

**WINTER 2005**

# CERTIORARI

**Journal of Consumer Advocacy**



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certiorari, (ser-she-eh-ra-re) noun [Latin, to be informed]; to be informed as a means of gaining appellate review; a common writ.

When at least four of the nine U.S. Supreme Court justices vote to hear a case, the court issues a writ of certiorari.

**Happy  
Holidays**



**Key to fair settlement  
in auto accidents.  
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**Stand by for another  
tort reform attack  
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**WINTER 2005**

# CERTIORARI

## **Journal of Consumer Advocacy**

CONSUMER INFORMATION FOR THE CLIENTS AND  
FRIENDS OF FRASIER, FRASIER & HICKMAN, LLP

### **CASE FILE**

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## **Sexual Harassment: The cases that change America's workplaces**

Lawsuits can make a difference. Anti-discrimination laws have been on the books since 1964. But it was not until Mechelle Vinson took her case to the U.S. Supreme Court in 1986 that the law fully protected women against harassment in the workplace. Since that time, gradual, but steady, improvements have been made in workplaces across America.

business from liability.

While this sounds good in theory, in practice it does not work to the benefit of employees. Normally, the management person who takes the complaints will tell the people doing the harassing. The perpetrators then, in more subtle ways, retaliate against the victim.

The protections against sexual harassment in the workplace have been extended to

***The protections against sexual harassment in the workplace have been extended to include harassment based on race, religion, or other forms of discrimination.***

Employers have often, however, fought back. Not by making the workplace free of the sexual harassment, but by attempting to find technicalities so they can "legally" deny redress to victims.

As recently as 1998, the U.S. Supreme Court ruled that a victim cannot recover for sexual harassment if the employer used reasonable care to prevent and correct the sexually harassing behavior of its employees — and the victim failed to take advantage of preventive or corrective opportunities provided by the employer. This includes situations where an employer has a policy against harassment and provides a person to whom the victim can complain, but still attempts to insulate the

include harassment based on race, religion, or other forms of discrimination. As a result, many employers have taken seriously the principle that diversity should be tolerated in the workplace. This has been beneficial to all workers.

Of course, there are some employers who "just don't get it."

Overs the years, Frasier, Frasier & Hickman, LLP, has successfully handled many cases for harassment based on sex, race, and otherwise. The point is to help employers, one-by-one, understand that this is the 21st Century. And that this is America, where everyone is created equal and should have equal opportunities to be treated with dignity.

## CONSUMER

# Thousands of Vioxx Cases Moving Through the Courts

Thousands of lawsuits have been filed across the country against the manufacturer of the once widely marketed drug VIOXX® and are beginning to make their way to trial.

VIOXX® (rofecoxib) – an arthritis and acute pain medication – was withdrawn from the market by Merck & Co., its manufacturer, after studies showed an increased risk of “cardiovascular events.”

Critics of the pharmaceutical industry now are questioning how Vioxx® ever was approved for sale by government regulators in the U.S. Food & Drug Administration.

And, in another recent development, the *New England Journal of Medicine* said authors of a report about a Merck-funded clinical study failed to disclose heart attacks suffered by several patients. The prestigious publi-

cation also alleged the study’s authors deleted other relevant data before submitting their article, which ran in the *Journal*.

If you or someone you know has suffered a heart attack or stroke because of Vioxx®, please note that Frasier, Frasier & Hickman, LLP is handling these claims.

For more information or to make an appointment, contact the firm at 918-584-4724 or 1-800-522-4049.

## CONSUMER

# Accurate Information is the Key to Fair Settlement in Auto Accidents

Motorists should always take care and drive safely. However, if you are ever involved in an auto accident – particularly if you experience a personal injury or property damage – you should take extra care to collect information that will protect your rights.

Save the ‘Auto Accident Pocket Reminder’ in your vehicle with your insurance paperwork. It is a handy guide that will help you gather information that may be critical to a quick and fair settlement of your claim.

Remember ... always gather information from the other driver and any witnesses who may have seen the accident.

Always call the police if the auto accident results in an injury or significant property damage.

Sometimes, in the case of a ‘fender bender’ with no apparent injury in severe inclement weather, the police department will not dispatch an officer to the scene. If this is the case, be sure to collect all appropriate information and file a police report.

You should consult an attorney, if you are involved in an auto accident involving an injury or property damage. This should insure that you are receiving the benefits and/or compensation to which you are entitled – and that your claim is handled as quickly as possible.

A competent attorney should be able to help you evaluate the fair and accurate value of any property damage and the settlement value of your entire claim.

Frasier, Frasier & Hickman, LLP can make an evaluation of your case. We can determine if you are receiving all the benefits you are entitled to and help establish the fair value of your claim. For a consultation, call 918-584-4724 or 1-800-522-4049.

## COMMUNITY

# Fifth-Graders Have a Jolly Christmas

The entire fifth-grade class at Eugene Field Elementary celebrated a very merry Christmas this year. On behalf of Frasier, Frasier & Hickman, LLP, Wil Bruner presented a check to Principal Cindi Hemm to fund presents for each fifth-grader enrolled in the school.

“Every child will get a book, a toy, and an article of clothing,” Hemm said. “We’re so excited.”

Eugene Field, located a few blocks from the Firm’s offices, has one of the most economically challenged student populations in the city. Yet, the school was named Tulsa’s “Most Improved Elementary” for 2005, and it is recognized as a “Standard Bearer School.”

“Our students would not achieve as much as they have here without the help of our community partners – and Frasier, Frasier & Hickman is an important part of this extra support we get,” Hemm said.



Oklahoma's governor, Republican lawmakers, and Big Business leaders have targeted the state's civil courts and Workers' Compensation systems for more "reform." This means both of these important pieces of our state's civil justice system will once again be under attack when the Oklahoma Legislature convenes in February 2006.

Business advocates have promised an aggressive attempt to further weaken Oklahoma's courts – claiming that historic reforms achieved in 2004 are "inadequate." They are ready to welch on their six-year moratorium on further "reform" designed to give the massive changes in Oklahoma a chance to work before more changes are attempted.

Last year, Big Business shifted its attention to again try to weaken Oklahoma Workers' Compensation system. Governor Henry challenged lawmakers to increase benefits to workers while reducing costs to employers. However, the result looked much different and appears to do little to help workers.

Now, both systems – civil courts and Workers' Compensation – are square in the gun sights of Big Business and Republican legislators. They claim that "reform" of these two important protections to workers and their families will lure more business to Oklahoma and help keep existing businesses here. Phooey! Unless, of course, the idea is to wipe out any protections for working people so that Big Business can completely exploit the state's workforce at will.

That may be good for corporate profits. But it's bad for Oklahoma and its people.

**“The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.”**

**Franklin D. Roosevelt  
January 20, 1937**

Know your Legislators. Talk to them. Make your opinion heard. Make sure they know how you feel.

Apathy is the worst enemy workers will face in this fight. Even worse than the folks who are masterminding these attacks.

For if Oklahoma's workers are vigilant and take a stand, these terrible "reform" efforts will fail.

—Jim Frasier

**Save This In Your Car**

**Frasier, Frasier & Hickman, LLP  
Auto Accident Pocket Reminder**

1. Remember - always call the police.
2. Don't move your vehicle until police arrive.
3. Don't give statements to any insurance company before consulting with a competent attorney.

Accident Information

Location \_\_\_\_\_

Time \_\_\_\_\_

Other Driver \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

Driver's License No \_\_\_\_\_

Car Tag [State/Number] \_\_\_\_\_

Make and Model of car \_\_\_\_\_

Insurance Company \_\_\_\_\_

Agent Name \_\_\_\_\_

Police Officer Information

Name \_\_\_\_\_

Badge Number \_\_\_\_\_

Agency \_\_\_\_\_

Witness Information

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Other \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Other \_\_\_\_\_

Drive safely. But, if you are involved in an auto accident, consult a competent attorney if you experience personal injury or property damage. Frasier, Frasier & Hickman, LLP may be able to assist you in expediting your claim. There is no charge for a consultation to assess and evaluate your case, to determine if you are receiving the benefits or compensation to which you may be entitled.

Frasier, Frasier & Hickman, LLP

918-584-4724

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