

CERTIORARI

Journal of Consumer Advocacy

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● **CASE FILE**

Litigation Linking Cell Phone Use to Cancer Moves Forward

Because of the public health issue involved, our office (in a consortium with other law offices) has pursued the cell phone-cancer link in court. For the first time on this issue, we finally won a court decision allowing the cases to move forward.

At the end of 2013 and beginning of 2014, testimony from world-renowned experts from several continents was presented in federal court in Washington, D.C., who supported the causal link between cell phones and cancer. The cell phone industry, which has a vested interest in claiming that there is no link (think of the tobacco companies that hid the danger of lung cancer for decades), presented experts with a contrary view.

For the first time ever, a court has ruled that there is sufficient scientific viability to the issue to present the case to a jury with regard to the two dozen or so cancer victims in the cases.

There are two main reasons why it has taken so long to reach this point. One is that the cell phone industry has done all it could to stop the research from progressing and burying the results that were contrary to its interest. The other is that there is generally a dormancy period of ten years or more before cancer appears. (For example, those living in Hiroshima and Nagasaki who survived did not start developing cancer until a decade or more after the bombs were dropped.)



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Join the Lawsuits

If you or someone you know was a long-term heavy user of cell phones, who developed an acoustic neuroma or glioblastoma (brain cancer), please contact us for a consultation. Representation is handled on a “contingency fee” basis, which means no out-of-pocket expense to the victims.

● CHILDREN

New Power of Attorney Law Goes into Effect

A new Oklahoma law allows parents and other legal guardians to delegate the Power of Attorney over minor children for up to a year, without giving up any authority or control over the child. The law, which recently went into effect, requires a simple form to be completed and notarized.



"This new law greatly streamlines things when a parent, step-parent or other legal custodian of a child needs to temporarily delegate Power of Attorney for that child to another person," Frank Frasier explained. "An example would be a situation where a parent or step-parent is going overseas, is incarcerated, or otherwise unavailable for a lengthy period of time."

Powers which may be delegated by the Power of Attorney include such matters as enrolling a child in school, inspection of education records and other records concerning the child, waivers with respect to school activities, medical or dental treatment and other activities or treatments concerning the child. The delegation does not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or termination of parental rights.

"Anyone who needs more information about this new Power of Attorney, or needs to complete the required form, can contact our office for help," Frasier said.

● CONSUMER

Volunteer Firefighters Eligible for Various Benefits

Oklahoma's volunteer firefighters are public servants who receive no salaries, but they do qualify for a variety of benefits depending on their classification and years of service. These include pension and Workers' Compensation benefits, Public Safety Officer Benefits (PSOB) death benefits and tuition waivers for children of volunteer firefighters killed in the line of duty. Then there is the Volunteer Firefighter Tax Credit and firefighter pension service credit for those who serve in the Armed Forces and some military veterans.



● CASE FILE

Have an Attorney Review Any Contract Before Signing

John and Jane Doe – not their real names – were vacationing in Mexico when they got more out of their vacation than they bargained for.

During their trip, the Does accepted an invitation to tour a condominium development. The tour turned into a party, with plenty of liquid refreshments. The condos were nice, too. Happily, the Does wrote a deposit check and signed a contract to purchase a condo drafted under Mexican law.

*How to transmit documents
to Frasier, Frasier & Hickman, LLP
Fax to 918-583-5637
Scan and email file to frasier@tulsa.com*

The next day, the Does realized their predicament. When they got back to Tulsa, they contacted the attorneys at Frasier, Frasier & Hickman, LLP.

"We were able to get them out of the contract," said Frank Frasier. "But it was a hassle for our clients." The moral of this story, said Frasier, is "contact us first."

"It is a smaller world these days. And our lawyers are as close as the nearest phone or computer," Frasier said. "It doesn't matter if a person is in Mexico or India. If they are thinking about entering into any contract, they should contact us to review it first. We are an email or fax away."



“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**

With the ongoing events in Ferguson, Missouri, whites seem mystified that riots would occur in a country that has come so far in the civil rights arena. In response, newspapers have carried several editorials by persons of color explaining the frustration that simmers, while society as a whole turns a blind eye. In one, columnist Leonard Pitts noted that the system has “choke[d] off avenues of protest”, creating a frustration that from time to time boils over. Despite how far we have come, we are all reminded of how far we still have to go as a people and as a nation to bring justice to all.

We remember the race riot in Tulsa in 1921. We remember the long, hot summer here in 1968 after Dr. King was shot, the desegregation fights in the 70s, the expose’ of racism at the Tulsa Public Schools in 1995, the

race problems in the Tulsa Police Department a decade ago. But the troubles right here in River City are not just part of our past. Some recent decisions by our local Federal courts, manned entirely by whites, also point up the disconnect between the white and black experiences.

In one department at a local hospital every person of color (and there were several) thought that a particular manager was racist. There had also been an earlier lawsuit where an employee sued the hospital and claimed that this same manager acted racially. Notwithstanding, the judge determined that no reasonable person could conclude that this manager was racist. The case was dismissed without a trial.

If we posit that the racial issue has been solved in America, it is easy to deny every claim. But to do so is to

deny the experience of a significant part of our population. To continue to say that their perception is not worthy of consideration is to increase the frustration that ultimately boils over.

In another case, a person of color worked for an Oklahoma state agency. When she complained of discrimination, the state investigated and determined that she had been discriminated against. Even with this admission, a Federal judge determined that no reasonable person could conclude there was discrimination. The case was dismissed without a trial.

These decisions are in accord with the U.S. Supreme Court’s view that affirmative action is no longer necessary because the race problem has been solved. This view also underlies Federal judicial policy in our circuit. As a result, our court of appeals has acknowledged, “so few [discrimination] cases make it to trial these days”. If there is no widespread discrimination in our society anymore, the claims of it must have no merit.

As these examples show, even in our community, avenues of protest have been closed. So long as what blacks experience is denied as legitimate by those who will not see, so long we will be at risk for another Ferguson.

● CASE FILE

Trucker’s Brain Injury Case Settled

Ron Moody was an experienced truck driver whose job was delivering freight to Tulsa area manufacturers. In June 2009, Moody was making a delivery at Process Manufacturing on his regular route.

Moody backed his truck up to a loading dock, went inside the building, and began opening a manual overhead door. As he raised the door, a heavy block which had become hooked to the door became dislodged and fell, hitting Moody on the head.

Moody fell to the floor and was unconscious for several minutes. Employees of Process Manufacturing witnessed the event and took him for emergency medical care. Diagnosed with traumatic brain injury, Moody

required ongoing medication to control the injuries.

The injury and the effects of the medication made it impossible for Moody to continue his work as a truck driver. However, the insurance company for Process Manufacturing resisted his claim for compensation, arguing Moody’s ongoing issues were caused by the medication and not by the injury itself.

Recently, the case was settled out of court, after several delays. “Sometimes insurance companies drag cases out and the will of an injured worker and their families becomes worn thin. But Ron Moody stayed the course and the medical facts in his case carried the day,” said attorney Jim Frasier.



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● COMMUNICATION

We want Stay In Touch With You

We want to stay in touch with our clients using the Internet. Visit our updated website at www.frasierlaw.com to find information about the firm, back issues of the *Certiorari* newsletter, and our Workers' Compensation Guide.

You can send email to our office at frasier@tulsa.com. Let us know your email address and we will add you to our list for updates and announcements.

If you use an iPhone, download our free app – **FFHtoGo** – that is available at the iStore.

If you use Facebook, “like” our page.

And, don't forget, you can always reach us at our phone number - 918-584-4724 (toll-free 800-522-4049). Or just come see us at 1700 Southwest Boulevard.

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.

● WORKER

File Workers' Compensation Claims

The Workers' Compensation laws in Oklahoma changed as of Feb. 1. Even though the new law covering workplace injuries is pathetic, any person hurt on the job after Feb. 1 should still file a claim.

For persons who were injured prior to Feb. 1, 2014 (or became aware of a wear and tear injury prior to that date), the old law still applies, notwithstanding the legislative changes. Accordingly, if you were injured before Feb. 1, 2014, or became aware of a wear and tear injury prior to that date, you can still file a claim and it will still be governed by the old law.

We know this is confusing, and we are here to help. Feel free to contact us and we will help you get what the law allows.