



# CURRY, PEARSON & WOOTEN, PLC

Attorneys At Law

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Curry, Pearson &  
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## SERVICES:

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## OUR NEW NEWSLETTER!

We're sending our new newsletter to you because we care about your family's security and well-being.

In each issue, we'll give you information to help keep you and your family safe and healthy. Our newsletter will suggest protective steps to reduce the chances of harm or injury in your car, at home, at work, at school, or at play. We'll also update you about legal issues and cases you'll find helpful and which can improve everyday living.

Should you or a loved one suffer personal injury—and find you need us—you'll learn a lot here about what your legal options and remedies may be.

We hope you enjoy this newsletter. We have prepared it with the same personal and professional touches that you feel when you visit our practice. We also thank those who ask us to represent their legal needs and those who recommend us to others. We hope you'll share this information with friends and neighbors. Please contact Angie at 602-258-1000 if you would like to be placed on our newsletter mailing list.



## Meet the attorneys

### KRISTEN CURRY

Kristen Curry obtained her law degree from the University of Arizona College of Law in 1993 and her bachelor's degree from UCLA in 1990. Ms. Curry focuses her practice primarily in the areas of criminal defense and personal injury law but also handles selective domestic relations matters. She is an experienced trial attorney and is certified by the State Bar of Arizona as a Criminal Law Specialist.

Ms. Curry has an extensive knowledge of constitutional issues involving illegal searches and seizures, whereby she has instructed attorneys statewide, authored written materials provided to judges and attorneys, prevailed on numerous court challenges for her clients, and successfully argued cases before the appellate courts that have set legal precedents for others to follow.

Ms. Curry is a member of the Arizona Trial Lawyers Association, the Association of Trial Lawyers of America, the National Association of Criminal Defense Lawyers, and Arizona Attorneys for Criminal Justice.

### MICHAEL W. PEARSON

Michael W. Pearson completed his undergraduate degree, summa cum laude, at the University of Houston. Michael also holds MBA and Juris Doctorate degrees, with high academic honors, from Arizona State University. While attending law school, Mr. Pearson was nominated as a Pedrick Scholar, due to academic excellence, and awarded honors in legal writing and research.

Mr. Pearson has extensive personal injury experience and a varied professional background. Michael has worked as an air traffic control specialist in the TRACON and Tower environments for over 20 years. Mr. Pearson is a faculty member at Arizona State University. Pearson is a reviewer for the *Journal of Air Transportation World Wide* and is authoring a text on aviation law.

Michael worked as a Quality Assurance Specialist for the Federal Aviation Administration and is a graduate of the Department of Transportation aviation accident investigation program. Mr. Pearson is a member of the state of Arizona and Colorado Bar Associations, the Association of Trial Lawyers of America (ATLA), the Arizona Trial Lawyers Association (AzTLA), the Lawyers and Pilots Bar Association (LPBA), the NTSB Bar Association, and is licensed to practice before state and federal courts.

*Informed legal professionals for intelligent choices.*

## Civil justice in America

*Here are some truths our firm lives by:*

- ★ Trial lawyers stand up for people harmed through no fault of their own so that the average American can get a fair shake in court.
- ★ We champion the legal needs of individual consumers and working families who have been injured physically and financially.
- ★ Trial lawyers promote public safety and the public good by compelling corporations and businesses to make safer products, improve workplace safety and fairness, clean the environment, and improve the safety and quality of health care.
- ★ When it comes to assessing the “economic impact” of individual consumers and working families who have been injured, the truth is that those who create the costs of the legal system are those who cause the injuries, not the victims who are injured through no fault of their own or the lawyers who represent them.

*The civil justice system and the right to trial by jury, with the help of trial lawyers, have done all these things.*

## Motorcycle safety

Motorcycling has grown in popularity over the past several years. Whether a rider is new to motorcycles or has been riding for a long time, safety is of paramount concern.

Rider safety depends on five guidelines:

1. Read the vehicle’s manual to fully understand operations and all safety features.
2. Take a safe-rider’s course to hone mental and motor skills for safe street and highway motorcycling. Become proficient at shifting, braking, turning, and responding to emergencies.
3. Wear high-visibility protective clothing, concentrating on protective helmets, eyewear, gloves, boots that cover the ankles, sturdy pants, and a jacket.
4. Always have a valid driver’s license and adequate insurance coverage.
5. Conduct good pre-ride checkups and routine maintenance.

### Driver negligence

Cars rank among motorcyclists’ most serious risks. No matter how diligent a rider may be about safety, problems can always crop up. When two cars collided in front of an experienced rider, he struck the rear of one, suffering leg injuries that required surgery. He also missed ten months of work and will experience future lost income. He sued the driver of one car as well as the driver’s employer for negligent vehicle operation. The parties settled prior to trial.

## Jury waivers

### Beware giving up your rights

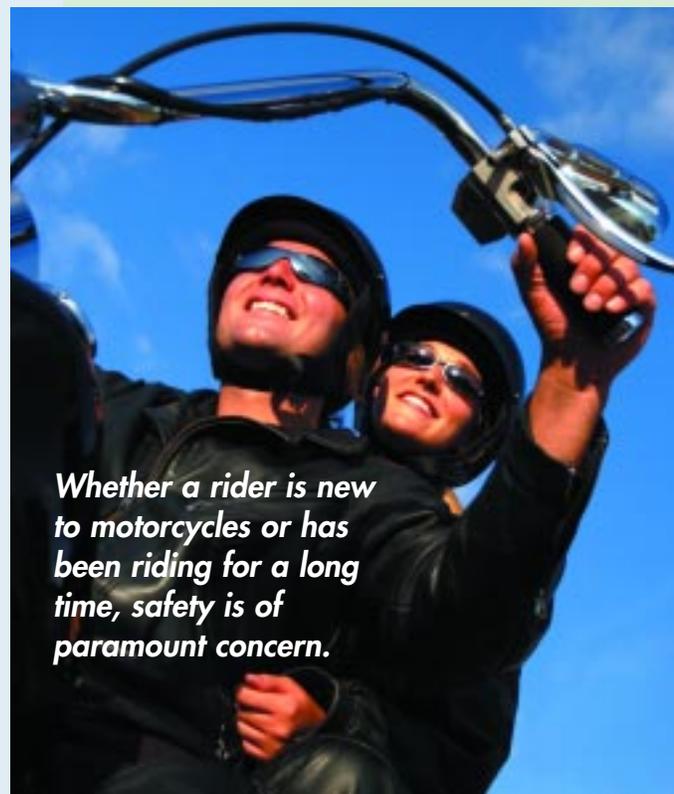
Mandatory arbitration has become increasingly expensive, and arbitrators have become less predictable.

In response, some businesses that formerly asked employees to sign employment contracts with mandatory arbitration clauses have now switched strategies. So have some marketers that required consumers to agree to mandatory arbitration clauses in product warranties.

They are now asking their employees and customers to agree to jury-waiver clauses. They want everyone to take their grievances back to court. However, businesses and marketers again want judges—not juries—to make final decisions.

Jury-waiver clauses may turn up in auto loans, employment contracts, residential leases, mortgage contracts, and many other legal documents.

*We’re encouraging all of our clients to be on their guard about jury-waiver clauses in contracts. Anyone asked to sign a contract should ask if there are mandatory arbitration clauses or jury waivers in the document. If so, one should then seek legal counsel to protect his or her rights.*



*Whether a rider is new to motorcycles or has been riding for a long time, safety is of paramount concern.*

## Preemptive justice

### What's that?

It's giving away one's rights to trial by jury. Anticonsumer lobbyists and lawmakers have proposed legislation to prevent consumers from using the civil justice system, thus depriving consumers of their right to a day in court.

Preemptive justice is essentially very unfair in that it does not derive from intellectual debate by committees or research by learned scholars. Instead, it is based on insidious half-truths, supported by urban legend-type anecdotes and outright lies—all nurturing a political agenda to destroy citizens' rights.

What are some examples of existing or proposed preemptive legislation?

- Limits on compensation juries may provide for harm done by HMOs, hospitals, and physicians.
- The Federal Asbestos Trust Fund, which prevents initiation of liability lawsuits in state courts.
- Gun manufacturer liability eradication.
- The "Class-Action Fairness" bill to federalize and impede virtually all individual and mass-action tort cases.
- "Obesity" lawsuit protection for food manufacturers.

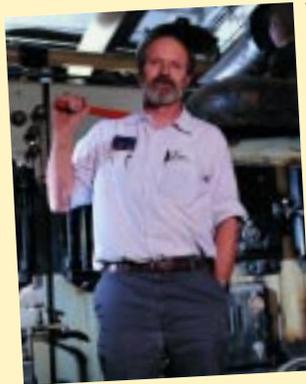
What do all preemptive-justice initiatives have in common? They reduce the accountability of insurers, drug manufacturers, physicians, and others for the welfare of customers and patients. Preemptive-justice measures will also save insurers, drug manufacturers, physicians, and others a lot of money by shifting the financial burden of their errors to the victims and other taxpayers. Some call these ideas tort "reform," but is it reform to take away people's rights?

## Asbestos UPDATE

Even though manufacturers knew of the deadly dangers of asbestos products 70 years ago, they concealed health hazards from workers and the public. In the 1970s, asbestos use was limited but not prohibited, but corporations continue to wage legal and public relations battles to avoid accepting responsibility. The following are some recent developments.

### Painter

A commercial painter working since the 1950s and now suffering from terminal mesothelioma sued manufacturers of asbestos-laden, joint-compound products to which he had been exposed during his career. Following a settlement, a jury reached a verdict of compensatory and punitive damages against the manufacturer for failure to warn of danger to the worker.



### Pipe fitter

A pipe fitter and plumber serviced and installed boilers for more than 40 years. He died at age 71 from lung disease after inhaling asbestos dust for 40 years.

His wife and estate brought a wrongful-death suit against boiler manufacturers and asbestos suppliers for failure to warn her husband about the dangers of working with their products. The manufacturers settled and a jury found the defendants 100 percent guilty, awarding the estate compensatory damages.



## BURN SAFETY ON THE JOB

Unfortunately, many American workers are burned in fires at offices, factories, retail establishments, and other workplaces.

Office fire safety measures should include monitoring and training employees in the use of heat-producing electrical appliances, such as microwave ovens, hot-water dispensers, and coffee makers. Training also may include guidelines for burning candles or potpourri and smoking.

Factory or plant personnel training is usually comprehensive and should include orientation on handling and using combustibles, flammable liquids or gases, electrical equipment, and flammable metals.

All training should emphasize understanding how fires start, notifying fire departments, extinguishing fires, evacuating in emergencies, and helping coworkers who may be on fire or who have suffered burns.

### Poor fire training

When a fire started in an auto aftermarket-supply company, its sales manager drove a burning truck out of the building and returned to help others evacuate. He suffered first-, second-, and third-degree burns over 20 percent of his body. He subsequently sued his employer, alleging negligent fire training and management in failing to comply with local fire regulations and operating without a permit. A jury found his employer and its parent company each 50 percent liable for his injuries and awarded the sales manager compensatory damages.

## Referrals

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING TO FEEL A  
WHOLE LOT BETTER ABOUT THINGS.**

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

## ROBERT D. WOOTEN

Although he handles personal injury, general civil litigation, and bankruptcy matters for a variety of clients, Mr. Wooten concentrates his practice on criminal law. Robert has significant complex litigation experience and has been counsel in several high-profile cases.

Mr. Wooten holds a bachelor's degree from the University of Oklahoma and earned his Juris Doctorate from Stetson University College of Law.

Among his current activities outside the practice, Mr. Wooten has been involved with the Desert Hills Homeowners and the Maricopa County Horseman's Boards. He holds memberships in the H. B. Daniels, Tallahassee, Arizona, and American Bar Associations, and is licensed to practice law in Arizona and Florida state and federal courts.

## WENDY K. LANCASTER

Wendy K. Lancaster obtained her Juris Doctor from the University of San Diego in 1993. Since being admitted to practice in the Arizona State Court and Federal District Court in 1993, Ms. Lancaster has practiced family law in both Maricopa and Yavapai Counties.

Ms. Lancaster is a current member of the Family Law Sections of the Maricopa County Bar Association and State Bar of Arizona, Volunteer Lawyers Program, Association of Family and Conciliation Courts, and the Arizona Women's Lawyers Association. She completed her Justice of the Peace Pro Tempore training and served as Justice of the Peace Pro Tem for Maricopa County in 1997 and 1998.

Ms. Lancaster's knowledge and practice has consisted of high-conflict custody cases, many of which involve issues of abuse, parental alienation and in loco parentis, Hague Convention and international child-abduction issues, divorce, annulment, legal separation, paternity, spousal support, orders of protection, child support, property issues, postdecree modifications, grandparents' rights, and child-relocation issues.

## DUI/DWI blood testing

Driving under the influence of alcohol or other substances is a serious crime in our state. It is always best to never drive while impaired.

That being said, what should you do if a law-enforcement officer stops you while you are driving, arrests you, and then convinces you to submit to a blood test for driving under the influence of alcohol or another substance?

Contact an attorney as soon as you can. An attorney may be able to help you keep your driver's license, even if a blood test is incriminating. Here are some potential defenses:

- Antiseptics used by lab workers may contaminate your blood sample.
- Unauthorized or poorly trained technicians may draw your blood.
- Your blood may have fermented because insufficient preservative was used.
- An inexperienced analyst may have tested your blood.
- The custody chain may have been broken so that your blood was never tested.
- Lab technicians may have improperly recorded your blood test, or results may not have been reported in a timely manner.