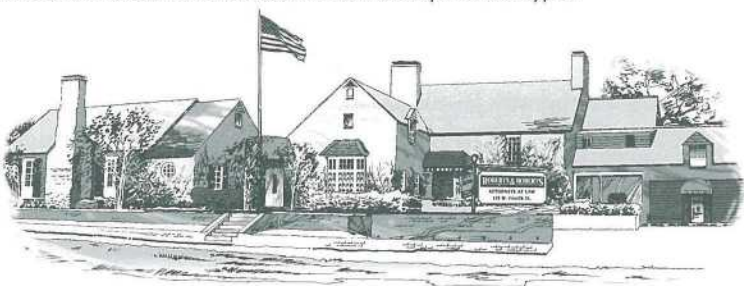
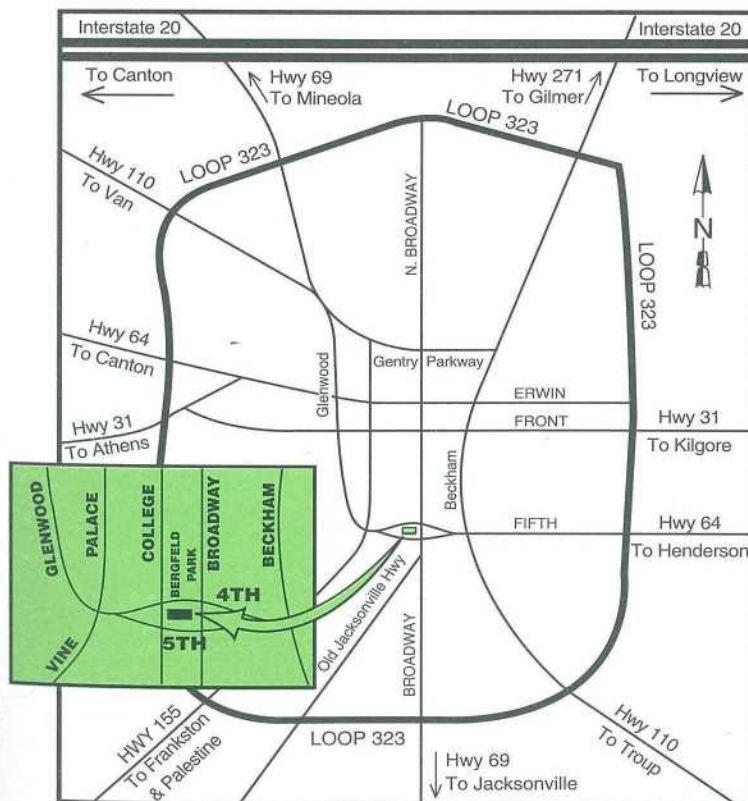


R.E. (FELIX) COX

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.



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CONSUMER PRODUCT WARNINGS & RECALLS

BOUNCE BOUNCE BABY! DOOR JUMPERS - Kids II, Inc. recalled 14,000 Bounce Bounce Baby! Door Jumpers that pose a safety hazard to small children. The plastic clamp that attaches the jumper seat to a door frame can break, causing the unit and child to fall to the floor. The Bounce Bounce Baby! Door Jumpers subject to the recall have a white label on the seat which contains the model number 6753. Units with model number 67531 are not subject to this recall and have a metal (instead of plastic) clamp. They were sold at retail stores from January 2005 through November 2005. Contact Kids II, Inc. at 1-877-325-7056.

LITTLE TREE MINI LEARNING CUBES - Target recalled 12,000 Little Tree Mini Learning Cubes manufactured by Maxim Enterprises, Inc. of Lakeville, Massachusetts. Small wooden pegs in the top corners of the toy can come loose posing a choking hazard to young children. The recalled learning cube is an 8-inch square wooden box with a different activity on each side. The wooden cover has a spiral bead maze with wooden beads that slide up, down, and around. Target sold the cubes nationwide from June 2005 through November 2005. Contact Target at 1-800-440-0680.

32,000 GM TRUCKS & SUVS - General Motors recalled 32,000 2006 model trucks and sport utility vehicles because of vehicle labeling which bears incorrect tire and loading information. This incorrect labeling increased the potential for overloading of the vehicle which could result in tire failure. The recalled vehicles include 2006 models of the Buick Rainier and Terraza; Cadillac Escalade; Chevrolet Avalanche, Colorado, Express, Silverado, SSR, Suburban, Tahoe, Trailblazer, and Uplander; GMC Canyon, Envoy, Savana, Sierra, and Yukon; Hummer H2 and H3; Isuzu Ascender, Pontiac Montana SV6; and Saturn Relay. Contact your local dealer.

DODGE DURANGOS - DaimlerChrysler recalled 16,300 2006 model Dodge Durango SUVs to fix an antilock brake system (ABS) software problem that could result in loss of vehicle control. The ABS control module software program could cause the rear brakes to lock up under some breaking conditions. This can lead to loss of vehicle control. Contact your local Dodge dealer.

FORD FREESTYLES, FORD FIVE-HUNDREDS, & MERCURY MONTEGOS - Ford recalled 2005 model Ford Freestyle, Ford Five-Hundred, and Mercury Montegos to replace vehicle fuel tank straps. The fuel tank straps could fracture over time. If both fuel tank straps fracture, this could allow the fuel tank to drop. If the vehicle is operated in this condition, the fuel tank could leak and cause a fire if it comes in contact with an ignition source. Contact your local dealer.

HONDA CIVICS - Honda recalled over 25,000 2006 model Civics because accelerator pedals may not be properly installed. The pedal could come loose at the floor mounting causing the throttle to stick. Contact your local Honda dealer. VaporizerS & Aromatherapy DiffuserS - Juvenile Products Corp. recalled roughly 10,000 vaporizers and 5,000 aromatherapy diffusers. A defective internal heater can cause sparking and emit flames while in use. This could result in a fire. "Vapor-Eze" and "Waterless Vaporizer" are written on the top of the vaporizer. "Vapor-Eze" and "Aromatic Therapy" are written on the top of the diffuser. Units include model numbers 1070, 2070, and 3070. They were sold at retail stores from June 2005 through September 2005. Juvenile Products Corp. is out of business and consumers should instead contact their local retailer.

ANGLE GRINDERS - Makita recalled 1,500 Makita GA7011C 7-inch angle grinders. The guards on some of these angle grinders will not fully cover a hubbed grinding wheel. As a result, if the hubbed grinding wheel comes apart during use, it could hit the user, possibly causing serious personal injury. Contact Makita at 1-866-838-5008.

TEA LIGHT CANDLES - Target recalled 290,000 Home brand tea light candles because they can burn with a high flame and melt their plastic holder. The candles pose a fire hazard to consumers. They were sold 12 candles to a box. "Home" and "Tea lights" are printed on the top of the box. The tea light candles measure 1-1/2 inches wide by 3/4 inches high. They were sold nationwide by Target from March 2005 through September 2005. Contact Target at 1-800-440-0680.

PERFECT AIR ULTRA AIR PURIFIERS - Thane International, Inc. recalled 35,000 Perfect Air Ultra Air Purifiers manufactured by Well Brain International, Ltd. because of a fire hazard. An overheating capacitor in these air purifiers can cause arcing in a connecting wire, creating a fire risk. The Perfect Air Ultra is an air filtration device used to counter indoor air pollution. The purifiers were sold on television infomercials and through direct sales on Thane's website from February 2004 through December 2004. Contact Thane International, Inc. at 1-800-895-0986.

425,600 GM VANS - General Motors recalled approximately 425,600 full-size vans to fix faulty seat belt buckles. The recall affects 2003-2006 Chevrolet Express and GMC Savana vans. The faulty condition can affect the seat belt's ability to properly restrain an occupant, increasing the risk of injury. Contact your local GM dealer.

91,000 KIA RIOS - Kia recalled approximately 91,000 2003-2005 model Kia Rios because the child restraint anchors of certain child safety seats cannot fully latch into the vehicle seat's anchors. The anchors are located between the rear seat back and rear seat cushion. Interference between the anchors and a metal wire in the frame of the rear seat back could make it impossible to correctly anchor the child restraint. In a crash, a child could be killed or injured if the child seat is not properly installed. 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.

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*Nationally Recognized as
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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

TEXAS MONTHLY - October 15, 2005

TEXAS SUPER LAWYERS - October 22, 2005

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