

# CERTIORARI

## Journal of Consumer Advocacy

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

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### ● CASE FILE

## Case Settled Involving Vape Battery Explosion

Joshua Carouthers was at lunch in a Tulsa restaurant on May 31, 2018, when his pants exploded and caught fire.

Actually, it was the lithium battery inside the vaping device Carouthers was carrying in his pants pocket that exploded. But the battery explosion caused Carouthers' pants to catch fire and he was horribly burned on his legs and hands as he struggled to free himself from the flames igniting his clothing.

Carouthers was horribly burned and the incident affected his ability to work or even socialize with others as he could not wear pants due to the severity of his burns. He had previously worked in the construction industry and recently had started a lawn care business. Now he could not pursue either and was unable to make a living.

Of course, everyone involved with the vaping device disavowed any responsibility for the incident. Finally, Carouthers hired Frasier, Frasier, & Hickman, LLP to seek compensation from the responsible parties for Carouthers' serious injuries, pain and suffering and the loss of consortium with his wife.

After a thorough investigation a lawsuit was filed in Tulsa County District Court against the manufacturer of the vaping device, Vapor USA, and the battery manufacturer Hohm Tech.



**This case also should be a warning to all that lithium batteries can – and do – explode and can cause serious injuries.**

Finally, before the case went to trial, a settlement was reached out of court.

"Joshua Carouthers' life will never be the same but we were able to help him get his considerable medical expenses paid and compensation for his losses," said Jim Frasier who handled the case.

"But this case also should be a warning to all that lithium batteries can – and do – explode and can cause serious injuries. Consumers need to keep this in mind when they use devices that rely on these batteries."



● **LEGAL SERVICES**

# Union Advantage Offers Meat of UPLS Program

The AFL-CIO has announced the end of its Union Privilege Legal Services program, a program in which Frasier, Frasier & Hickman, LLP, has proudly been a leading participant for several decades.

This appears to be a financial decision by the AFL-CIO and their proposed replacement is a plan, paid for by individual participating union workers and full of exclusions. We consider this a step backwards.

Accordingly, Frasier, Frasier & Hickman, LLP, is continuing to offer the meat of the UPLS program to



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the local unions affiliated with the Firm and their union workers.

This continues to include free initial consultations and document review and 30 percent discount on non-contingent fee matters. We also will continue to offer representation in Workers' Compensation, injury, Social Security, and other contingent fee matters.

All as we have done in the past. We have been honored to represent union workers and their

unions for almost 70 years and plan to continue that tradition unchanged.

● **CASE FILE**

## Firm Helps Client Negotiate Frustrating Path to Social Security Benefits

A young, professional woman had a great job and promising career. But things began to come apart when she started experiencing chronic pain for no apparent reason. Finally she found the medical reason - an uncommon and recently discovered condition called Central Sensitization Syndrome.

This syndrome leaves people who have it with debilitating pain and they often are unable to walk, be touched, be exposed to light or sound.

Because Central Sensitization Syndrome is new, it has not been readily diagnosed by doctors - or understood by the Social Security Administration. This became apparent when the woman filed for disability benefits with the SSA.

Finally, the woman contacted Frasier, Frasier & Hickman, LLP to help pursue a claim. The firm did the research necessary to persuade the Social Security Administration that the illness with which the woman suffered was in fact real and did in fact cause her to be disabled.

Finally, the woman's claim was filed. But the story did not stop there, because Social Security disability benefits are getting harder and harder to obtain. The increased difficulty is because SSA is increasingly overburdened and understaffed and does not have the manpower to assess the claims that come before them. Add to that, the present federal Administration



has shifted resources away from the provision of health care and disability benefits to most Americans.

However, the lawyers and staff at Frasier, Frasier & Hickman, LLP are committed to obtaining the benefits to which our clients are entitled. While there is much we can do, it is also important that persons obtain the necessary medical treatment, and doctors' notes, to

support a disability. Without medical evidence from treating doctors, even a magician cannot get the Social Security Administration to approve benefits.

But even in the best circumstances, disability claims made to the Social Security Administration can take more than two years to be approved. The process often goes like this:

You apply for benefits online and you will likely be denied;

You apply for reconsideration and you will likely be denied;

You contact Frasier, Frasier & Hickman, LLP and then the real wait begins. It is often an 18-month wait, at a minimum, until a hearing is set. Then, once you have a hearing, you will then wait approximately 60 days to get a decision.

The bottom line is that persons suffering a disability have a long road ahead of them before receiving benefits. And Frasier, Frasier & Hickman, LLP is experienced in successfully navigating that frustrating road.



*“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*

But blame the trial lawyers?

*–Kathryn Black*

## ● UPDATE

# Expungement of Criminal Records Expanded

In recent years, Oklahoma lawmakers have enacted laws providing that certain misdemeanor and felony criminal records may be expunged – or sealed.

In some cases, all criminal records are restricted but may be able to be used for the purpose of future criminal prosecution or background checks through the Oklahoma State Bureau of Investigation. In other cases, criminal records can be completely removed.

In November 2019, new laws went into effect, building on earlier reforms. Some of the new opportunities to have criminal records sealed relates to laws reclassifying former non-violent felonies – like drug possession – to misdemeanor crimes eligible for expungement.

Oklahoma law also allows a person who is the victim of identity theft and who was falsely prosecuted to have those records expunged.

Some of the new reforms include:

- Anyone convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes, the person has not been convicted of any other felony, the person has not been convicted of a separate misdemeanor in the last seven years, no felony or misdemeanor charges are pending against the person and at least five years have passed since the completion of the sentence for the felony conviction;

- Anyone convicted of not more than two felony offenses, none of which is a felony offense listed in Section 13.1 of Title 21 of the Oklahoma Statutes or

any offense that would require the person to register pursuant to the provisions of the Sex Offenders Registration Act, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the completion of the sentence for the felony conviction;

- Anyone convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes which was subsequently reclassified as a misdemeanor under Oklahoma law, the person is not currently serving a sentence for a crime in this state or another state, at least thirty (30) days have passed since the completion or commutation of the sentence for the crime that was reclassified as a misdemeanor, any restitution ordered by the court to be paid by the person has been satisfied in full, and any treatment program ordered by the court has been successfully completed by the person, including any person who failed a treatment program which resulted in an accelerated or revoked sentence that has since been successfully completed by the person or the person can show successful completion of a treatment program at a later date.

Eligibility to have records expunged is very particular and requires research and documentation. If you, a relative or friend desire to have criminal records expunged from the public record and possibly law enforcement and/or background checks, Frasier, Frasier, and Hickman, LLP can help.

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## ● WINTER 2019

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## **RETURN SERVICE REQUESTED**

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.

## ● EDUCATION

### **Scholarship Applications Available**

The Julia Fredin Frasier Foundation is accepting scholarship applications from high school seniors preparing to continue their education.

The forms may be obtained by calling, writing, emailing or coming into the office of Frasier, Frasier & Hickman, LLP. The application deadline is June 1, 2020.

Julia Fredin Frasier passed away in 1996. She was married for 50 years to the firm's founding partner Tomy Dee Frasier. The Foundation was organized in recognition of her great interest in the education of young people. Annually, the Foundation awards between 30 and 40 scholarships of \$1,000 each. The total given out over the years exceeds the original endowment amount and is approaching \$1,000,000.

