

ROBERTS & ROBERTS

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

SAFETY & THE LAW

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ROBERTS & ROBERTS

ATTORNEYS AT LAW
118 W. Fourth St. • Tyler, Tx 75701-4000

903-597-6000
1-800-248-6000



From left to right:

BRUCE L. ROBERTS • SEAN W. HESTER
RANDELL (RANDY) C. ROBERTS
STEVEN S. SCHULTE • KAREN R. ROBERTS

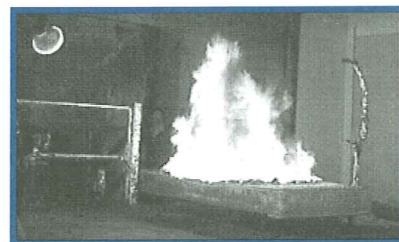
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IS YOUR MATTRESS SUSCEPTIBLE TO A FIRE?

Between 1995 and 1999, 440 deaths were the result of mattress and bedding fires, according to the United States Consumer Product Safety Commission (CPSC). The bedroom is second only to the kitchen in places where fires most frequently begin.

CPSC estimates that when most mattresses ignite, flashover can occur in less than five minutes, leaving little chance of escape. Flashover typically happens when the heat reaches a temperature between 600-750 degrees fahrenheit.

"An unprotected mattress is an unnecessary risk, and there are precautions people can take to make themselves much safer," said Fire Chief James Harmes, second vice president of the International Association of Fire Chiefs in Fairfax, Virginia. CPSC spokesperson Scott Wolfson estimates that hundreds of people die each year from mattress fires. "From 1995 to 1999, there were more than 19,000 mattress fires each year, causing more than 2,200 injuries and \$274 million in property damage annually," said Wolfson.



When buying a mattress, there are many things to consider. In addition to comfort and durability, another important feature is open-flame resistance protection. Open-flame resistance protection significantly slows fire growth after contact with an open flame, allowing more time for occupants to escape without injury.

Open-flame resistance protection is required by law in all new mattresses sold in California. Currently, California is the only state to enact such a standard. Technical Bulletin 603 requires all mattress sets to pass a thirty-minute open-flame ignition test.

Outside of California, do not assume that all mattresses meet the same standards of open-flame resistance protection; no other state currently sets mattress standards. In 1973, federal standards were implemented requiring mattresses to resist ignition by smoldering cigarettes—but not open flames. That standard contributed to a significant drop in bedroom fires, however, the number of mattress fires caused by open-flame sources, such as candles, lighters, and matches continued to rise.

For decades the Virginia-based Sleep Products Safety Council (SPSC) has been selling safety hangtags to mattress manufacturers who use the tags as a public service to help educate consumers about fire safety. Approximately seventy percent of all United States consumer mattresses carry these tags. Most of these tags are gray, which indicates that the mattress is compliant with the 1973 federal regulation. However, SPSC also provides a mustard-yellow hangtag for mattresses that comply with both the 1973 standard and Technical Bulletin 603. These mattresses are open-flame resistant.

You should never assume that the bed you are going to purchase has open-flame resistance protection simply because the mattress tag says it complies with the federal standard. Always verify, on either the mattress label or logo, that the mattress you are purchasing will protect you against open flames.

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

WINDSHIELD GLASS AND WINDOWS ARE PART OF A VEHICLE'S SAFETY SYSTEM

Windshields and windows are an important part of a vehicle's safety system. Designed properly, the glass in motor vehicles should protect drivers and passengers, not cut them and cause them serious injury. Windows and windshields are part of the safety system for a vehicle and are necessary for the safe operation of the vehicle. They should help prevent the ejection of occupants in automobile collisions. Automobile manufacturers rely on glazing as a structural member of the vehicle. The glazing serves as a support for the roof and sides of the vehicle. Unfortunately, typical glazing in vehicles on the road today does not actually afford these basic protections.

Automobile manufacturers continue to ignore these risks created by glazing in their vehicles, despite evidence that motor vehicle glass causes injuries and blindness, does not adequately protect against ejection, and offers virtually no structural protection in a collision. Alternatives are ignored that could reduce these injuries substantially. The common perception is that most ejected occupants are thrown through the windshield. But, as statistics bear out, that is not the case. As far back as the 1980s, internal studies by automobile manufacturers showed that almost sixty percent of ejections occurred through windows instead of through the windshield. These same studies recommended that impenetrable side glazing be incorporated as a countermeasure to prevent occupant ejection. Federal regulations currently allow three types of glass for use in motor vehicles—laminated, tempered, and glass-plastic.



Laminated glass is allowed in all vehicle windows, but is used typically only in windshields. Laminated glass is about three times stronger than ordinary annealed glass. Although the glass still breaks the way ordinary plate glass does, the fragments adhere to the internal material, which keeps it from flying about the passenger compartment. The laminate, therefore, acts as a "safety net," absorbing energy from contact, while keeping the occupant inside the vehicle.

Tempered glass is plate glass that has been heat-tempered to increase its strength. It is three to five times stronger than annealed glass. When it does break, it shatters, offering no protection against ejection from the vehicle. When tempered glass shatters and leaves the window open, the vehicle loses an element of the support of the roof and side structural support.

Glass-plastic consists of either laminated or tempered glass with a clear "plastic" laminate on the side of the glass that faces the occupants. The inner-layer plastic not only protects against flying glass, it also holds the glass together. This helps prevent ejection and retains the structural support features afforded by the glazing.

Despite having decades of knowledge, the automobile industry continues to resist widespread use of safer glass in vehicles. Meanwhile, the only pressure on manufacturers to use safer glass comes from the lawsuits against automakers when their vehicle glazing harms—rather than protects—people in crashes.

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- Insurance Claims
- Industrial and Construction Accidents
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YOUR RIGHTS AS A JUROR

Question:

I have been summoned for jury duty in an important case. I look forward to jury service, but I am worried that I will lose my job. Do I have any rights?

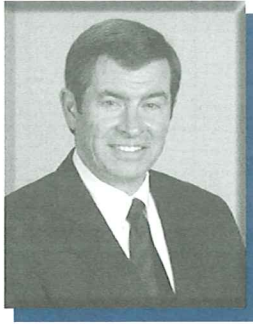
Answer:

Yes. In Texas, you cannot lose your job because you were absent due to jury service. Your employer must hold your job open while you perform this important civic duty.



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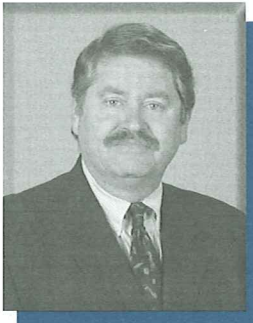
THE ATTORNEYS OF ROBERTS & ROBERTS



RANDELL (RANDY) C. ROBERTS

Randy 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.



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.



KAREN R. ROBERTS

Karen received her J.D. in 1994. She devotes her practice to representing people injured by unsafe practices and products. She serves as a Trustee with ATLA's National College of Advocacy (NCA) and has attained the status of "Fellow" with the NCA. She is Chair-elect of the Texas Trial Lawyer's Board

of Advocates. Karen is also a member of the College of the State Bar of Texas, an honorary society chartered by the Supreme Court of Texas.



SEAN W. HESTER

Sean attended Baylor University Law School where he earned his Doctorate of Jurisprudence (J.D.) in 1992.

Sean practiced law as a solo practitioner representing injured people for many years before joining the law firm of Roberts & Roberts. In addition to trying lawsuits, Sean has

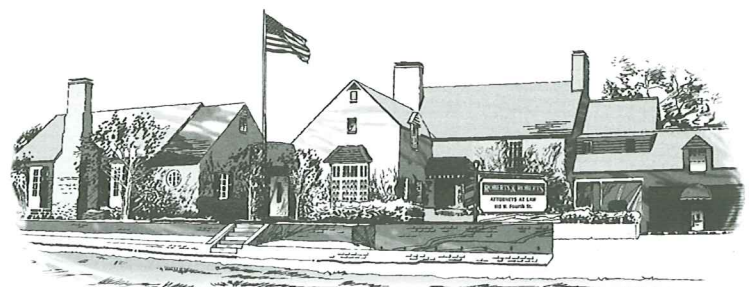
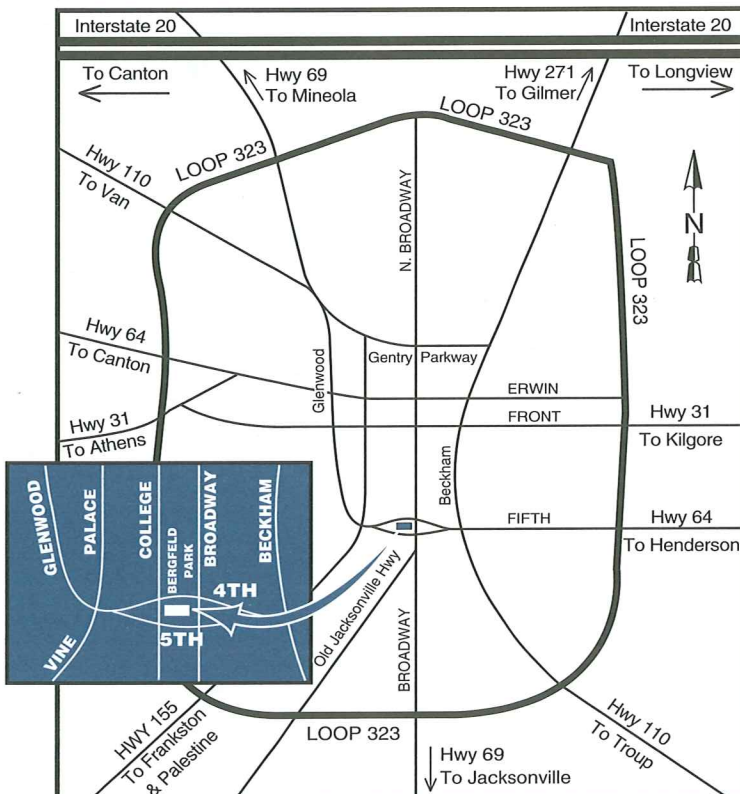
handled several appeals. Sean was selected as a "Texas Super Lawyer-Rising Star" by Texas Monthly which is an honor given to only 2.5% of Texas Attorneys each year. Sean is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.



STEVEN S. SCHULTE

Steven received a Doctorate of Jurisprudence (J.D.) and a Master of Laws (LL.M.) in Taxation from Southern Methodist University's Dedman School of Law in 2005 and in 2006 respectively. While in law school, Steven participated in the SMU civil legal clinic as a student

attorney and as chief counsel. In addition to the civil clinic, Steven served as a legal research assistant for a sole practitioner in Dallas, Texas. Steven also has experience working as an extern with the United States Department of Justice, Bureau of Alcohol, Tobacco and Firearms.



Located across from Bergfeld Park on Broadway

Return Service Requested

CONSUMER PRODUCT WARNINGS & RECALLS

■ **MAYTAG DISHWASHERS** - Maytag Corp. has recalled approximately 2.3 million Maytag and Jenn-Air brand dishwashers because liquid rinse-aid can leak from its dispenser and come into contact with the dishwasher's internal wiring, which can short-circuit and ignite, posing a fire hazard. The recall affects Maytag and Jenn-Air under-counter or portable plastic tub dishwashers. The dishwashers have black, white, almond bisque, and stainless steel front panels. Please contact Maytag for either a free in-home repair or a \$75 cash-back reimbursement following the purchase of a new Maytag, Jenn-Air, Whirlpool, or KitchenAid dishwasher.

■ **GLASS FLOOR VASES** - IKEA Home Furnishings has recalled approximately 110,000 PARODI glass floor vases because the base of these vases can break off unexpectedly, posing a laceration hazard. The recalled vases are article numbers 201-102-34 (black), 501-121-99 (white), and 000-795-45 (clear). Please contact IKEA stores for a full refund.

■ **MASON JAR CANDLES** - Old Williamsburgh Candle Corp. has recalled approximately 3.7 million Mason Jar Candles because the wick can move from the center of the jar to the side, causing the glass to overheat, crack, or shatter, which poses laceration and burn hazards. The models affected by the recall are Mason Jar Candles in 3.5, 4.0, and 5.0 oz. sizes. The size of the candles is specified on the label at the bottom of the jars. Please visit the store where you purchased your candle for an exchange or full refund.

■ **ELECTRIC OIL LAMPS** - Hong Teng Trading Inc. has recalled an estimated 3,900 electric oil lamps because the power cord is not polarized and is undersized, the cord is incorrectly secured and has no strain relief on the switch housing, and the switch housing is not flame retardant. All pose shock and fire hazards. The recall pertains to electric oil lamps sold by Hong Teng Trading Inc., in four styles and various colors, at Dollar stores nationwide from October 2006 through December 2006. Please contact Hong Teng Trading Inc. for a refund.

■ **HASBRO EASY-BAKE OVENS** - Easy-Bake, a division of Hasbro Inc., has recalled approximately 985,000 Easy-Bake Ovens because young children can insert their hands into the oven's opening and get their hands or fingers caught, posing an entrapment and burn hazard. The models affected by the recall are the purple and pink plastic ovens that resemble a kitchen range with four burners on top and a front-loading oven (model number 65805). Please contact Easy-Bake to receive a free retrofit kit with consumer warning.

■ **CURLING IRONS** - Conair Corp. has recalled approximately 322,000 curling irons because the handle can come apart, exposing its line cord and posing a shock or electrocution hazard. The models affected by the recall are the ceramic, gold-matte finish curling irons. A four-digit date code can be found on the plug prong. Date codes included in this recall range from November 2005 through July 2006. Please contact Conair Corp. for a free replacement.

■ **TODDLER PANTS SETS** - G&W Industries Inc. has recalled approximately 1,800 toddler pants sets because the zipper pull on the jacket can detach, posing a choking hazard to young children. The models affected by the recall are "Little Lass" toddler pants sets sold with a velour jacket and pants, and a tee-shirt. The sets were sold in red and black, and have the words "Snow Angel" printed on the front of the jacket. Please contact Meijer Stores for a full refund.

■ **CHILDREN'S BRACELETS** - DM Merchandising Inc. has recalled an estimated 86,400 children's "Ultra Gear" bracelets because they contain high levels of lead, which if ingested by young children, could cause adverse health effects. The models affected by the recall are eight-inch-long, silver-colored chain bands that have a one-and-one-half-inch-long casting, with assorted designs, including a snake and a sword. Please contact DM Merchandising Inc. for a full refund.

■ **BATTERY PACKS FOR TOY VEHICLES** - JAKKS Pacific Inc. has recalled an estimated 245,000 battery packs for toy vehicles because the lithium-ion polymer batteries used to charge the toy vehicles can ignite while charging, posing a fire hazard. The recalled battery packs were sold with a charger, item number 73904, and with the radio-controlled XPV toy, item number 73906. Please contact JAKKS Pacific Inc. for a free replacement battery pack.

■ **SEPTIC PUMPS** - Zoeller Pump Co. has recalled approximately 2,300 septic pumps because the plug on the pumps could have a grounding problem that could pose an electrical shock hazard. The models affected by the recall contain date codes 0906 and 1006. On models 53,57,151,152, and 153, the date code is printed on the nameplate, which is on the top of the pump. On model WM48, the date code is printed on the tag near the plug. Please contact Zoeller Pump Co. to schedule an inspection, replacement, and return of affected pumps.

■ **SAKE WARMERS** - Tap Machine Inc. has recalled approximately 2,000 sake warmers because they can unexpectedly spray hot sake on consumers during use, posing a risk of serious burns. The models affected by the recall are SM05, followed by serial numbers 1001 through 3074, which are written on the left side of the units. Please contact Tap Machine Inc. for a full refund.

■ **DODGE RAM PICKUP TRUCKS** - DaimlerChrysler Corp. has recalled approximately 86,000 Dodge Ram 1500 pickup trucks to replace the front wheel hubs and bearings with front-end vibrations. If the problem is not fixed, the vibrations could lead to front-wheel bearing failure. The models affected by the recall are DaimlerChrysler 2006 Dodge Ram pickup trucks. Please contact your nearest DaimlerChrysler dealer for more information relating to this recall.

■ **HONDA CIVIC HYBRIDS** - Honda Motor Co. has recalled approximately 45,000 Honda Civic Hybrid vehicles worldwide to correct the vehicles' electric system, which could short-circuit and cause the engine to stop. The models affected by the recall are vehicles manufactured in Japan between September 2005 through September 2006. Please contact your nearest Honda dealer for more information.

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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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

TEXAS MONTHLY – February 17, 2006

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\$5,750,000

Auto Accident

\$5,000,000

Gas Explosion

\$4,100,000

Electrical Accident

\$4,000,000

Trucking Accident

\$3,250,000

Oil Field Accident

\$2,300,000

Inadequate Premises Security

\$1,725,000

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

Auto Accident

\$1,125,000

Construction Accident

\$1,100,000

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